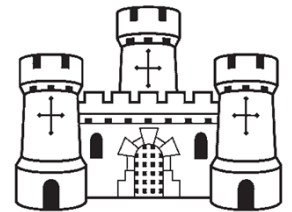


Public Document Pack

Date of meeting Tuesday, 19th August, 2025
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 DRAFT STATEMENT OF LICENSING POLICY 2025-2030** (Pages 9 - 62)
- 5 MINUTES OF LICENSING SUB COMMITTEE MEETINGS** (Pages 63 - 64)

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

PUBLIC PROTECTION COMMITTEE

- 6 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

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

- 7 FOOD SAFETY SERVICE PLAN 2025/26 AND REVIEW OF PERFORMANCE IN 2024/25** (Pages 65 - 86)
- 8 REVOCATION OF THE KIDSGROVE AIR QUALITY MANAGEMENT AREA** (Pages 87 - 112)

- 9 **REVOCATION OF THE MAYBANK, WOLSTANTON & PORTHILL AIR QUALITY MANAGEMENT AREA** (Pages 113 - 138)
- 10 **TAXI LICENSING FRAMEWORK CONSULTATIONS 2025** (Pages 139 - 196)
- 11 **TAXI AND PRIVATE HIRE LICENSING POLICY 2026-2030** (Pages 197 - 310)
- 12 **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS** (Pages 311 - 314)

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

13 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.

14 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), Whitmore, Barker MBE, Heesom, Sweeney, Wilkes, Skelding, Adcock, Dymond, Wright, Allport, J Williams, G Williams and Edginton-Plunkett

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 Turnock Parker J Tagg J Waring Burnett-Faulkner	Lewis Fox-Hewitt D Jones Richards Stubbs
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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.

NOTE: IF THE FIRE ALARM SOUNDS, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

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Agenda Item 3

Licensing & Public Protection Committee - 18/03/25

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 18th March, 2025
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present:	Councillor Joan Whieldon (Chair)		
Councillors:	Johnson Barker MBE Heesom Sweeney	Adcock Dymond Allport J Williams	G Williams Whitmore Brown
Apologies:	Councillor(s) Wilkes, Skelding and Wright		
Substitutes:	Councillor David Hutchison (In place of Councillor Ian Wilkes)		
Officers:	Matthew Burton Geoff Durham Gillian Taylor Tracy Farrell Robert Thomas	Licensing Lead for Regulatory Services Civic & Member Support Officer Housing Manager Environmental Protection Interim Manager Environmental Health Officer	

1. MINUTE OF SILENCE

A minute of silence was observed for the passing of the Mayor of Newcastle under-Lyme Cllr Barry Panter.

2. DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS

There were no declarations of interest stated.

3. MINUTES OF A PREVIOUS MEETING

Resolved: That the minutes of the meeting held on 30th January 2025 be agreed as a true and accurate record.

[Watch the debate here](#)

4. ALCOHOL OFF SALES REGULATORY EASEMENT - CONSULTATION RESULT

The Licensing Lead for Regulatory Services presented the report on the outcomes of a Home Office consultation in relation to proposed amendments to the Licensing Act 2003 around the off-sales of alcohol. Regulatory easements were brought in during the Coronavirus pandemic to support businesses and were due to end on 31st March unless made permanent.

Resolved: That the contents of the report be noted.

[Watch the debate here](#)

5. RELAXATION OF LICENSING HOURS FOR THE 2025 WOMEN'S UEFA EUROPEAN CHAMPIONSHIPS

The Licensing Lead for Regulatory Services presented the report on a Home Office consultation towards allowing certain licensed premises to open later than their normal hours for the semi-final and final matches of the 2025 Women's European Championships, should a 'Home Nations' team progress to that stage.

Cllr Allport expressed his support to the measures, commenting that this had worked well in the past, bringing revenues to the pubs and taxi drivers.

Resolved: 1. That the contents of the report be noted;
2. That the proposed response be submitted prior to the consultation Closing, be agreed.

[Watch the debate here](#)

6. MINUTES OF LICENSING SUB COMMITTEE MEETINGS

Resolved: That the minutes of the meeting held on 21st January 2025 be received.

[Watch the debate here](#)

7. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

There were no declarations of interest stated.

8. CONSULTATION RESPONSES IN RELATION TO THE REVOCATION OF, AND CHANGES TO, EXISTING SMOKE CONTROL AREAS

The Environmental Protection Interim Manager presented the report on the consultation responses in relation to the revocation of existing smoke control areas, and proposed declaration of a new single Borough wide smoke control area amidst the two options submitted to members.

Cllr J Williams commented that a lot of indoors damp issues affecting properties could be mitigated by simple actions such as opening windows and moving furniture away from the walls, which should be communicated to residents.

Cllr Adcock said that people living in rural areas would benefit from learning about the existence of moisture control fuel which reduced the amount of smoke and consequences on air quality.

Cllr Sweeney expressed his support to Cllr Adcock's suggestion and for the second recommendation in favour of a single smoke control area that would give residents two years to get rid of their existing stock.

The Chair supported Cllr J Williams comments and said a lot could be done to prevent damp which people were not necessarily doing.

Cllr Brown enquired about approved appliances.

The Environmental Protection Interim Manager advised that the traditional wood burner as pictured in her presentation was a good example.

Cllrs Hutchison and Whitmore supported Cllrs J Williams, Adcock and Sweeney's comments in favour of the second recommendation.

Cllr G Williams asked if landlords could also be informed of best practices so that tenants are not the ones penalised.

The Chair responded that information would have to be sent out in two separate lots, one addressed to landlords and the other ones to the tenants.

Cllr Brown enquired about enforcement measures.

The Environmental Protection Interim Manager advised that enforcement was difficult hence the priority given to education and adequate communication. Investigation would be undertaken in case of a particular persistent problem.

The Chair asked about barbecues and garden burning.

The Environmental Protection Interim Manager responded that while this was outside of the scope of smoke control areas and fell under nuisance related legislation, the communication plan could include information on issues such as how to dispose of garden waste.

The Chair brought the recommendations to the vote and the second option was picked unanimously by members.

Resolved: That the consultation representations be reviewed and the following be agreed:

- that the existing 21 smoke control areas be revoked and amalgamated to form one single smoke control area covering urban areas (including those identified for future development in the Emerging Local Plan);
- that the Emerging Newcastle-under-Lyme Local Plan – Newcastle-under-Lyme Borough Council – expand by 1st April 2027 to cover the whole borough, (taking into account the outcome of further work to identify households with sole dependency on solid fuel for heating purposes).

[Watch the debate here](#)

9. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

Resolved: That the minutes of the meeting held on 29th January 2025 be received.

[Watch the debate here](#)

10. DISCLOSURE OF EXEMPT INFORMATION

Licensing & Public Protection Committee - 18/03/25

There were no confidential items.

11. URGENT BUSINESS

There was no urgent business.

**Councillor Joan Whieldon
Chair**

Meeting concluded at 7.31 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO



LICENSING & PUBLIC PROTECTION COMMITTEE

19th August 2025

Report Title: Draft Statement of Licensing Policy 2025-2030

Submitted by: Service Director – Regulatory Services & Licensing Lead Officer

Portfolios: Finance, Town Centres & Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
To advise members of a draft Statement of Licensing Policy for the Council and to seek approval for public consultation.			
<u>Recommendation</u>			
That Members make any comments on the draft Statement of Licensing Policy prior to it being issued for public consultation, and approve the consultation timetable at section 2.8 of the report.			
<u>Reasons</u>			
Under Section 5 of the Licensing Act 2003 the Council is required to revise its Statement of Licensing Policy by January 2021 and thereafter every 5 years. If a Council reviews their Policy within the 5 year period then a new 5 year period begins from the date it is implemented. The policy therefore requires review and implementation by 18 th November 2025.			

1. Background

- 1.1** Under Section 5 of the Licensing Act 2003 the Council is required to revise and publish its Statement of Licensing Policy by 6th January 2021 and thereafter every 5 years. If a Council reviews their Policy within the 5 year period then a new 5 year period begins from the date it is implemented.
- 1.2** The existing Statement of Licensing Policy was approved via urgent officer decision by Chief Executive on 18th November 2020, due to cancellation of Council due to covid restrictions. The decision was subsequently approved by Council and therefore requires review and to be readopted prior to this date.

2. Issues

- 2.1** The statement of policy must set out the Councils “policy with respect to the exercise of its licensing functions”. This includes ensuring that the Policy meets the four Licensing Objectives:
 - Prevention of Crime and Disorder

- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm.

2.2 Attached to this is the revised Statement of Licensing Policy to be published for consultation for 4 weeks.

2.3 Members of Licensing and Public Protection Committee are invited to make any comments on the Policy prior to it going to public consultation. The revised Policy is contained in **Appendix A**.

2.4 The responsibility for adoption of the statement of Licensing Policy is reserved, by law, to Full Council.

2.5 The Council is required prior to adoption of the policy to consult with:

- (a) the chief officer of police for the licensing authority's area,
- (b) the fire and rescue authority for that area,
- (c) each Local Health Board for an area any part of which is in the licensing authority's area,
- (d) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
- (e) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- (f) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- (g) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- (h) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

2.6 The proposed amendments to the Statement of Licensing Policy are detailed below:

- Updating weblinks and terminology, and formatting to promote clarity;
- Updated reference to Cumulative Impact Assessment which has been published since the last Statement of Licensing Policy was published;
- Inclusion of approved Digital ID to be used as proof of age which will be permitted under the Licensing Act 2003 in due course;
- Inclusion of reference to the Terrorism (Protection of Premises) Act 2025;
- Removal of sections that are duplicates of other legislative requirements or are entirely covered within the Licensing Act 2003 (i.e. Section 5);
- Consolidation and strengthening of the sections relating to the Council's duties to those with protected characteristics having regard to relevant Government Guidance and the Equality Act 2010 (Public Sector Equality Duty);
- Updating and the removal of outdated 'model' conditions in Appendix A.
- Removal of Appendix B – Map of the Cumulative Impact Assessment area, which is part of a standalone 'live document'.

2.7 In respect of the updating of the Model conditions Officers will make a specific request to the relevant responsible authorities as part of the consultation so that they remain fit for purpose.

2.8 The timescale for the revision of the Statement of Licensing Policy is as follows:

- Draft considered by Licensing and Public Protection Committee 19th August 2025.
- Consultation formally starts 20th August 2025 for 4 weeks.

- Consultation ends 16th September 2025.
- Report to Licensing and Public Protection Committee on proposed Statement and comments from consultation – at 8th October 2025 meeting
- Report to Council on adoption of revised Statement at the following meeting.

3 **Recommendation**

- 3.1 That Members make any comments on the draft Statement of Licensing Policy prior to it being issued for public consultation and approve the consultation timetable at section 2.8 of the report.

4 **Reasons**

- 4.1 The proposed amendments are required to ensure compliance with the Licensing Act 2003 and to also ensure that the Statement of Licensing Policy is up to date to ensure best practice.

5 **Options Considered**

- 5.1 There are many options relating to the content of the draft Statement of Licensing Policy, the proposed amendments are to update for current best practice and guidance.

6 **Legal and Statutory Implications**

- 6.1 Under Section 5 of the Licensing Act 2003 the Council is required to revise its Statement of Licensing Policy by 18th November 2025 and thereafter every 5 years.

7 **Equality Impact Assessment**

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

8 **Financial and Resource Implications**

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

9 **Major Risks & Mitigation**

- 9.1 There are risks associated with the Council not having an approved Statement of Licensing Policy as required by the Licensing Act.

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



11 **One Council**

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

One Commercial Council: ☐

We will make investment to diversify our income and think entrepreneurially.

One Sustainable Council: ☒

We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle



One Digital Council: ☒

We will develop and implement a digital approach which makes it easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

12 **Key Decision Information**

12.1 This is not a key decision.

13 **Earlier Cabinet/Committee Resolutions**

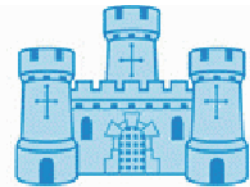
13.1 The existing statement of licensing policy was approved at Council on 18th November 2020.

14 **List of Appendices**

14.1 Appendix A – Draft Statement of Licensing Policy 2025-2030.

15 **Background Papers**

15.1 None.



DRAFT STATEMENT OF LICENSING POLICY 2025-2030

**Adopted by Full Council on: To
be confirmed**

**Operational start date: To be
confirmed**

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STATEMENT OF LICENSING POLICY 2025-2030

1. INTRODUCTION

1.1 Introduction

Under the provisions of the Licensing Act 2003 (the Act), the Borough Council of Newcastle-under-Lyme (the Licensing Authority) is the licensing authority for the administration and enforcement of the above Act and associated orders and regulations within its area. The legislation regulates the licensable activities:

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

1.2 Statement of Licensing Policy

Section 5 of the Act requires that the Licensing Authority prepares and publishes a Statement of its Licensing Policy every five years. The Statement of Licensing Policy must be published before the Licensing Authority carries out any function in respect of individual applications made under the terms of the Act.

1.3 Statutory Consultees

Before determining its Policy for any five year period, the Licensing Authority is required to consult with the persons specified in Section 5(3) of the Act. These are:

- The Chief Officer of Police for the area
- The Fire and Rescue Authority
- The Local Health Board
- The Local Authority with Public Health Functions
- Representatives representing local holders of premises licences and club premises certificates
- Representatives representing local holders of personal licences
- Representatives representing business and residents in its area.

1.4 Consultation with Representatives of Existing Licensees

This Statement of Licensing Policy is the sixth such statement adopted under the provisions of the Act and the Licensing Authority will consult with organisations representative of current licence holders.

1.5 Other Consultees

The Licensing Authority is empowered to consult with other bodies as it deems appropriate and this policy has been prepared after consultation with the following additional bodies:

- Borough Council Environmental Health Department
- Borough Council Partnerships Team Home Office Immigration Department
- Newcastle BID
- Town and Parish Councils
- Staffordshire Parish Councils Association
- Staffordshire Chambers of Commerce
- All neighbouring and Staffordshire local authorities
- Local businesses including Pubs, Takeaways etc
- British Beer and Pub Association
- UK Hospitality
- Association of Convenience Stores
- Staffordshire Trading Standards
- Staffordshire County Council
- Solicitors acting for various licensed multiple retailers
- Solicitors acting for various brewery companies.
- Partnership against business crime in Staffordshire (PABCIS)

1.6 Regard to Guidance

The Licensing Authority must have regard to the guidance issued by the Home Office in discharging its functions under the Act and this Statement of Licensing Policy has been prepared taking into account that guidance. The views of all consultees have been given proper weight in the preparation of this policy document.

1.7 Period of Licensing Policy

The Statement of Licensing Policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act. It will remain in force for a period of five years and will be reviewed and subject to further consultation before the end of the five year period. A new Statement of Licensing Policy will be adopted to come into operation at the expiry of the current Licensing Policy.

1.8 Review of Licensing Policy

During the currency of any Statement of Licensing Policy, the Licensing Authority will keep the operation of the Policy under review and make appropriate revisions to ensure the effectiveness of the Policy, subject to appropriate consultation.

Minor changes would be made without consultation where:

- they are to correct an administrative error
- they are a change needed because something is no longer possible or legal
- there is no foreseeable detrimental effect to licensee's interests.

2. AIMS AND OBJECTIVES

2.1 Exercise of Responsibilities

In exercising its duties and responsibilities under the terms of the Act, the Licensing Authority will have regard to this Statement of Licensing Policy and to the guidance issued by the Secretary of State. Subject to this, all applications will be treated on their merits and judged accordingly.

2.2 The Licensing Objectives

The Licensing Authority will exercise its duties in such a way as to promote the licensing objectives set out below:

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

The Licensing Authority confirms that each objective has equal importance and that the licensing objectives will be the only considerations to be taken into account in determining applications.

2.3 Other Local Strategies

The administration and enforcement of the Act will also take into account other appropriate local strategies. The Licensing Authority has formulated its policies and procedures detailed in this Statement of Licensing Policy, taking into account the current policies incorporated into the locally adopted strategies on the following matters:

- Council Plan
- Anti-social behaviour
- Cumulative impact assessment
- Economic Development

2.4 Facilitation of Well Run Premises

The legislative powers provide for the carrying on the licensable activities in a way which ensures the licensing objectives are met and are neither detrimental to members of the public nor gives rise to loss of amenity. The Licensing Authority expects premises to be well run and managed and that licence holders take positive action with regard to their responsibility to promote the licensing objectives.

2.5 Contribution to Local Economy

The Licensing Authority recognises that the entertainment and hospitality industries are a major contributor to the local economy. There are currently some 410 premises licensed under the Act and these premises provide valuable employment opportunities as well as supporting other sectors of the economy such as shops, cultural activities and tourist attractions. The industry attracts visitors from outside the area as well as local residents and helps to create vibrant towns and communities within the Borough.

However, when considering the promotion of vibrant localities, the Licensing Authority must take account of its duty to safeguard all of the community. This duty will be a major consideration in the granting or reviewing of all licences as judged against the four licensing objectives.

2.6 Promotion of Cultural Activities

The Licensing Authority recognises the need to encourage and promote live music, dancing and theatre, circus and street arts for the wider cultural benefit of the local community generally.

2.7 Local Transport Policy

In relation to local transport policy, there will be appropriate liaison between the licensing, Police and transport authorities on all matters in relation to dispersal of people from areas where there is a concentration of entertainment premises. Such liaison is intended to ensure that the local transport plan is informed of the current needs of such areas so that the local transport strategy can be contemporaneously adapted to ensure that people are moved from such areas swiftly and safely to avoid concentrations of people which produce disorder and disturbance.

2.8 Protection of Residential Amenity

The Borough has a substantial residential population, whose amenity the Licensing Authority has a duty to protect. In some areas, local residents are adversely affected by activities at licensed premises. Commercial occupiers of premises also have an expectation of an environment that is attractive and sustainable for their businesses. The Licensing Authority also has wider considerations in relation to the amenity of the area including littering and the fouling of public places. The Licensing Authority will determine its policies and conditions in such a way as to ensure that the Licensing objectives are actively promoted.

2.9 Trading Hours

Licensed premises will be expected to conduct their business in such a manner as not to cause nuisance or disturbance to those living or working in the locality. Trading hours will not be regulated by geographical areas or zones, but due regard will be given to the potential for any nuisance or disturbance to be caused to those living or working nearby. In particular, where appropriate, and following relevant representation, conditions may be attached to address issues of noise, litter and light pollution, or to restrict trading hours where the premises being licensed are in the vicinity of residential accommodation.

2.10 Protection of Children from Harm

Applicants will demonstrate through their operating schedules the measures they intend to take to keep children from harm. In particular, premises where the principal licensed activity is the sale or supply of alcohol will demonstrate how they will ensure that unaccompanied children are excluded from the premises (e.g. by the requirement of proof of age cards as a condition of entry).

2.11 Illegal Sales of Age Restricted Goods

The Licensing Authority takes a very serious view of the illegal sale of alcohol and other age-restricted goods to minors and will continue to work with Staffordshire Trading Standards and Staffordshire Police to advise both the off-licence and on-licence trade on how to set up systems to avoid such sales taking place.

The Licensing Authority will expect applicants for licences to demonstrate how they will ensure that all their frontline staff have received adequate training on the law with regard to age restricted sales. They will also be expected to demonstrate in their operating schedules the measures they will take to ensure that illegal sales to children under 18 do not take place such as the checking of identification for proof of age through a secure system. (Ideally, identification should be a photo driving licence or passport, a PASS approved 'proof of age' card or a PASS approved form of Digital ID that meets the provisions within the Data (Uses and Access) Act 2025. Other forms of identification must be treated with caution because some have been shown to be insecure and open to fraud.

Additionally, the Licensing Authority encourages premises to include a Challenge 25 policy in their operating schedule, to ensure anyone who appears to be under the age of 25 provides relevant proof of age.

The Licensing Authority considers it good management practice that licensees keep registers of refused sales (refusals books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records helps to demonstrate that the responsibilities for checking the ages of purchasers are being taken seriously. Refusals books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, Trading Standards or the Police.

In premises where alcohol is not the main product sold – for example, in food retailers and corner shops – the Licensing Authority will actively encourage the use of warning messages where an electronic point of sale system (EPOS) is in use. Such a warning system can help employees as it prompts them to check the age of purchasers of alcohol or other age restricted products when they are presented at the check-out.

2.12 The Prevention of Crime and Disorder

The Licensing Authority expects licensed premises to be managed in a manner so as not to contribute to problems of crime, disorder or anti-social behaviour in the locality. Licensees will be expected to actively co-operate with initiatives to enhance community safety.

2.13 Irresponsible Drinks Promotions

The Licensing Authority commends the Portman Group's Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are purchased and promoted in a socially responsible manner and only to those who are aged 18 or over. The Licensing Authority also expects that licensees will be aware of the mandatory conditions on the premises licences that prohibit irresponsible drinks promotions from taking place.

2.14 Drugs Policies

The Licensing Authority encourages all applicants for premises licenses and club certificates to demonstrate through their operating schedules the measures they will take to address the incidence of illegal substances on their premises and to keep customers from harm.

The Licensing Authority considers it good practice for all applications for premises licences or club premises certificates for premises where alcohol will be consumed on the premises to be accompanied by a Drugs Policy which should address all the factors set out in Appendix A of this Policy and include provisions in relation to:

- Addressing the incidents, supply and consumption of drugs on the premises
- Arrangements, facilities and procedures to minimise the harmful effects of drugs
- Search procedures and procedures for detecting drugs on the premises
- Procedures for dealing with drugs found on the premises
- Procedures for dealing with those suspected of being in possession of illegal substances.

2.15 Public Safety

The Licensing Authority expects applicants to demonstrate in their operating schedules the measures they will take to promote the public safety licensing objective and protect the physical safety of people using the licensed premises. This may include any requirements as set out in the Terrorism (Protection of Premises) Act 2025, associated regulations and

guidance where the premises falls into the standard or enhanced premises criteria.

2.16 Public Sector Equality Duty (PSED)

The Licensing Authority is mindful of its duties under the Equality Act 2010 and will exercise its functions under the Act in such a way as to:

- eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people who share and people who do not share a relevant protected characteristic; and
- foster good relations between people who share and people who do not share a relevant protected characteristic

The Licensing Authority will have regard to the relevant Government guidance on PSED when exercising its functions, particularly whether PSED needs to be applied in a decision on an application. The guidance is accessible here:

<https://www.gov.uk/government/publications/public-sector-equality-duty-guidance-for-public-authorities/public-sector-equality-duty-guidance-for-public-authorities>

2.17 Application Procedure

Where no representations are received, the application will be granted in the terms sought and no additional conditions imposed other than those which are consistent with the operating schedule.

3. THE APPLICATION PROCESS

3.1 Applications to be made in Prescribed Form

The Licensing Authority requires that all applications for the grant, variation or transfer of any premises licence, the grant of a club certificate or a personal licence detailed in the Act, are made in accordance with the statutory requirements and any guidance issued from time to time by the Licensing Authority.

All such applications must be made in the prescribed form and accompanied by the appropriate fee, where applicable, to be accepted as valid. Where such applications are statutorily required to be advertised or notified to other specified persons, the applicant must confirm that such advertisement or notification has been properly made and be accompanied by supporting evidence.

3.2 Delegations and determinations

Upon receipt of a valid application, the Licensing Authority will consider the matter and determine it in accordance with this Licensing Policy, the statutory requirements and the guidance from the Secretary of State. To assist in the speed, efficiency and cost effectiveness of the administration of the licensing process, the application will be determined in accordance with delegation criteria found within the table at Chapter 14 of the statutory guidance <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003/revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2023-accessible-version#statements-of-licensing-policy>

The Licensing Authority acknowledge that Licensing decisions often involve weighing a variety of competing considerations, such as the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, etc.

Sometimes a licensing decisions involve narrow questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as appropriate and proportionate to the promotion of the licensing objectives is essentially a matter of judgment rather than a matter of pure fact.

3.3 Operating Schedules

All applications for premises licences and club premises certificates must be accompanied by an operating schedule. This should be drawn up following a full risk assessment of the activities to be undertaken and contain the information required by the Act and associated Regulations to include a floor plan, details of the licensable activities proposed, opening hours and operating arrangements. This could include for example:

- Drinks promotion proposals

- Seating arrangements
- Drugs policy
- Security arrangements (including requirements under the Terrorism (Protection of Premises) Act 2025, known as ‘Martyn’s Law’)
- Safety arrangements
- Maximum occupancy figure (based on risk assessment)
- CCTV arrangements inside and outside
- Staffing arrangements
- Staff training plan
- A fire risk assessment.

3.4 Use of Conditions

Where an application is received by the Licensing Authority it will be granted subject to any such conditions as are consistent with the operating schedule submitted by the applicant. This does not mean that the Authority will automatically reproduce the contents of the applicant’s operating schedule. Certain conditions may be amended, if deemed appropriate by the Licensing Authority, following consultation with the applicant if required, so as to make the conditions meaningful and enforceable whilst at the same time ensuring the conditions are consistent with the operating schedule.

As an example the following condition, taken from an applicant’s operating schedule, “CCTV at premises” may be amended to read:

- i) CCTV shall be installed at the premises;
- ii) The CCTV system shall be maintained and fully operational during the hours of licensable activity;
- iii) All recordings shall be available for inspection by an authorised officer.

In order to avoid such problems of interpretation it is expected that applicants will consult with Responsible Authorities prior to application or during the application process. This would also have the effect of minimising the necessity for hearings and allow for proper liaison.

An example of best practice is contained within the conditions regarding CCTV provision at the Premises.

A list of model conditions are attached as **Appendix A** governing the four licensing objectives and specific situations. Applicants are encouraged to study these conditions and enter into consultation with Responsible Authorities with a view to reaching agreement on appropriate and proportionate conditions.

3.6 Limitation on Conditions

Conditions will only be imposed to regulate matters which can be controlled by the licence holder. Such measures may be used to control the impact of the licensed activity on members of the public living, working or engaged in normal activities in the locality of the licensed premises. General anti-social behaviour of patrons in the vicinity of the licensed premises may not be able to be controlled by the licence holder but this will depend on the geography of the area and the Council expect that the licence holder will do all within their power and work with other agencies to address anti-social behaviour or other problems within the locality of the premises.

3.7 Cumulative Impact Assessment

Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. 'Cumulative impact assessments' (CIA) were introduced in the 2003 Act by the Policing and Crime Act 2017 and replaced what were known as Cumulative Impact Policies (CIP). The Council have resolved to publish a CIA which is a standalone 'live' document capable of being amended when required. The current CIA can be found here: <https://www.newcastle-staffs.gov.uk/directory-record/95609/cumulative-impact-assessment>

3.8 Other Control Mechanisms

In considering whether or not to adopt a cumulative impact assessment, the Licensing Authority will take into account its responsibilities and duties under the Licensing Act 2003. However, the Licensing Authority recognises that there are other mechanisms available for addressing problems of disorder associated with customers in the vicinity of licensed premises. Such matters would include:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- The provision of CCTV surveillance in the town centre, taxi ranks, street cleaning and litter patrols
- Powers available to the Licensing Authority to designate parts of the area as places where alcohol may not be consumed publicly i.e. Public Space Protection Orders
- Police enforcement of general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of personal licence holders or members of staff at such premises who sell alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- The use of Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question

These matters may be supplemented by other local initiatives that similarly address these problems.

3.9 Planning /Building Control

The use of any licensed premises or places (including outside areas) are subject to planning controls. This would equally affect licensable activities held under a premises licence or temporary event notice. There are several key differences between licensing and planning control. The most significant is that planning is concerned with how land is used, whereas licensing is concerned with ensuring that public safety in its widest sense is protected.

It is recommended that issues concerning planning permission be resolved before a licence application is made. The Planning Authority may make representations in respect of licensing applications particularly where the activity to be authorised would amount to a contravention of the existing planning permissions and/or conditions imposed on planning permissions for the premises or the hours being sought exceed those authorised by any relevant planning permission.

Planning, Building Control and Licensing applications and conditions are separate. Licensing applications should not be a re-run of a planning application. Internal and external alterations to

licensed premises must have building regulation approval where such approval is required under the Building Acts etc.

Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for licensable activities, an application may be made to the Licensing Authority for a Provisional Statement or a new grant of a licence. The Licensing Authority will determine the application in the same way as any other application for a premises licence.

3.10 Operating Hours Conditions

Where relevant representations are received, the Licensing Authority will consider restricting the hours of the licensable activity on the individual merits of the application. The Licensing Authority will take into account the overall impact the licensed premises has on the local amenity and any proposals the applicant might submit to mitigate such impact. Uniform or standardised hours of operation for premises, areas or classes of activity will not be set so that the orderly departure of customers can be aided. However, the Licensing Authority would consider the imposition of appropriate conditions to require the holders of premises licences and club premises certificates to ensure the orderly departure of their customers, particularly in noise sensitive areas. Where it is likely that significant nuisance will be caused to local residents by late night activity, a restriction on operating hours must be considered.

3.11 Sales from General Retail Premises

In relation to premises selling alcohol for consumption off the premises as part of general retail sales, there will be a presumption that that activity will be licensed to operate at all the times that the premises are open for their normal business. However, where relevant representations are received, the Licensing Authority will consider the imposition of more restrictive hours for the sale of alcohol at those premises where, for example, that activity creates a focus for disorder and disturbance.

3.12 Film Exhibitions

Where premises are licensed for the giving of film exhibitions, the Licensing Authority will impose conditions requiring that children only be admitted to such exhibitions in accordance with the film classification as recommended by the British Board of Film Classification (BBFC). The conditions will include the requirement that the licence holder complies with the requirements of the BBFC in relation to the giving of information to the public and advertising that information. Where the Licensing Authority determine that a specific film shall be granted a film classification different to that determined by the BBFC, the licence holder will be required to comply with any additional conditions imposed by the Licensing Authority for the exhibition of that film.

3.13 Adult Entertainment

Adult entertainment is licensed under a separate licensing regime but may also require an authorisation under Licensing Act 2003 for the sale of alcohol. Normally adult entertainment will not be granted in proximity to residential accommodation, schools, places of worship or community facilities/public buildings, however all applications will be treated on their individual merits.

The licensing authority will have regard to any cumulative effect of the number of such premises in proximity to each other and in the vicinity.

Where applications are granted they will normally be subject to appropriate conditions which promote the licensing objectives including:

- Control of access for children. There is no reason for proof of identity to be confined to those who appear to be under age 18. The Authority may require proof of identity, if appropriate, for anyone appearing under 25
- Exterior advertising/visibility
- Avoiding Contact, including a 'one metre' rule
- Performances confined to stage or other means of segregation
- Performances in place giving direct access to dressing room without passing through audience
- Style of dancing, e.g. no audience participation, physical contact between performers, simulated sex acts etc.
- Management standards, including CCTV inside and out, levels of door and floor supervision, waitress service only
- Rules of club conveyed to performers and audience
- Applicants should state clearly whether their application involves nudity, striptease, sex related or adult entertainment.

3.14 Personal Licences

Personal licences will be granted in accordance with the Act.. All applications must be made in the prescribed form and be accompanied by the relevant documentation.

4. MEASURES TO PROMOTE THE LICENSING OBJECTIVES

4.1 Public Safety

Conditions will be imposed in accordance with operating schedules and any relevant representations to protect public safety including, where justified, measures to address the following:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts;
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises; and
- Considering the use of CCTV in and around the premises (this may also assist with promoting the crime and disorder objective).

4.2 Prevention of Public Nuisance

In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises, or by reason of smell, vibration or light pollution.

Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

4.3 The Protection of Children from Harm

Premises licences are granted to a wide variety of establishments for a wide variety of activities regulated under the Act. For the majority of these activities, the presence of children either on their own or accompanied by a responsible adult is not unlawful. The Licensing Authority will not ordinarily impose a condition requiring that children not be admitted to licensed premises. Such a matter will generally be at the discretion of the licence holder. However, in some instances the licence holder will need to restrict the access of children to the premises or parts of the premises at certain times when specific activities are taking place. The applicant is required to

detail in the operating schedule the measures they intend to take to meet the licensing objective of 'protecting children from harm'.

Where relevant representations are received, the conditions that may be attached to a licence to protect children from harm include the following:

- Limitations on the hours when children may be present
- Limitations on or the exclusion of the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children may be given access
- Age restrictions (below 18)
- Requirements for children to be accompanied by an adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

Activities Giving Rise to Concern

The activities which would give rise to concern by the Licensing Authority in relation to potential harm for children include:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking;
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

Role of the Director of Children and Lifelong Learning

The Licensing Authority recognises that the Director of Children and Lifelong Learning for the County Council is the responsible authority for advising the licensing authority on all those matters in relation to the licensing objective to protect children from harm. Applicants are specifically required to forward copies of their operating schedule to Staffordshire Trading Standards so that the Licensing Authority may be advised on the suitability and the effectiveness of the applicant's proposals to meet the licensing objective of 'protecting children from harm'.

4.4 Prevention of Crime and Disorder

Conditions will be imposed in accordance with operating schedules and any relevant representations to address the following:

- Radio links Door supervision
- The provision of CCTV

- Maximum permitted numbers
- Bottle bans and use of plastic containers/toughened glass
- Restriction of drinking areas/removal of open containers
- Proof of age cards
- Drugs policies
- Signage
- Adoption of a dispersal policy
- Search on entry
- Overcrowding
- Chill-out facilities
- Pub Watch/Off Licence Watch where such a scheme exist

6. ENFORCEMENT

6.1 Enforcement Policy

The Licensing Authority recognises that efficient and effective enforcement is of paramount importance in ensuring that the objectives of the Act are met. The Licensing Authority will follow the principles outlined in the Council's Enforcement Policy - <https://www.newcastle-staffs.gov.uk/directory-record/28/environmental-health-enforcement-policy>.

6.2 Protocols with other Agencies

The Licensing Authority also recognises that there are other enforcement and regulatory agencies who have a direct involvement with the matters detailed in the Act. Protocols and understandings have been agreed with those agencies and they will be reviewed in the light of experience to ensure that transparent and effective enforcement procedures are operated in relation to the legislative requirements.

6.3 Duty to Promote the Licensing Objectives

Where anti-social behaviour or other public disturbance occurs in connection with or in the vicinity of licensed premises, the Licensing Authority will work with other enforcement agencies and other bodies to identify the causes of such events and identify any possible remedies. It is recognised that it is the Licensing Authority's duty to promote the licensing objectives in the interests of the wider community, and to work with the Police and other law enforcement agencies to deter criminal activities and to take appropriate enforcement action. There will therefore be a sharp and proactive focus on premises failing in terms of the licensing objectives.

7. PERMITTED TEMPORARY ACTIVITIES

7.1 Temporary Event Notices

Anyone wishing to hold an event at which any licensable activity will take place may give notice of the event (a temporary event notice) to the Licensing Authority not less than 10 working days before the holding of the event, or 9 to 5 working days if submitting a Late Temporary Event Notice. A copy of the notice must also be given to the Police and Council Environmental Health Department at the same time.

A “working day” is any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday.

7.2 Limitations

The following limitations apply:

- An individual (other than a personal licence holder) may give a temporary event notice 5 times a year
- A personal licence holder may give a temporary event notice 50 times a year
- A notice may be given 15 times per year in relation to any premises
- A temporary event may last up to 168 hours
- There must be a minimum of 24 hours between events
- The maximum duration of all temporary events at any individual premises in one year is 21 days
- The maximum number of people attending a temporary event at any one time is 499.

In any other circumstances, premises licence or club premises certificate will be required.

Where a temporary event notice has been given, no authorisation is required for the temporary carrying on of the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment at premises where there is no premises licence or club premises certificate.

The Police and Council Environmental Health Department have the right to object to a temporary event notice within 3 working days of receiving the notice. Should an objection be made then the Licensing Authority will hold a hearing to consider the Police or Environmental Health Department objection and decide whether or not to issue a counter notice setting out conditions which must be met if the event is to be held, at least 24 hours before the beginning of the event. There is no hearing if the objection relates to a late Temporary Event Notice.

7.3 Public Safety

Those holding permitted temporary activities are reminded of the need to have proper regard for the safety of those attending the event, to have respect for the concerns of local residents

and the need to prevent crime and disorder and anti-social behaviour by those attending.

8. CONTACT DETAILS

Further details for applicants about the licensing and application process, including application forms, can be found by contacting the Licensing Department, Castle House, Barracks Road, Newcastle, Staffordshire, ST5 1BL.

Telephone: 01782 717717

Email: licensing@newcastle-staffs.gov.uk

Advice and guidance to applicants may also be sought from the Responsible Authorities at:

<https://www.newcastle-staffs.gov.uk/alcohol-entertainment-licences/responsible-authorities>

Licence Conditions

The Licensing Authority notes that where a "relevant representation" is made the Act makes provision for the attachment of conditions to licences granted under its scope. Conditions may include limitations or restrictions to be applied to the use of the licence, or licensed premises.

It is not, however, intended that conditions should be used to restrict licences unnecessarily and conditions will only therefore be imposed where it is considered appropriate in the public interest to promote the licensing objectives.

Conditions will be tailored to fit the individual application having regard to any representations received. To this end, the Licensing Authority will work closely with other agencies to focus licence conditions to ensure that expected standards are met and that risks to amenity and public order are kept to a minimum.

This will ensure that those voluntarily exercising the highest levels of management over licensable activities will be afforded sufficient flexibility to maximise business interest and provide a lead on standards of excellence within the industry with the prospect of increasing public access to well regulated entertainment.

A pool of conditions and the circumstances in which these may be used are listed below. Specific conditions may be drawn from these and tailored to the circumstances of a licence. This is not an exhaustive list and the Licensing Authority may apply other conditions not included in this pool if it is considered that these would be more appropriate in the granting of a licence.

POOL OF CONDITIONS FOR LICENCES

Conditions Relating to the Prevention of Crime and Disorder:

It should be noted in particular that it is unlawful under the 2003 Act:

- to sell or supply alcohol to a person who is drunk
- to knowingly allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if appropriate, would promote the prevention of crime and disorder.

Whether or not conditions are appropriate in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that

club premises are expected to operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Radio Links:

Radio links connecting premises licence holders, designated premises supervisors and managers of premises/clubs to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers and staff on the premises.

Such systems can provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. These systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

An example of conditions that may be applied include:

Designated premises will install and use appropriate radio links and shall ensure:

- that systems are fully operational and switched on
- that two way radios are monitored by a responsible member of staff
- that all instances of crime and disorder are reported without delay via the 999 system if applicable and the nite-net radio system and Police instructions acted upon

- that text pagers and radio links are maintained between premises and to the Police or other agencies as appropriate.

Where appropriate, conditions requiring the use of radio links may be applied.

Door Supervisors:

Conditions relating to the provision of door supervisors and security teams are valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety.

Examples of the type of conditions that may be applied include:

The Licensee must ensure that a written log is kept that:

- details persons working as door supervisors
- details dates, times when supervisors are on/off duty
- records the full name and SIA registration of the supervisor

- records the address and telephone number of the supervisors working at the premises
- covers a period of a minimum of two years and is available for inspection by the Police or relevant enforcement agency.

In respect of commercial premises with a capacity of 200 or more:

- there must be at least two door staff at each point of entry into the premises and one on each exit point (except emergency exits)
- staff must be in place by 8pm at the latest
- all door supervisors must display their SIA ID card
- all door staff must have ready access to details of local hackney carriage/private hire companies, including telephone numbers, on a leaflet/card or similar that is available to customers on request
- consideration be given whether at least one female door supervisor should be available (for example if female customers are to be the subject of body searches).

Where appropriate, conditions relating to the use of door supervisors may be applied.

Any person employed as a door supervisor or engaged as a door supervisor must be registered and licensed by the Security Industry Authority.

Bottle bans:

Bottles may be used as weapons inflicting serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs in bottles, the openings of which may be readily covered. It should also be noted that it is perfectly legitimate for couples, etc. to order a bottle of wine as their drink of choice without food being ordered with this. These issues therefore need to be carefully balanced, and will be considered in assessment of whether and what conditions relating to bottles should be applied.

Examples of conditions that may be applied include:

- No person carrying open bottles or other drinking vessels will be allowed admission to the premises
- No persons carrying closed bottles will be allowed access to the premises where there is a realistic likelihood of the contents being consumed on the premises
- To utilise glass collectors within the premises on a timed rota, e.g. glasses and bottles to be collected routinely at 30 minute intervals
- No drink will be supplied in a glass bottle for consumption on the premises
- No person shall be allowed to leave the licensed area of the premises with open containers of alcohol.

Separate conditions may be applied to differing parts of premises e.g. where food is served.

In particular areas during specific events, for example live sporting events being broadcast from a premises, or where intelligence exists with regard to the likelihood of crime and disorder within an area, then bottle bans will be imposed and the use of plastic or toughened glass containers required.

Where appropriate, conditions relating to the use of bottle bans may be applied.

Plastic containers and toughened glass:

Glasses containing drinks may be used as weapons during incidents of disorder and in normal form can cause very serious injuries. Consideration will therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be an appropriate condition.

An example of such a condition would be:

- For the period a premises is open to the public on a day that a live sporting event is broadcast in the premises, all drinking vessels supplied for use must be plastic or of toughened glass composition

In particular areas during specific events, for example live sporting events being broadcast from a premises, or where intelligence exists with regard to the likelihood of crime and disorder within an area, then bottle bans will be imposed and the use of plastic or toughened glass containers required.

It should be noted that the use of plastic or paper drinks containers and toughened glass might also be relevant as measures to promote public safety.

Where appropriate, conditions relating to plastic containers and toughened glass may be applied.

CCTV:

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The Police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Where CCTV is required as a necessity on one of the four licensing objectives, following a relevant representation made by a relevant body, then an example of the protocol conditions that may be applied include:

- There shall be CCTV installed at the premises
- The CCTV system shall be maintained and fully operational during the hours of licensable activity and when premises are open to the public
- There shall be at least one camera situated internally at the premises and at least one camera situated externally showing the main entrance/exit of the premises.
- The premises licence holder shall liaise with Staffordshire Police Service's Architectural

Liaison Officer concerning any changes to the siting and viewable areas of the CCTV cameras

- Where this premises licence authorises the sale of alcohol after 00.00 hours, the external camera shall be in operation during the hours of licensable activity and for the period when the premises are open to the public
- The CCTV system shall be capable of producing and storing recordings for a minimum period of 28 days on a rolling basis
- The recordings produced shall be made available in a removable format for inspection/retention by any police constable and Authorised Officers of the local authority
- Upon written request for such recordings, the licensee and Licensing Authority shall keep a copy of the recording for a period of 6 months
- The premises licence holder shall ensure that any CCTV system installed at the premises meets the required standards as advised by Staffordshire Police's Architectural Liaison Officer ("the Officer"). Such standards shall include:
 - a. That colour images are produced
 - b. That stills can be taken from the footage and stored for inspection by authorised officers
 - c. That the resolution of the images record/produced meets the minimum standard as set by the Officer from time to time.

Home Office approved CCTV systems to be installed and registered in accordance with guidelines laid down by the Information Commissioner.

Open containers not to be taken from the premises:

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises then this is entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be appropriate to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Where appropriate, conditions relating to these matters may be applied.

Restrictions on drinking areas:

It may be appropriate to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the Police consider it appropriate to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Where appropriate, conditions relating to these matters may be applied.

Capacity limits:

It is expected that, if relevant, a safe capacity limit for each licensed premises will be submitted by the applicant as part of their operating schedule and licence application. It will be the responsibility of the applicant to state how they have arrived at this number, and how they will satisfy the licensing objectives at this limit. This is usually done by carrying out a Fire Risk Assessment.

In determining the extent to which capacity limits are appropriate to a premises the Licensing Authority will have reference to the Fire Service.

A suggested condition is: The maximum number of persons permitted within the premises shall be determined by reference to the lower figure of surface area of the premises, CCTV provision and size of escape routes as notified by the Fire Safety Officer.

Proof of age:

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, there is a mandatory condition attached to every premises licence detailing that there must be a policy on verifying an individual is over the age of 18. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving

licences, passports, or digital equivalents that have been approved by the Home Office.

To assist in ensuring that only persons over the age of 18 are able to purchase alcohol, then the Challenge 25 Scheme may be applied.

An example of such conditions would be:

- Where any person appears to be under 25 they must be asked to prove they are 18 or over
- The premises will make available leaflets/application forms explaining how appropriate proof of age ID may be obtained.

Where appropriate, conditions relating to proof of age may be applied.

Crime prevention notices:

It may be appropriate at some premises for notices to be displayed which warn customers of the prevalence of crime, which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate may require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns. Similarly, notices requesting that customers leave quietly and in an orderly manner may be appropriate.

Where appropriate, conditions relating to these matters may be applied.

Signage:

In order to assist in appropriate enforcement and regulation of the Act the Licensing Authority will expect the signage at all licensed premises to prominently display licence details, licensable activity, hours of licensable operation, the names of the licence holder and designated premises supervisor for the premises, capacity limits and other relevant matters such as the policy relating to the admission of children. Such signage should also be visible to the public before they enter the premises.

Conditions may be applied requiring observation of this expectation.

Drinks promotions:

Standardised conditions will not be attached to premises licences or club premises certificates that promote fixed prices for alcoholic drinks. Conditions tailored to the individual circumstances of particular premises that address irresponsible drinks promotions may be appropriate and appropriate for the

promotion of the licensing objectives. Similarly it may be appropriate to require that adequate notice of the nature and duration of drinks promotions is made available to the Police in advance of the promotions being run.

Such matters will be considered objectively in the context of the licensing objectives and with the benefit of expert legal advice.

Where appropriate, conditions relating to these matters may be applied.

Drugs Policy:

The control of the use of illegal drugs by persons attending licensed premises is an important factor in the prevention of crime and disorder. It would be desirable for applicants to demonstrate in their operating schedules how they will address the incidence of drugs on their premises by the inclusion of a drugs policy which should include:

- Search as a condition of entry
- Search on entry policy
- Arrangements for detecting drugs on the premises
- The provision of drugs awareness information
- The provision of free drinking water
- Measures to prevent overcrowding
- Measures to create a safe environment, e.g. chill-out facilities
- Drugs awareness training for staff
- First Aid training for staff in dealing with those suffering from the ill-effects of drug use
- Door supervision.

Drugs policies will be expected to be tailored to the nature of the premises and the types of activities undertaken.

Conditions Relating to Public Safety

(including Fire Safety)

It should be noted that conditions relating to public safety should be those which are appropriate, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures appropriate to avoid and control these risks.

Conditions enforcing those requirements will therefore be unnecessary.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Licensing Authority is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options will be considered as measures that, if appropriate, would promote public safety. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be appropriate in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

- Those preparing operating schedules or club operating schedules, Licensing Authorities and responsible authorities should consider all relevant industry standards and guidance

The Licensing Authority and responsible authorities are aware that under no circumstances should any conditions be regarded as standard for all premises. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution. The following are examples of conditions that may be applied:

Disabled people:

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration may be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- Disabled people on the premises are made aware of those arrangements.

Safety checks:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a logbook.

First Aid:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Adequate and appropriate supply of First Aid equipment and materials is available on the premises
- If appropriate, at least one suitably trained First-Aider shall be on duty when the public are present, and if more than one suitably trained First-Aider that their respective duties are clearly defined.

Lighting:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present
- Emergency lighting is not to be altered without the consent of the Licensing Authority
- Emergency lighting batteries are fully charged before the admission of the public, members or guests
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems shall comply with the

recommendations of the relevant standards.

- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

Ventilation:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The premises are effectively ventilated
- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises
- Ventilation ducts are kept clean
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

Indoor sports entertainments:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure:

- If appropriate, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature
- Where a ring is involved, it is constructed and supported to the satisfaction of the Licensing Authority and any material used to form the skirt around the ring is flame-retardant
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also 'Managing Health and Safety in Swimming Pools' issued jointly by the Health and Safety Commission and Sport England).

Theatres and Cinemas (Promotion of Public Safety):

In addition to the points made in Conditions relating to Public Safety there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be appropriate and should be established through risk assessment and standardised conditions should be avoided.

Drinks:

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Special effects:

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers
- Explosives and highly flammable substances.

In certain circumstances, it may be appropriate to require that certain special effects are only used with the prior consent of the Licensing Authority.

Any scenery should be maintained flame-retardant.

Smoking:

Licensees should consider the risks from second-hand smoke to users of permitted smoking areas when drawing up operating schedules.

Conditions Relating to the Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior Police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Licensing Authority are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options will be considered as measures that, if appropriate, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be appropriate in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Appropriate conditions for licences and certificates will also depend on local knowledge of the premises.

Hours:

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder that results from artificially early fixed closing times.

Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the

public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Where appropriate, conditions relating to these matters may be applied.

Noise and vibration:

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted
- The placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells:

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution:

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

External Areas

Where areas are provided for external drinking or smoking, applicants need to consider how they will promote the public nuisance licensing objective in these areas. Mechanisms for achieving this could include:

- appropriate signage
- door supervisors (numbers as stated elsewhere in this policy)
- adequate facilities for disposal of smoking and other refuse.

Where appropriate, conditions relating to the above may be applied.

Conditions Relating to the Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises - in general:

Restrictions on the access of children under 18 to premises where licensable activities are being carried on will be made where it is appropriate to protect children from harm.

Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it appropriate to protect children from harm.

While the application of conditions will depend on the specific circumstances of an application, the Licensing Authority will, (unless there are circumstances justifying the contrary), adhere to the following recommendations as put forward by the Secretary of State:

- for any premises having known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on

such premises.

For any premises not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons and outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm.

Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm whilst on the premises.

Age restrictions – specific:

Under the 2003 Act, a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Licensing Authority, following relevant representations made by responsible authorities and interested parties, will consider a range of conditions that will be tailored to the particular premises and their activities where these are appropriate.

The Licensing Authority will consider the hours of the day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be appropriate to impose age restrictions for earlier parts of the day;

- types of event or activity in respect of which no age restrictions may be needed, for example family entertainment; or non-alcohol events for young age groups, such as under 18s dances.

Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example:

- during "Happy Hours" or on drinks promotion nights;
- during activities outlined above.

Age restrictions – cinemas:

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20 which requires the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the Licensing Authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the Licensing Authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the Licensing Authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the Licensing Authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the Licensing Authority, they should be classified in the following way:
 - > U Universal – suitable for audiences aged four years and over
 - > PG – Parental Guidance. Some scenes may be unsuitable for young children
 - > 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
 - > 15 – Passed only for viewing by persons aged 15 years and over
 - > 18 – Passed only for viewing by persons aged 18 years and over
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

Theatres:

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is appropriate to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment.

A condition restricting the admission of children in such circumstances may be appropriate. Entertainment may also be presented at theatres specifically for children (see below).

The Licensing Authority will consider whether a condition should be attached to a premises licence, which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children present on the premises during any emergency.

Performances especially for children:

Where performances are presented especially for unaccompanied children in theatres and cinemas, conditions are anticipated to be needed which require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Regard will be had to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances:

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range

from 5 to 18.

The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show.

However, if it is appropriate to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the Licensing Authority will consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance
- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

Proof of age:

Where appropriate, a requirement for the production of PASS accredited proof of age card before any sale of alcohol is made may be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised “proof of age”, but allow for the production of other proof, such as photo-driving licences, passports or digital equivalents that have been approved by the Home Office. It should be noted that many adults in England and Wales do not currently carry any proof of age. To assist in ensuring that only persons over the age of 18 are able to purchase alcohol, then the Challenge 25 Scheme may be applied. This will ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Smoking areas:

The risks to children from second-hand smoke should be considered when submitting operating schedules. Appropriate measures to protect children from exposure should be documented and put in place in those areas to which children are admitted or to which they have access.

Agenda Item 5

Licensing Sub-Committee - 04/06/25

LICENSING SUB-COMMITTEE

Wednesday, 4th June, 2025
Time of Commencement: 3.44 pm

[View the agenda here](#)

Present: Councillor John Williams (Chair)

Councillors: Wright G Williams

Officers: Melanie Steadman Licensing Enforcement Officer
Robert Thomas Environmental Health Officer

Also in attendance: Eleanor Myers Council Legal Representative –
Deans Court Chambers

The Applicant
The Applicant's Legal Representative
Member of the Press

1. APPOINTMENT OF CHAIR

Resolved: That Cllr John Williams be appointed as Chair.

2. APOLOGIES

All members were present.

3. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

4. APPLICATION TO VARY A PREMISES LICENCE, WHICH HAS RECEIVED RELEVANT REPRESENTATIONS

The meeting had started late after deliberation between the applicant, his representative and the Environmental Health Officer.

Members felt this would not allow enough time to come to a decision without rushing through the proceedings.

Resolved: That the meeting be adjourned pending a Noise Impact Assessment from the applicant, more detailed conditions and clarification of any further outstanding information for the Environmental Health Officer.

Councillor John Williams
Chair

Meeting concluded at 3.50 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Licensing and Public Protection Committee
19 August 2025

Report Title: Food Safety Service Plan 2025/26 and review of performance in 2024/25

Submitted by: Service Director - Regulatory Services

Portfolios: Environment & Recycling

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
An information report to make the committee aware of the work planned by the Food and Safety Team in 2025/26 along with a review of last year's performance in 2024/25.			
<u>Recommendation</u>			
That Committee receive and endorse the Food Safety Service Plan for 2025/26.			
<u>Reasons</u>			
To make the Public Protection committee aware of the work carried out by the Food and Safety Team, in accordance with the Food Standards Agency framework agreement and statutory Code of Practice on official food controls by local authorities			

1. **Background**

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

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

2. **Issues**

- 2.1 The Food Standards Agency requires local authorities to produce a specific service plan for their Food Safety service using a specified format that can be reported to its' elected members.
- 2.2 Attached to this report in Appendix A is a Food Safety Service Plan for 2025/26 which outlines the work planned for the coming year as well as a review of last year's performance.

3. **Recommendation**

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

4. **Reasons**

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

5. **Options Considered**

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

6. **Legal and Statutory Implications**

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

7. **Equality Impact Assessment**

- 7.1 There are no equality implications for this report.

8. **Financial and Resource Implications**

- 8.1 The Service Plan will be implemented within existing budgets.

9. **Major Risks & Mitigation**

- 9.1 There are no major risks with this report.

10. UN Sustainable Development Goals (UNSDG)

The report supports :



11. One Council

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

One Commercial Council: ☐

We will make investment to diversify our income and think entrepreneurially.

One Sustainable Council: ☒

We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle

One Digital Council: ☒

We will develop and implement a digital approach which makes it easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

12. Key Decision Information

12.1 This is not a key decision.

13. Earlier Cabinet/Committee Resolutions

13.1 None

14. List of Appendices

14.1 Attached to this report in Appendix A is a Food Safety Service Plan for 2025/26

15. Background Papers

15.1 No Background papers

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FOOD SAFETY

SERVICE PLAN 2025/26

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

Introduction

The Council has a statutory duty to carry out Official Food Controls and enforce food hygiene regulations within the Borough. This ensures that all food sold within the Borough is safe and fit for human consumption.

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

Nesta Barker
Service Director - Regulatory Services

May 2025

Section 1 - Service Aims and Objectives

1.1 Service Aim

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

Service Objectives

Food Safety Enforcement

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

- Ensuring that food and drink intended for sale for human consumption is produced, manufactured, stored, distributed, and handled safely and in hygienic conditions.
- Investigating complaints about food and food premises.
- Responding to notifications of food alerts.
- Control and prevention of infectious disease and food poisoning.

1.2 Links to corporate objectives and plans

The Borough's Council Plan 2022-2026 sets out the overall vision and priorities for the Council. These are then incorporated into specific service and financial plans.

The council has developed four priorities to focus delivery:

One Council delivering for local people

This underpins everything we do. We will be a council that listens to our local residents and communities and is responsive to their needs. We will work with them to deliver first-class, efficient services while keeping Council Tax low.

A successful and sustainable growing borough

We will build a strong and sustainable economy to ensure opportunities and support are available to everyone to improve their lives.

Healthy, active, and safe communities

We will ensure everyone enjoys a safe environment and access to a wide-range of facilities and activities to support and improve their health and quality of life.

Town centres for all

We will transform Newcastle and Kidsgrove town centres to ensure their future as places everyone can live, work, shop, study and spend their leisure time.

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

- **One Council delivering for local people**
- **Healthy, Active and Safe Communities**

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

- **Indicator 1.1 - The percentage of food premises that have a zero or one national food hygiene rating.**
- **Indicator 1.2 Percentage of category A and B food business inspections completed on time.**

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

2 - Background

2.1 Profile of Newcastle – under – Lyme Borough Council

Newcastle-under-Lyme borough council is a local government district with borough status in Staffordshire, England. It is named after its main settlement, Newcastle-under-Lyme, where the council is based, but includes the town of Kidsgrove, the villages of Silverdale and Keele, and the rural area surrounding Audley. The Borough of Newcastle-under-Lyme forms part of the conurbation of North Staffordshire and covers some 81 square miles with a population of around 123,000.

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

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

The government has launched the English Devolution White Paper which included proposals for Local Government Reorganisation and Devolution. Leaders of councils within Staffordshire have been invited to develop a proposal for local government reorganisation in Staffordshire and Stoke on Trent. Newcastle-under-Lyme Borough Council falls within this geographical area and full proposals will be submitted to Government in November 2025 with a view of a new unitary authority being delivered by April 2028.

2.2 Organisational Structure

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

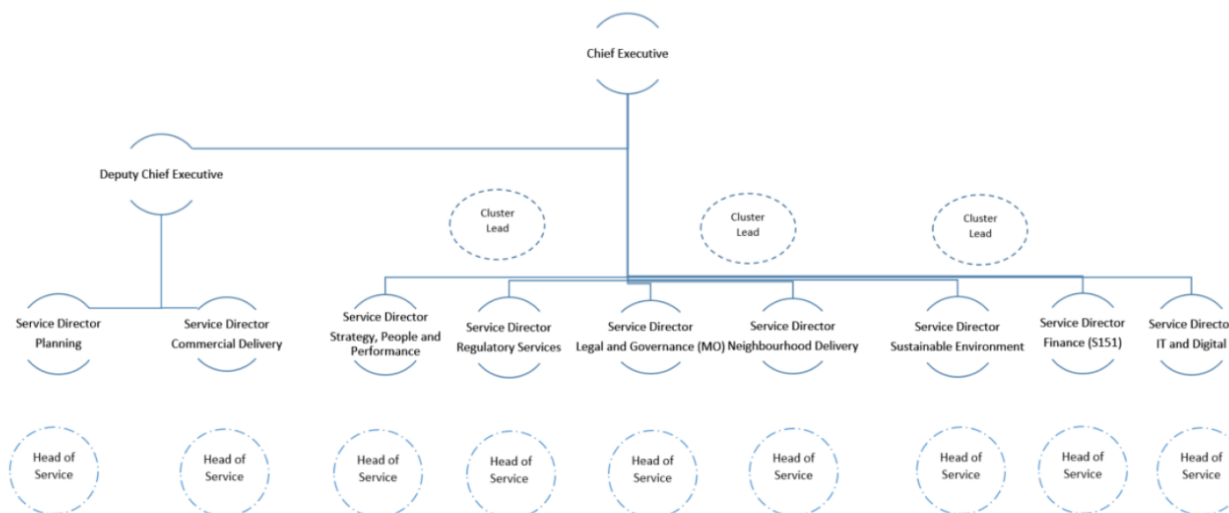
The Council has a Leader who is elected by the members of the Council and is nominated by the largest group on the Council. The Council also has a Mayor, who presides over the Council meeting. The Mayor is a councillor who is appointed by all councillors to serve for one year as Chairman of the Council.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

There are a number of other Council committees who have important roles to play in a variety of areas including Licensing & Public Protection Committee and Health, Wellbeing & Environment

Scrutiny are relevant to the food safety service. Please refer to the Council's website for further details at: <https://moderngov.newcastle-staffs.gov.uk/mgListCommittees.aspx?bcr=1>

Executive Management

The Council's Corporate Leadership structure comprises of the Chief Executive, the Deputy Chief Executive and the Service Directors. This is shown in the organisational structure below:



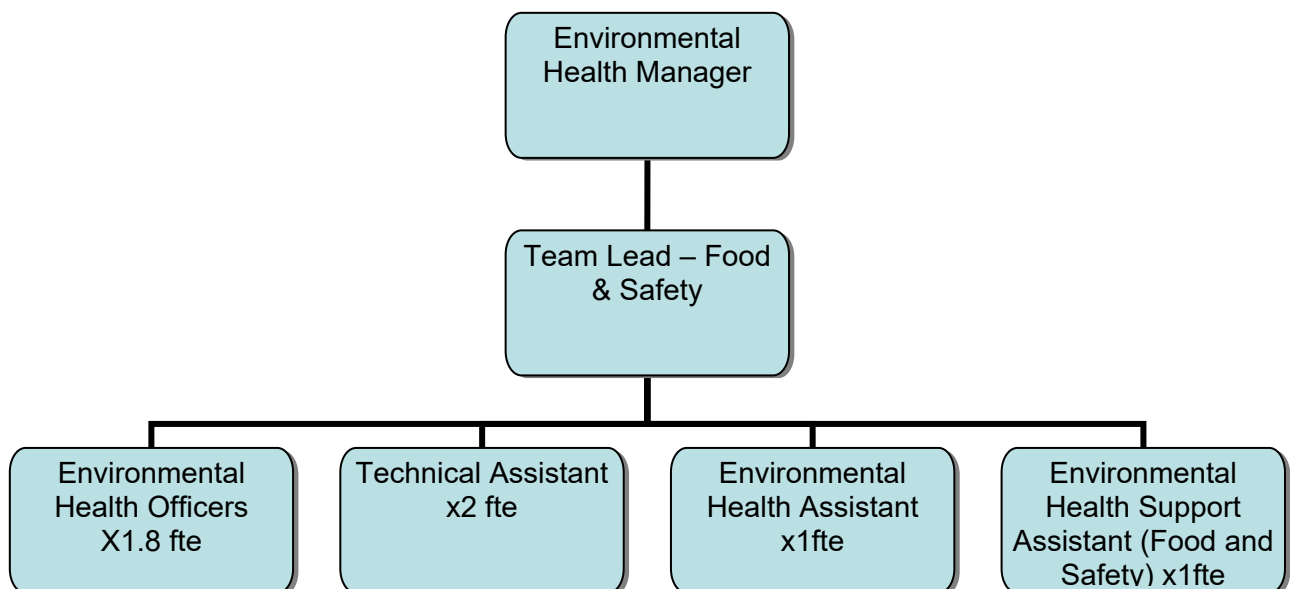
The Council operates an innovative collaborative leadership model. The Service Director of Regulatory Services report to the Chief Executive with regard to service management and operational output.

The service directors operate within 3 clusters of their peers which offer mutual support and challenge throughout the business cycle. On a rotational basis, one service director from each cluster acts as lead.

Food and Safety Team:

The Food and Safety team operate within Regulatory Services together with the Environmental Protection, Licensing and Housing & Vulnerability Teams. The Environmental Health Manager reports into the Service Director for Regulatory Services.

The Food and Safety Service structure is as follows:



These officers do not spend all of their time on food law enforcement as they are also responsible for a number of other professional functions such as health and safety enforcement and interventions, infectious disease control, registrations and licensing.

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

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

Expert assistance is provided by the following outside organisations: -

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

2.3 Scope of the Food and Safety Service

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

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

- Food Safety and Hygiene
- Occupational health and safety (in premises where enforcement responsibility is allocated to the Local Authority)
- Prevention and control of infectious diseases.
- Public health licensing – tattooing, piercing etc.

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

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

The following functions are provided by the service:

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

Service Delivery Points

The team are based with their Regulatory Service colleagues at Castle House, Barracks Road,, Newcastle-under-Lyme, ST5 1BL and the service operates between 9.00 a.m. - 5.00 p.m. Monday – Friday.

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

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

2.4 Demands on the Food Service

In 2024/25 there were 1033 registered food businesses in the Borough with 1049 in 2023/24. These businesses were given a risk rating band between category A and E as shown in the table below. In 2025/26 we have 1020 premises, broken down by risk category below. This number will increase as new registrations are received throughout the year.

Food Premises Risk Band	2025/26	2024/25	2023/24	2022/23	2021/22	2020/21	2019/20	2018/19
A	0	0	0	1	0	0	1	1
B	11	20	21	27	15	13	31	37
C	143	147	143	145	157	152	124	169
D	416	401	406	387	370	369	202	365
E	426	441	444	443	480	565	674	527
UNRATED	18	17	28	14	37	81	20	19
OUTSIDE	6	7	7	8	8	1	1	1
TOTAL REGISTERED	1020	1033	1049	1025	1067	1181*	1053	1119

* Covid-19 restrictions caused an increase in the unrated total.

The risk rating awarded is generated by the inspecting officer who scores the business based on the types and quantities of food produced and their compliance with food hygiene requirements. Businesses awaiting inspection are classified as 'Unrated' and those registered with other council's and trading in our area are deemed 'outside' the inspection programme.

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

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

Businesses can be rated as a category A or B if they carry out a high-risk activity such as food manufacturing, or if they are found to have poor compliance such as a premises awarded a 0 or 1 Food Hygiene Rating.

A number of specialist and complex food manufacturers are located within the district, which are known as 'Approved Food Establishments'. Additional detail is provided in section 3.1

2.5 Enforcement Policy

The Council has approved an Enforcement Policy and carries out its' regulatory functions in accordance with the Regulators Compliance Code. The importance of achieving a fair and consistent approach to enforcement is recognised by the council. The Enforcement Policy has been updated and approved by Council in April 2024, this is followed for all enforcement action undertaken by the food service and is available on the council's website. The policy is due for a review in 2027.

3. Service Delivery

3.1 Interventions at Food Establishments

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

In 2025/26 there are 490 food premises due for a Food Hygiene Inspection shown in the table below:

Food premises risk band	Total due in 2025-26	Total due in 2024-25	Total due in 2023-24	Total due in 2022-23	Total due in 2021-22
A – Highest 'risk'	0	0	1	0	0
B	11	19	27	10	8
C	93	84	82	89	75
D	209	162	219	83	163
E – Lowest 'risk'	153	229	28	170	114
OUTSIDE	6	8	8	8	2
UNRATED	18	29	15	37	81
Grand Total	490	531	380	397	443

Of the 5 approved premises, 2 are due for an inspection in 2025-26.

In 2025/26 the Service aims to achieve:

- 100% of inspections with regard to High-Risk food premises (categories A – B).
- 100% of category C premises using full inspections/audits.
- 100% of category D premises using full inspections/audits.
- 100% of category E premises will be subject to an inspection or alternative enforcement strategy such as a self-inspection questionnaire.
- 100% of Unrated premises using full inspections/audits.

In 2024/25 the service completed the following inspections:

- 100% of inspections with regard to High-Risk food premises (categories A – B).
- 100% of category C premises using full inspections/audits.
- 100% of category D premises using full inspections/audits.
- 100% of category E premises will be subject to an inspection or alternative enforcement strategy such as a self-inspection questionnaire.
- 91% of due Unrated premises using full inspections/audits.

We received 208 new food premise registration forms in 2024/25 (an increase from 148 in 2023/24) notifying us of new food businesses or changes in ownership, 205 of these were due an inspection before 31st March 2025. This area of work places a significant demand on our Service as these inspections should be carried out within 28 days of registration. We have no control over this reactive type of work and will aim to achieve 100% of these inspections. However, if demand becomes excessive, then resources will be diverted away from lower risk category E and D inspections.

Approved Food Establishments

Wholesale food businesses supplying food of animal origin require approval by the competent authority under [Regulation 853/2004](#). This is separate from the requirements for food registration that applies to all food businesses.

Establishments approved by local authorities include:

Meat establishments

These are:

- cold stores that are re-wrapping and re-packaging meat
- minced meat establishments
- meat preparations establishments
- mechanically separated meat establishments
- meat products processing plants
- rendered animal fats and greaves processing plants
- treated stomachs, bladders and intestines processing plants
- gelatine processing plants
- collagen processing plants

Fish and shellfish establishments

These are:

- live bivalve molluscs (LBMs) establishments including dispatch centres and purification centres
- establishments working with fishery products using factory and freezing vessels, processing plants, fresh fishery products, auction halls, wholesale markets

Animal produce establishments

These are establishments that produce:

- raw milk and dairy products
- eggs and egg products, including packing centres, processing plants, liquid egg plants.

In Newcastle there are five approvals issued, all under meat establishments. We commit to undertaking on-site inspections at all food premises on an unannounced basis, meaning no prior notification is given. It is accepted that in some circumstances this may not be possible, such as businesses operating from private domestic dwellings. There are occasions where visits to approved premises must be announced due to the size and scale of the premises as well as the need for specific personnel on site. We will deliver unannounced inspections except where prior notice is necessary and justified.

Approved Premises put additional demands on authorised officers given the extra demands they put on the service. Inspection of these premises are typically much more time consuming as there are additional legislative requirements that must be assessed, these premises are typically much larger and the post inspection recording is enhanced. Staff authorised to inspect Approved Premises require ongoing training to ensure they remain competent and compliant with the Food Law Code of Practice.

Establishments that require approval have to comply with the general hygiene requirements (given in EC Regulation 852/2004) and some specific hygiene requirements which vary depending on the types of products made (given in EC Regulation 853/2004).

Such premises require a higher level of intervention from the service, as they additionally require:

- Shelf-life testing
- Sampling
- Establishments also have to put in place food safety management procedures based on the HACCP principles.

Food from premises that are approved will carry an Identification Mark similar to below:



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

During 2023 the Food Standards Agency undertook an audit of the Authorities delivery of the official controls for approved premises. The Food Standards Agency closed the audit and provided positive feedback in 2024/25 following scrutiny of the actions taken and procedures implemented.

National Food Hygiene Rating Scheme

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

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

On 1st April 2025 the following profile of Food Hygiene Ratings were published:

FHRS	Total Premises April 2025	Total Premises April 2024	Total Premises April 2023
5 – Very Good	804	786	757
4 – Good	68	64	78
3 – Generally Satisfactory	23	26	28
2 – Improvement Necessary	3	4	3
1 – Major improvement necessary	4	6	1
0 – Urgent Improvement Necessary	None	None	None
Grand Total	902	886	867

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

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

FHRS Re-score Visit

FHRS Re-score Visits are undertaken at the request of the food proprietor following payment of a fee because they wish to improve their FHRS before the next routine inspection. Last year 6 enquiries for Food Hygiene re-score were made which resulted in 6 re-score visits being carried out.

Alternative Inspection/ Intervention Strategies

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

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

Inland control of Imported food

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

3.2 Food Complaints

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

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

Year	Food Complaints	Hygiene of Food Premises
2024/25	24	41
2023/24	27	71
2022/23	50	67
2021/22	33	49
2020/21	35	27
2019/20	52	251
2018/19	29	161

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

Service requests are investigated in accordance with established procedures and policies. The initial response to complaints will be within five working days depending on the severity of the complaint, with more serious complaints receiving a more urgent response.

3.3 Home Authority Principle and Primary Authority Scheme

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

expected to have regard to any arrangement agreed by the Home Authority before taking enforcement action.

Primary Authority Scheme

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

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

3.4 Advice to Business

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

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

3.5 Food Inspection and Sampling Programme

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

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

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

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

The following table outlines the number of food samples taken from food premises for microbiological examination in the last 7 years:

Year	Microbiological Food Samples
2024/25	24
2023/24	172
2022/23	29
2021/22	0 (paused due to Covid-19)
2020/21	0 (paused due to Covid-19)
2019/20	104
2018/19	113

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

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

The objectives of this service are to:

- Fulfil the Council's statutory responsibilities relating to the control of infectious disease;
- Identify the source and cause of reported infection;
- Implement measures to prevent further spread;
- Protect public health by providing cases and members of the public with advice on personal hygiene, safe food handling and control of infection;
- Exclude food handlers and people working with high-risk groups in consultation with the Consultant in Communicable Disease Control (CCDC).

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

During 2024/25 the Council received 326 reported cases of infectious disease. Control of food related infectious disease is a priority area due to the possible health consequences for the individual and the risk of infection spreading within the community. This area of the service will therefore receive whatever resources are required to fulfil these duties.

3.7 Food Safety Incidents

Food alerts, product withdrawals and recalls

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

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

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

Food Alerts are sent to the Council via a designated e-mail address which are auto forwarded to members of the Food and Safety team for their prompt attention. Outside normal working hours the Team Lead subscribes to the FSA's Food Alert text messaging service to alert them to any significant Food Alerts: For Action. The Environmental Health Service also operates an emergency out of hours standby rota so there is always an Officer available to respond in an emergency. On-call staff have access to records remotely as well as access to the office and other facilities over the weekend and throughout the evening during the week.

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

In 2025/26 we received:

	2024/25	2023/24	2022/23
Food alert for action	5	16	5
Food alert for information	*	216	90
Food allergy alert	61	57	49
Food recall information notice	58	61	52

* Food alert for information no longer sent by FSA

3.8 Liaison with Other Organisations

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

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

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

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

3.9 Food Safety Promotion

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

4. Resources

4.1 Financial Allocation

The Food Safety and Regulatory Services budget is published separately on the Council's website at <https://www.newcastle-staffs.gov.uk/finance/spending-plans/2>

4.2 Staffing Allocation

The Food and Safety Team within the Council, employs the following officers:

Food and Safety Lead
1.8 FTE Environmental Health Officers
2 Technical Assistant
1 Environmental Health Assistant
1 Support Assistant (Support staff)

These officers do not spend all of their time on Food Law enforcement as they are also responsible for a number of other professional functions such as Health and Safety enforcement, Infectious disease control, Licensing etc. One of the Technical Assistants does not undertake routine food safety work. The Food & Safety Lead is the designated Lead Food Officer.

This resource is deemed sufficient to deliver the demands of the Service Plan with the utilization of the flexibilities allowed by the Code of Practice and Practice Guidance, most notably the use of Alternative Enforcement Strategies for our lowest risk premises (excluding any approved establishments). This allows us to collect information and risk rate the premises without an onsite inspection. At the end of 2024/25 the E rated food businesses accounted for 42% of our total food businesses.

The allocated resource does take into account reactive interventions and programmed sampling interventions. The allocated resource does not take into account resilience planning. In the event of large scale disruption e.g. extended staff sickness or large scale investigations, the Food and Safety Team would prioritise official controls accordingly and potentially seek interim arrangements such as contract or interim staff.

4.3 Staff Development Plan

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

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

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

Professional and technical competence is also supported by:

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

5. Quality Assessment

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

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

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

5.1 Conflicts of Interest

Article 4(2b) of Regulation 2017/625 requires that staff carrying out official controls are free from any conflict of interest.

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

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

5.2 Enforcement within local authority-run establishments

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

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

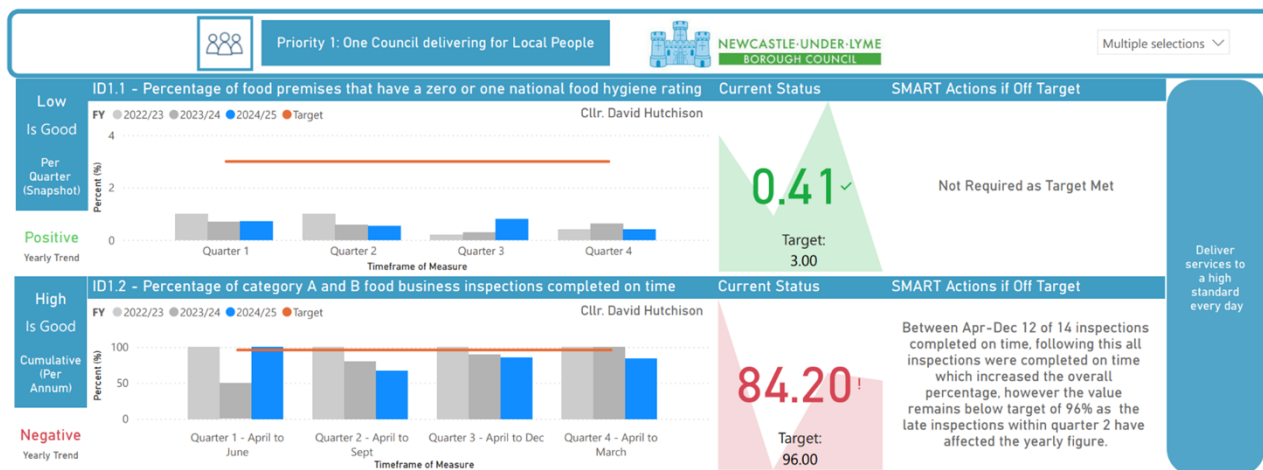
Contract caterers that operate within local authority establishments will be registered and inspected in the normal way. In some Council buildings, café's and vending machines are provided by outside contractors who register their businesses independently.

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

6 Review

6.1 Review against the Service Plan

Each quarter performance data on key performance indicators is reported to Cabinet, data for 2024/25 is detailed below:



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

The second indicator measures our performance in meeting the inspection timescales for the highest risk premises (i.e. those which are category A or B). 100% of these inspections were completed in 2024/25 with 84% inspected within target. The remaining premises were inspected within 2 months following the due date. On occasion some unrated premises will become a priority due to intelligence or past experiences with the premises/operator.

6.2 Local Authority 6 monthly returns

Every 6 months we submit performance data to the Food Standards Agency which is reviewed by the food standards agency. The return for 2024/25 has been submitted, which includes the performance data included in this report.

The data from all Local Authorities submitted is no longer published on the Food Standards Agency website.

6.3 Identification of any variation from the Service Plan

Key performance indicators listed in the above tables are reviewed on a regular basis. Results are reported to the Service Director along with reasons for any significant variation, and where necessary an action plan is agreed to prioritise workload. Where issues relate to the delivery of the Service Plan, these will be communicated to Cabinet. Issues will include incidents and outbreaks, concerns with handling of complaints as well as concerns with progress with the inspection program, including official controls at approved premises.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO Licensing and Public Protection Committee

19 August 2025

Report Title: **Revocation of the Kidsgrove Air Quality Management Area**

Submitted by: Service Director- Regulatory Services

Portfolios: Sustainable Environment

Ward(s) affected: Kidsgrove

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To advise on the outcome of a four week consult on the making of an Order under the Environment Act 1995 to revoke the Kidsgrove Air Quality Management Area and to recommend that the revocation order is accepted and confirmed.			
<u>Recommendation</u>			
That Committee approves the Air Quality Management Area Number 1 - Kidsgrove - Revocation Order 2025 and for this to take effect from the 20th August 2025.			
<u>Reasons</u>			
Monitoring of Nitrogen Dioxide (NO ₂) concentrations against the prescribed annual mean objective shows that there has been no exceedance within the last five years (and that they have been substantially below since 2020). Therefore, the Department for Environment, Food & Rural Affairs (DEFRA) has advised the Council to revoke this Air Quality Management Area.			

1. Background

- 1.1 Part IV of the Environment Act 1995 introduced a requirement on all local authorities to carry out duties in relation to local air quality management. All local authorities are obliged to regularly review and assess air quality in their areas, and to determine whether the air quality objectives for different pollutants are likely to be achieved.
- 1.2 Where it is likely that air quality levels are such that certain pollutants are above specified levels the Local Authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
- 1.3 Air quality objectives have been set for 7 pollutants, but only Particulate Matter (PM₁₀ and PM_{2.5}) Nitrogen Dioxide (NO₂) are seen as a potential problem in most locations in the U.K.
- 1.4 In 2015, an AQMA was declared in Kidsgrove as required by duties prescribed in the Environment Act 1995. The AQMA was declared due to a likely breach of the annual mean Nitrogen Dioxide national air quality objective of 40 µg/m³. This was due to presence of residential receptors which presented relevant exposure in adjacent to busy roads.

2. Issues

2.1 Historically, air quality in this location was impacted by emissions from road traffic vehicles which added to high background concentrations of NO₂.

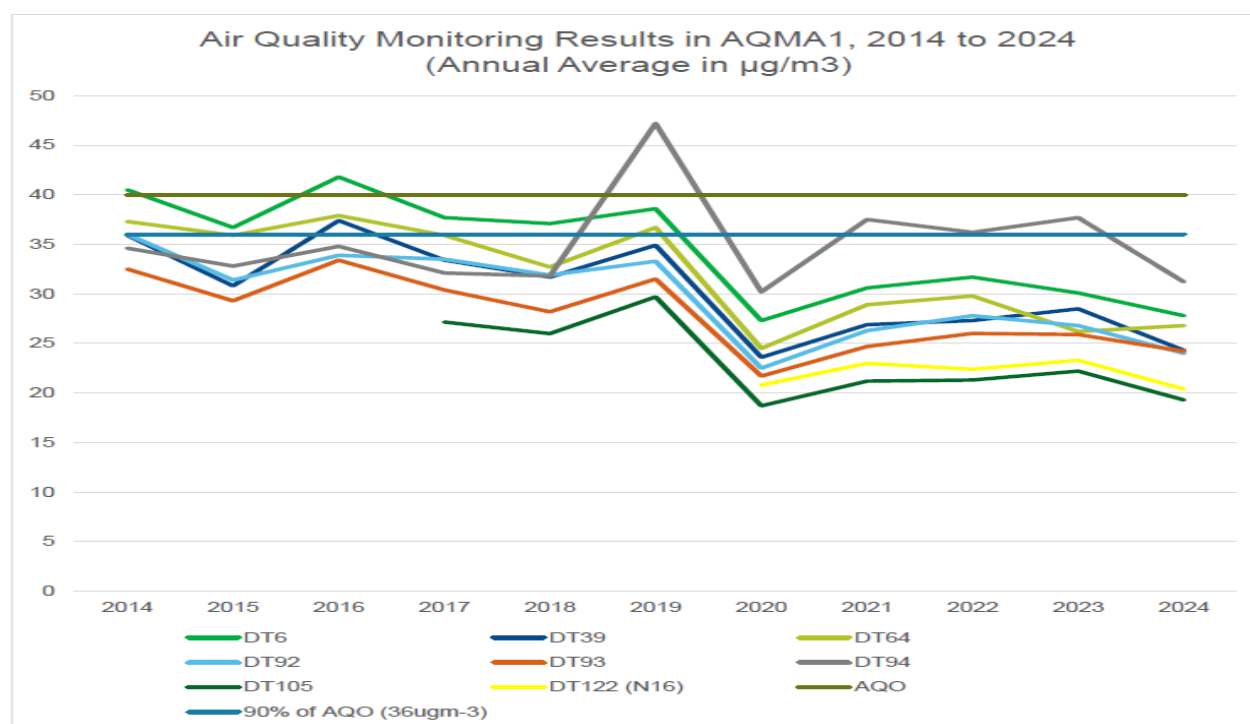
2.2 The Borough Council has been monitoring air quality at various locations within the Kidsgrove for a number of years. The locations where we monitor air quality were chosen to represent worst-case exposure to traffic emissions and to provide the best representation of where residents are exposed to these emissions over the course of a full year.

2.3 The concentration of nitrogen dioxide has significantly reduced, and has been consistently below the 40 µg/m³ standard since 2020 as shown in the Table 1 and Graph 1 below.

Table 1 - Air Quality Monitoring Results in AQMA1, 2014 to 2024

Location	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Reduction
DT6	40.5	36.7	41.8	37.7	37.1	38.6	27.3	30.6	31.7	30.1	27.8	31.4%
DT39	35.9	30.8	37.4	33.4	31.7	34.9	23.6	26.9	27.3	28.5	24.3	32.3%
DT64	37.3	35.9	37.9	35.9	32.7	36.7	24.5	28.9	29.8	26.2	26.8	28.2%
DT92	36	31.4	33.9	33.5	31.9	33.3	22.5	26.3	27.8	26.8	24	33.3%
DT93	32.5	29.3	33.4	30.4	28.2	31.5	21.7	24.7	26	25.9	24.2	25.5%
DT94	34.6	32.8	34.8	32.1	31.8	47.2	30.2	37.5	36.2	37.7	31.2	9.8%
DT105	-	-	-	27.15	25.99	29.7	18.7	21.2	21.3	22.2	19.3	28.9%
DT122 (N16)	-	-	-	-	-	-	20.8	23	22.4	23.3	20.4	1.9%

Graph 1 - Air Quality Monitoring Results in AQMA1, 2014 to 2024



- 2.4 The measured NO₂ concentrations observed within the Kidsgrove AQMA have been less than 37µg/m³ since 2020 at all but one monitoring locations (see Appendix 2 page 11-12). Statutory guidance published by DEFRA states that “Due to the inherent uncertainties of dispersion modelling, consideration should be given to predicted concentrations being 10% below the relevant objective before an amendment or revocation of an AQMA is completed” (LAQM TG22 para 3.53), and, revocation of an AQMA should be considered where there is robust evidence that air quality is consistently 10% lower than the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³ for 3 consecutive years (LAQM TG22 para 3.57).
- 2.5 Due to the prolonged period that the concentrations have been significantly below the Air Quality Objective within the AQMA, the service is confident that the reduction is permanent and not due to annual variations arising from factors such meteorological conditions.
- 2.6 The reduction on NO₂ concentration is due to a combination of:
- a decrease in the background concentration of NO₂, and,
 - an increased uptake of lower emission vehicles.
- We are therefore confident that the compliance with the Air Quality Objective within Air Quality Management Area Number 1 - Kidsgrove will be sustained.
- 2.7 The Department for Environment Food and Rural Affairs (DEFRA) has advised that the AQMA could be revoked following submission of the Council’s Annual Status Reports.
- 2.8 Between 9th July 2025 and 6th August 2025, your officers formally consulted with the public and a number of relevant organisations and interested parties in relation to the proposed revocation.
- 2.9. No objections to the proposal to revoke the Kidsgrove AQMA were received. One response was received during the consultation period, which agreed with the proposed revocation based on the air quality monitoring results.
- 2.10 Given the previous advice from DEFRA and in consideration of the nitrogen dioxide monitoring results, it is considered appropriate for the Council to make an order under section 83(2)(b) of the Environment Act 1995 to revoke this AQMA. This order is produced in Appendix 1.
- 2.11 More detail regarding the work carried out to monitor, and understand, the air quality within the AQMA is given within the consultation report provided within Appendix 2.

3. Recommendation

- 3.1 That Committee approves the Air Quality Management Area Number 1 - Kidsgrove Revocation Order and for this to take effect from the 20th August 2025.

4. Reasons

- 4.1 There has been a gradual reduction in the concentration of NO₂ over the last decade within the Kidsgrove Air Quality Management Area and has been consistently more than 10% below the National Air Quality Objective since 2020.
- 4.2 This was reported in recent Annual Status Reports upon Air Quality and DEFRA has advised that the AQMA should now be considered for revocation.
- 4.3 The monitoring data has been evaluated by DEFRA.

4.4 The reasons for the reduction in NO₂ concentrations are understood and there is no reason to believe that air quality in this area will exceedance the current relevant air quality objective within the future.

4.5 It is therefore recommended that the Air Quality Management Area Number 1
- Kidsgrove be revoked and the revocation order (given within appendix 1) be made.

5. Options Considered

5.1 The only alternative would be to retain the AQMA. However, this would prolong any potential adverse impact upon property values, and potentially deter future development, within the area of the AQMA.

6. Legal and Statutory Implications

6.1 The Environment Act 1995, Part IV places an obligation on Local Authorities to assess and manage local air quality with the intention of ensuring compliance with relevant regulations Technical and Policy Guidance made under Part IV of the Environment Act 1995.

6.2 The Council is required to revoke a designated Air Quality Management Area where it can be robustly demonstrated that the prescribed pollutant achieves ongoing compliance with regulations made under Part IV of the Environment Act 1995. Before doing so, the Council must formally consult with relevant stakeholders.

7. Equality Impact Assessment

7.1. There are no impacts on equality arising from revocation of the AQMA.

8. Financial and Resource Implications

8.1 There are no direct financial or resource implications for the Council arising from the recommendations of with costs associated with the administration of the revocation of the AQMA being met from the service budget.

9. Major Risks & Mitigation

9.1 A specific GRACE risk assessment has been prepared for this line of work. Those considered to be the most significant are identified below. Appropriate controls are in place to reduce these risks from being realised.

9.2 Failure to have adequate controls in place to enable the council to comply with its legal obligations under Part IV of the Environment Act 1990 could see the Council being formally Directed by the relevant minister to undertake any of the actions they see fit, in line with the Act.

9.3 Public bodies including Local Authorities may also be subject to legal action for breach of a person's human rights specifically Article 2 Right to Life and Article 8: Respect for your private and family life.

10. UN Sustainable Development Goals (UNSDG)

10.1 The following Un sustainable goals are relevant.



11. One Council

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

One Commercial Council ☐

We will make investment to diversify our income and think entrepreneurially.

One Digital Council ☒

We will develop and implement a digital approach which makes it easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

One Sustainable Council ☒

We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle

12. Key Decision Information

12.1 This is not a Key Decision.

13. Earlier Cabinet/Committee Resolutions

13.1 Licensing & Public Protection Committee 22nd December 2014
<https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=123&MID=2287>

14. List of Appendices

Appendix 1 - Proposed Revocation Order.

Appendix 2 - Consultation Report for the Revocation of the Air Quality Management Area
 Number 1 - Kidsgrove

15. Background Papers

15.1 Environment Act 1995 – Part IV <https://www.legislation.gov.uk/ukpga/1995/25/part/IV>

15.2 Local Air Quality Management Technical Guidance (LAQM.TG.22) Available at
<https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf>

15.3 Air Quality Reports completed available from
<https://www.newcastlestaffs.gov.uk/protection/air-quality-management/>

Appendix 1 – Proposed Revocation Order.



ENVIRONMENT ACT 1995 PART IV SECTION 83(2)(b)

Air Quality Management Revocation Order Air Quality Management Area Number 1 – Kidsgrove

Newcastle-under-Lyme Borough Council, in exercise of the powers conferred on it by the Section 83(2)(b) of the Environment Act 1995 **HEREBY** makes the following order:-

1. *As it has been evidenced that there is no longer a likely breach of the annual mean nitrogen dioxide national objective level of 40µg/m³ at relevant receptors within Air Quality Management Area Number 1 - Kidsgrove*
2. *This order shall therefore revoke `Air Quality Management Order 1 - Kidsgrove which came into effect on the 15th January 2015*
3. *The air quality management area to be revoked is shown shaded in blue, and edged in red, upon the map appended herewith at appendix 1.*

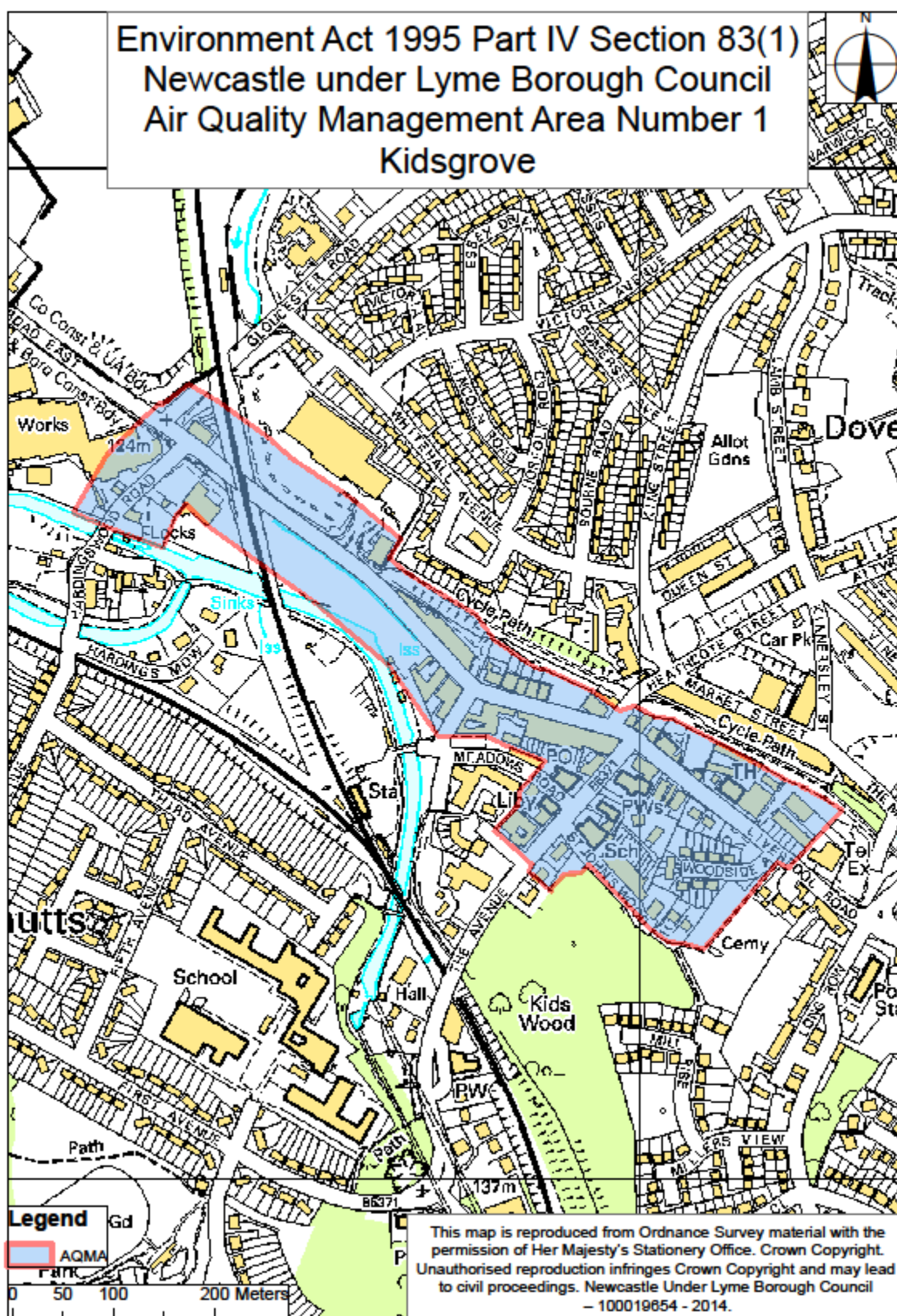
This Order came into force on the 20th August 2025.

EXECUTED as a DEED
By affixing the Common Seal
of THE BOROUGH COUNCIL OF
NEWCASTLE UNDER LYME

In the presence of
Councillor
Authorised Signatory

Dated

Appendix 1 – Air Quality Management Area to be revoked by this order



Councillor
 Authorised Signatory
 Dated

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Consultation Report for the Revocation of the Kidsgrove AQMA

In fulfilment of Part IV of the Environment Act 1995
Local Air Quality Management

Date: 4th July, 2025.

Information	Newcastle-under-Lyme Borough Council Details
Local Authority Officer	Rob Thomas (Environmental Protection Team)
Department	Environmental Protection, Regulatory Services
Address	Newcastle-under-Lyme Borough Council Castle House Barracks Road Newcastle under Lyme ST5 1SR
Telephone	01782 717717
E-mail	environmental_health@newcastle-staffs.gov.uk
Report Reference Number	AQMA RP- Kidsgrove
Date	4 th July, 2025.

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Figure 2 - Percentage contribution to the annual mean NO₂ concentration in Kidsgrove in 2015

Figure 3 - Map of monitoring locations - AQMA 1: Kidsgrove

Figure 4 - Air Quality Monitoring Results in AQMA1, 2014 to 2024

Figure 5 - Estimated Background NO₂ in AQMA1, 2014 to 2023

Figure 6 - Registered Road Vehicles by Fuel Type in Newcastle under Lyme Borough

Figure 7 – Air Quality Monitoring Results at DT94 After Distance Correction to the Nearest Relevant Receptor 2018 to 2024.

1 Background Information

Air pollution is associated with several adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancers. Additionally, air pollution particularly affects the most vulnerable in society: children, the elderly, and those with existing heart and lung conditions. There is also often a strong correlation with inequalities because areas with poor air quality are also often less affluent areas^{1,2}. Newcastle-under-Lyme Borough Council has been taking action to reduce air pollution across the borough to reduce risk to human health and the environment as a whole.

Under the Environment Act 1995 all District and Borough local authorities (often called 'second tier' Councils) are obliged to review and assess air quality in line with the Government's air quality strategy. The Department for Environment, Food and Rural Affairs (DEFRA) has the national lead, and closely supervises the work of local authorities in relation to their air quality duties.

The National Air Quality Strategy sets out Air Quality Objectives for certain pollutants and local authorities are required to ensure that these objectives are met.

These Air Quality Objectives consist of

- concentrations for each particular pollutant which are considered to be acceptable in terms of what is scientifically known about the effects of each pollutant on health and on the environment,
- an averaging period for each air pollutant,
- a compliance date by which the Objective should be achieved.

Where there is evidence that there will be sustained exceedances of one or more Air Quality Objective, then the second-tier authority has a legal duty to declare an Air Quality Management Area (AQMA).

Newcastle-under-Lyme Borough Council has been assessing air quality across the Borough for more than 20 years and publishing regular annual reports on progress with this. Copies of the annual reports can be found in the [Air Quality Management section](#) of the Borough Councils website.

Air quality monitoring data from the Borough Councils network of monitoring locations led to the conclusion that the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³ (micrograms per cubic

¹ Public Health England. Air Quality: A Briefing for Directors of Public Health, 2017

² Defra. Air quality and social deprivation in the UK: an environmental inequalities analysis, 2006

meter) measured as an annual mean was being exceeded in four discrete areas of the Borough, namely:

- Liverpool Road, Kidsgrove
- Newcastle-under-Lyme Town Centre
- Maybank-Wolstanton-Porthill
- Little Madeley; which revocation is subject of this report.

The dominant source of nitrogen dioxide emissions in each of these areas is road traffic.

An AQMA was declared on 15 January 2015 for Kidsgrove. The area covered by this AQMA is illustrated in Figure 1.

2 Historical Air Quality in Kidsgrove

Detailed analysis of air quality in Kidsgrove during 2015 led to the following conclusions:

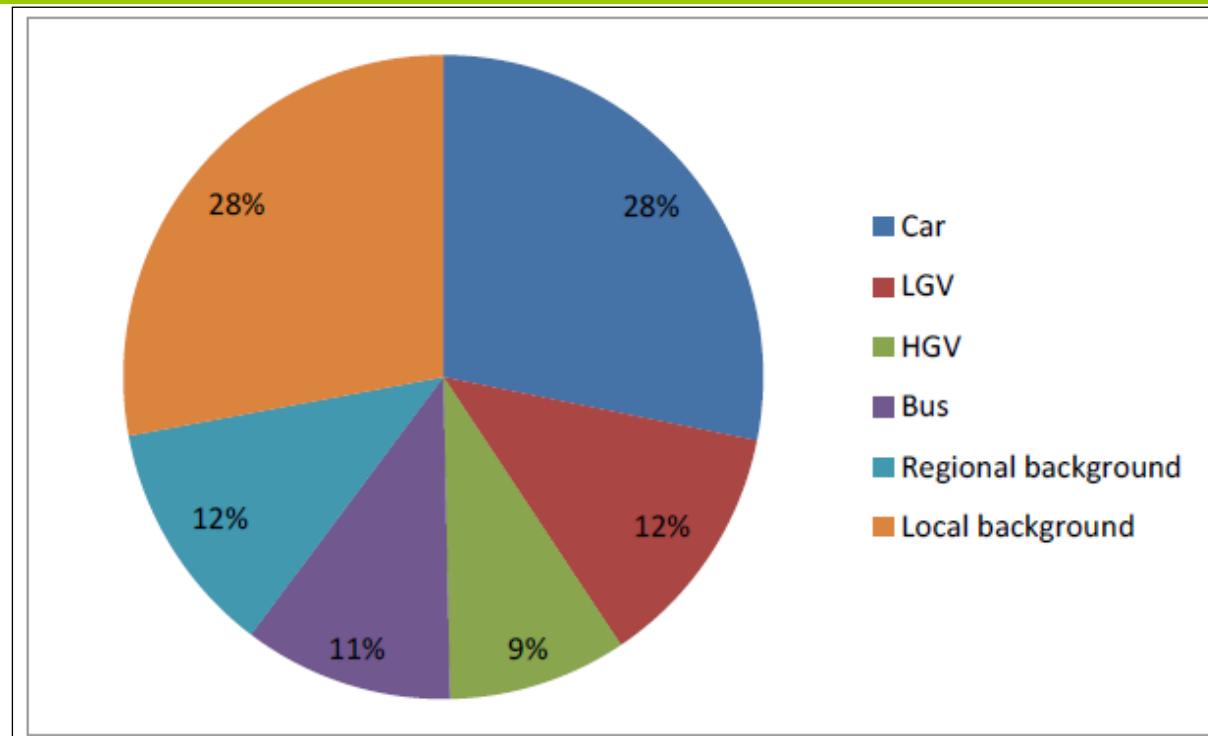
A combination of air quality monitoring and air quality dispersion modelling calculated that 36 households (residential properties) with an estimated total population of 72 people were predicted to be exposed to airborne concentrations of nitrogen dioxide (NO₂) above 40µg/m³ averaged over a calendar year. These properties were along Liverpool Road close to two junctions, one with Heathcote Street and one with Gloucester Road.

The largest sources of NO₂ were identified as being regional and local 'background' which was identified as contributing 40% of all NO₂. The total concentration of a pollutant comprises those from explicit local emission sources such as roads, chimneystacks, etc., and those that are transported into an area by the wind from further away. If all the local sources were removed, all that would remain is that which comes in from further away; it is this component that is called 'background'.

The contribution from local sources of NO₂ were identified as being from

- Cars (28%)
- Light Goods Vehicles (12%)
- Buses (11%)
- Heavy Goods Vehicles (9%)

Figure 2 Percentage contribution to the annual mean NO₂ concentration in Kidsgrove in 2015



The causes of the exceedance of the Air Quality Objective were attributed to emissions from slow moving and queuing traffic at peak times particularly at the traffic lights at the two junctions.

In order to meet the Air Quality Objective for NO₂ it was established that it would be necessary to reduce overall NO₂ exposure by 12%, which would require a 23.5% reduction in local traffic emissions if there was no reduction in background NO₂.

An Air Quality Action Plans (AQAPs) have been implemented to work towards this goal and since and a number of measures have been taken to reduce the NO₂ concentrations to below the air quality objective. These measures are described within the action plans and our air quality reports – links to these are provided within the references and papers section of this report.

3 Recent Air Quality in Kidsgrove

Since the declaration of the AQMA, the Borough Council has continued to monitor air quality within this AQMA and at many other locations to track the impact of national and local measures to improve air quality.

The presence of nitrogen dioxide in the air at a local level can be influenced by several factors. The most important is whether there are significant local emissions sources. The dominant source of nitrogen emissions is road traffic. However other combustion sources such as commercial and industrial fossil fuel heating systems can also contribute.

Nitrogen dioxide is a relatively stable gas in the atmosphere and so nitrogen dioxide can travel large distances, meaning that NO₂ produced elsewhere can contribute to background concentrations in Newcastle under Lyme, and vice versa.

Meteorological factors can also have a significant influence. Relatively strong winds and strong sunlight can tend to disperse or cause chemical breakdown of NO₂. On the other hand, atmospheric inversions can inhibit dispersion, and cold weather can encourage people to turn on their heating and travel by car rather than walk – both of which adds to nitrogen dioxide emissions.

These variable factors means that monitoring of nitrogen dioxide must take place over a long timescale, often years, to develop a meaningful idea about trends in air quality.

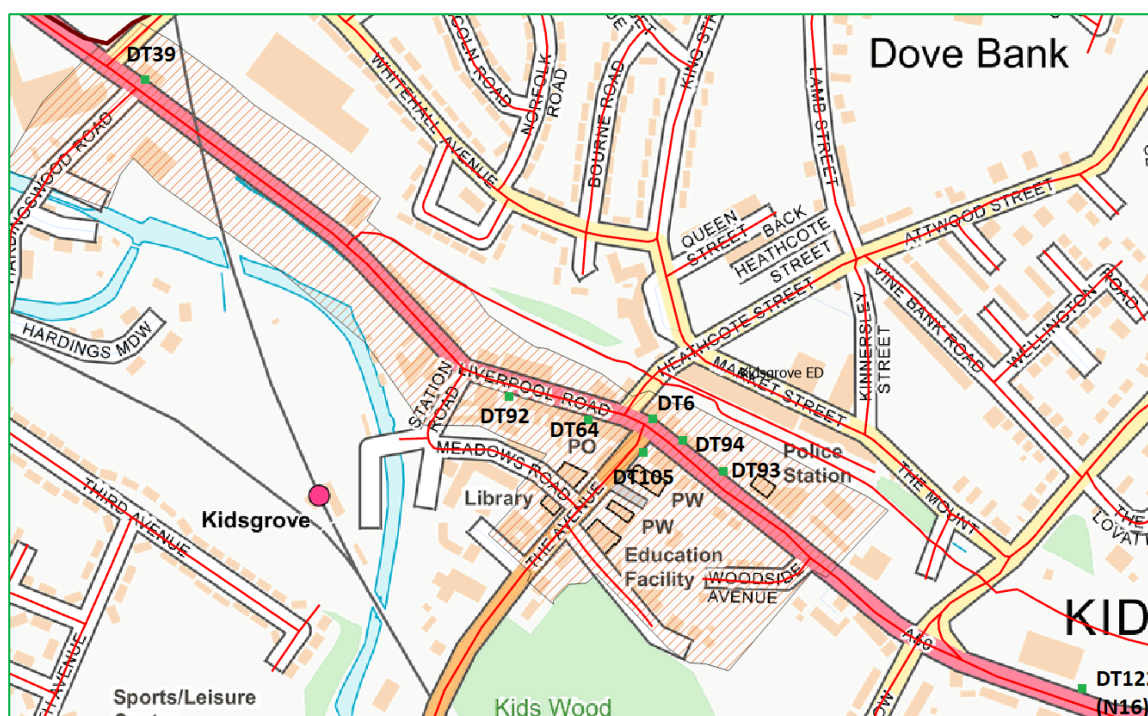
Trends in some of these factors over the past decade are illustrated in the following section of this report.

Monitoring Data in the AQMA

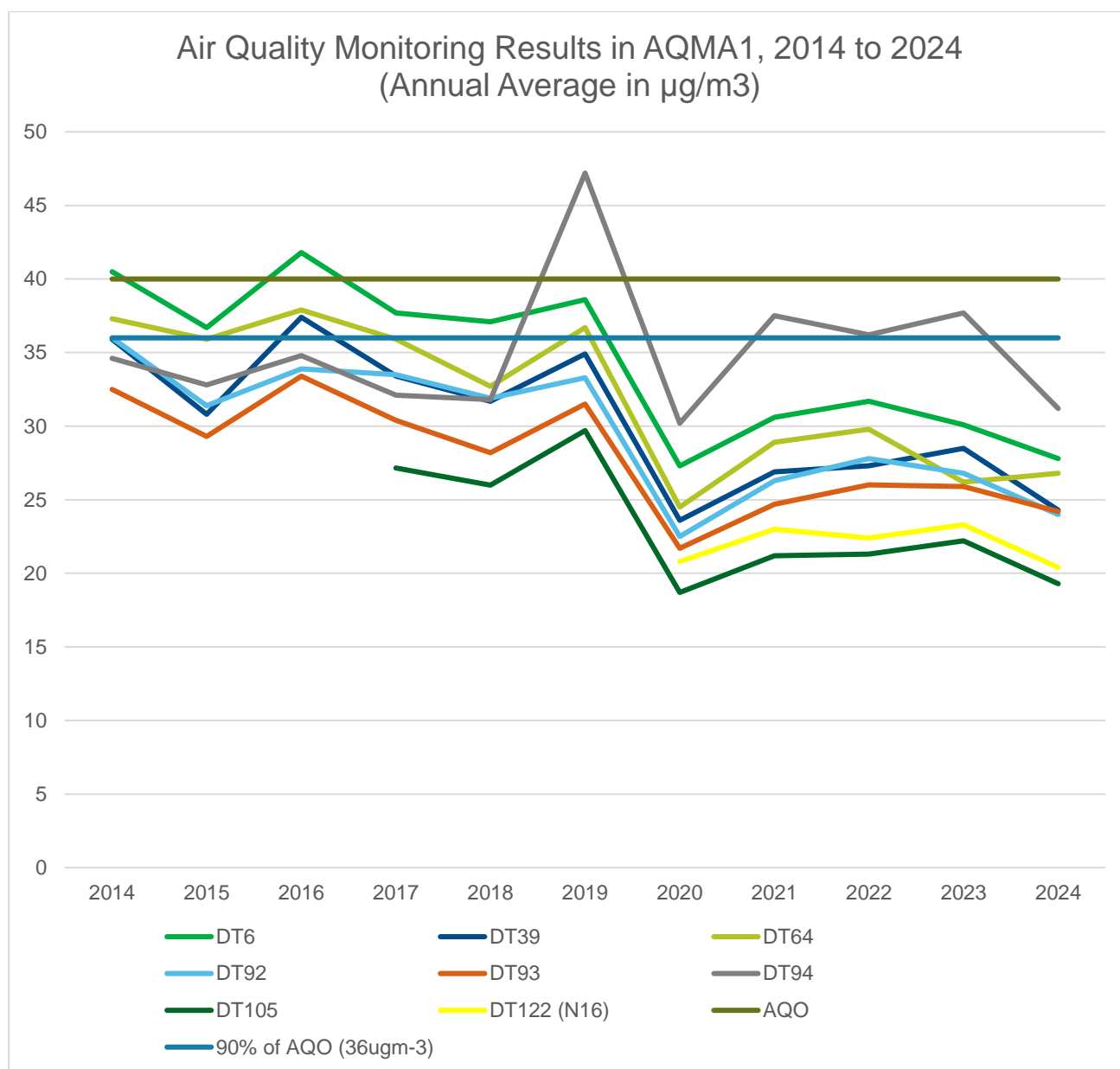
The Borough Council has been monitoring air quality at various locations in Kidsgrove for a number of years. The locations where we monitor air quality are chosen to represent worst-case exposure to traffic emissions and to provide the best representation of where residents are exposed to these emissions over the course of a full year. Usually this means monitoring air quality close to the façade of residential dwellings.

Figure 3 shows a map of the long-term monitoring locations in and near the Kidsgrove AQMA.

The monitoring data from the various monitoring locations in and near the Kidsgrove AQMA is shown in **Error! Reference source not found.**⁴ and presented in Table 1 for the calendar years 2014 to 2024.

Figure 3 - Map of monitoring locations - AQMA 1: Kidsgrove**Table 1 Air Quality Monitoring Results in AQMA1, 2014 to 2024**

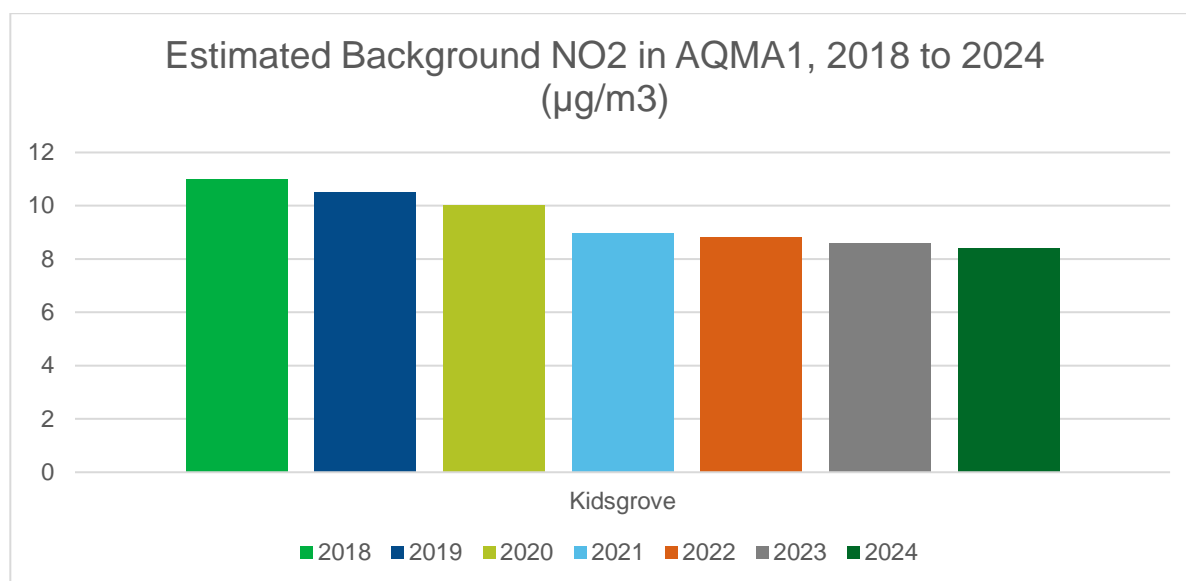
Location	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Reduction
DT6	40.5	36.7	41.8	37.7	37.1	38.6	27.3	30.6	31.7	30.1	27.8	31.4%
DT39	35.9	30.8	37.4	33.4	31.7	34.9	23.6	26.9	27.3	28.5	24.3	32.3%
DT64	37.3	35.9	37.9	35.9	32.7	36.7	24.5	28.9	29.8	26.2	26.8	28.2%
DT92	36	31.4	33.9	33.5	31.9	33.3	22.5	26.3	27.8	26.8	24.0	33.3%
DT93	32.5	29.3	33.4	30.4	28.2	31.5	21.7	24.7	26	25.9	24.2	25.5%
DT94	34.6	32.8	34.8	32.1	31.8	47.2	30.2	37.5	36.2	37.7	31.2	9.8%
DT105	-	-	-	27.15	25.99	29.7	18.7	21.2	21.3	22.2	19.3	28.9%
DT122 (N16)	-	-	-	-	-	-	20.8	23	22.4	23.3	20.4	1.9%

Figure 4 Air Quality Monitoring Results in AQMA1, 2014 to 2024

Background Estimated NO_2 in the AQMA

Each year the Department for the Environment, Farming and Rural Affairs (DEFRA) publish estimates of background air quality for each 1km square across the UK.

The published estimated background concentrations of NO_2 in the AQMA are shown in Figure 5.

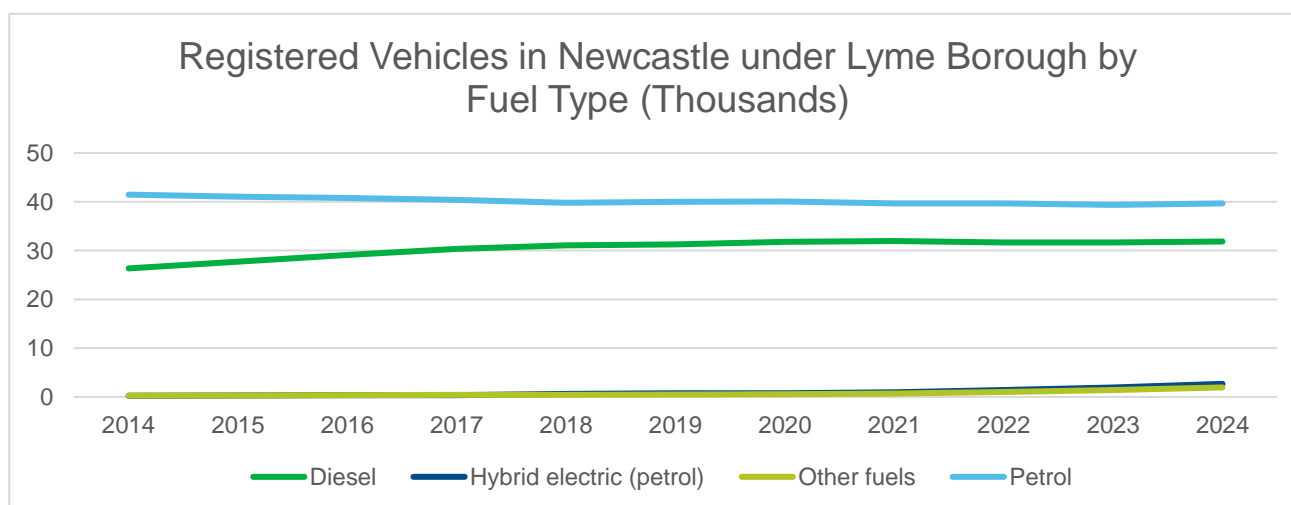
Figure 5 Estimated Background NO₂ in AQMA1, 2014 to 2023

Changing Vehicle Types

DVLA publish data each quarter about the number of registered vehicles by vehicle type, fuel type and keepership. The published data of the total number of vehicles registered in Newcastle under Lyme Borough by fuel type is shown in Table 2 and Figure 6.

Table 2 Registered Road Vehicles by Fuel Type in Newcastle under Lyme Borough

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Diesel	38.6%	39.9%	41.2%	42.4%	43.2%	43.1%	43.5%	43.6%	43.0%	42.6%	41.9%
Hybrid electric	0.4%	0.4%	0.5%	0.5%	0.8%	1.0%	1.0%	1.3%	1.9%	2.6%	3.5%
Other fuels	0.4%	0.4%	0.5%	0.6%	0.6%	0.7%	0.8%	1.0%	1.4%	1.9%	2.6%
Petrol	60.7%	59.2%	57.8%	56.5%	55.3%	55.2%	54.8%	54.1%	53.8%	52.9%	52.1%

Figure 6 Registered Road Vehicles by Fuel Type in Newcastle under Lyme Borough

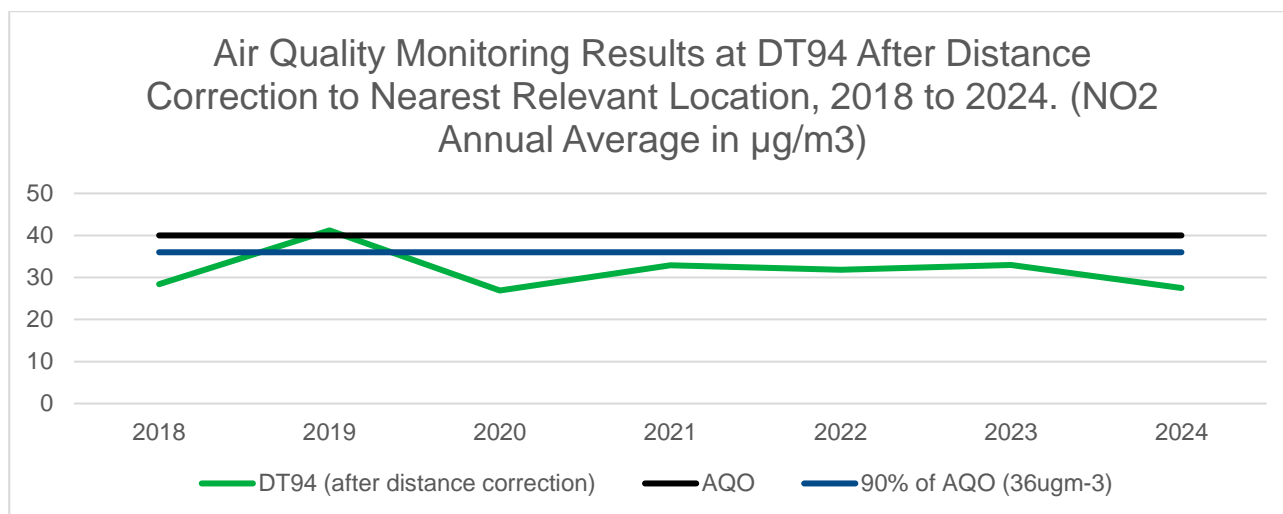
Conclusions

The air quality monitoring data summarised in Figure 4 and Table 1 illustrates the following key findings:

- There was a significant improvement in air quality in 2020 as a direct result of the restrictions in movement due to Covid-19 and the resulting reduction in traffic volumes. These restrictions also occurred to a lesser extent in 2021, and this is shown in relatively low air quality concentrations within monitoring results in 2020.
- Other than at DT94 (which is discussed below), air quality monitoring results in 2022 did not return to the levels measured pre-Covid, and the results in 2023 and 2024 appear to show a clear and sustained downward trend.
- Since 2017, only one location *appears* to have exceeded the annual mean air quality objective, namely DT94 (located at 116 Liverpool Road) in 2019. However, on further investigation, it has been identified that this diffusion tube was moved from the façade to the roadside in 2019, i.e. much closer to the road. Therefore, the concentration at the façade would be much lower than reported in figure 4 and the reductions observed since 2014 seen elsewhere would also have been achieved at DT94 if it had remained in the original location.
- There has been a downward trend in measured NO₂ at all monitoring locations in Kidsgrove since 2014 (or since monitoring began in the cases of DT105 and DT122). The greatest reduction, 33.3%, was observed at monitoring location DT92 which is at the terraced row of shops on the south side of Liverpool Road between the junctions with Station Road and Heathcote Street.
- The measured NO₂ at all monitoring locations in Kidsgrove have all remained consistently lower than the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³ since 2020. This is important because statutory guidance published by DEFRA states that "*There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period.*" (LAQM TG22, para 3.57, page 50). Therefore, revocation of an AQMA should be required where there is five consecutive years evidence that air quality is consistently lower than the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³.

Distance correction calculations have been conducted in relation to the monitoring results obtained at DT94 to predict the concentration of NO₂ at the façade of the nearby houses. These concentrations are shown in Figure 7,

Figure 7 – Air Quality Monitoring Results at DT94 After Distance Correction to the Nearest Relevant Receptor 2018 to 2024.



After distance correction, the measured NO₂ at DT94 at a relevant location, rather than roadside is shown to have been less than 36µg/m³ since 2020. This is important because statutory guidance published by DEFRA states that “*Due to the inherent uncertainties of dispersion modelling, consideration should be given to predicted concentrations being 10% below the relevant objective before an amendment or revocation of an AQMA is completed*” (LAQM TG22 para 3.53) and revocation of an AQMA should be considered where there is robust evidence that air quality is consistently 10% lower than the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³ for 3 consecutive years (LAQM TG22 para 3.57). As shown in figures 4 and 7, concentrations of NO₂ across all sites have been more than 10% lower than the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³ (i.e. less than 36µg/m³) at relevant locations for five years.

The registered vehicle numbers in Table 2 and Figure 6 show that that diesel and petrol vehicles, both of which emit NO₂ in their exhaust gases, still dominate the make up of the vehicle fleet in the Borough of Newcastle under Lyme, but it can be seen that hybrid electric and other fuels are rapidly forming a significant proportion of the fleet. Hybrid electric and other fuels have increased from 1.8% of the fleet in 2020 (1,277 vehicles) to 6.1% of the fleet in 2024 (4,628 vehicles) and this rapid increase is expected to continue. It is therefore anticipated that the amount of NO₂ emitted from vehicles in the area is unlikely to increase in the future.

Given that there is an ongoing downward trend shown by monitoring within Kidsgrove, the background NO₂ levels are falling, there is a continued modernisation of the vehicles using the road network and that the existing monitored NO₂ levels have been more than 10% lower than the annual mean Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³ at relevant locations for five years, we are confident that the compliance with the Air Quality Objective within AQMA 1 Kidsgrove will be sustained.

We have presented these results to central government, and they agree that the most proportionate way forward is to revoke the Air Quality Management Order which applies to Kidsgrove.

The Borough Council is therefore considering whether it is appropriate to revoke the AQMA 1: Kidsgrove.

The purpose of this Revocation Report is therefore:

1. To provide stakeholders and interested parties with the most up to date evidence about air quality within the geographical area of the Kidsgrove AQMA.
2. To set out the legal, environmental, economic and social implications of revoking or not revoking the AQMA.
3. To seek stakeholder views, based on the evidence provided about whether revoking the AQMA is the right course of action.

4 Implications of revoking the Air Quality Management Order

The revocation of the Order is a process which is set out in law (Part IV of the Environment Act 1995). In practice it will make no difference to the work we are doing to make the air in the Borough of Newcastle cleaner.

We Remain Committed to:

- Continuing to monitor air quality in Kidsgrove, and across the rest of the Borough, particularly in support of the Kidsgrove Town Bid project.
- Continuing our work, and that of our partner agencies such as Staffordshire County Council, to improve air quality.

In parallel with this review of the Kidsgrove AQMA, we have also prepared a revised draft Air Quality Action Plan, which is planned to go to consultation later in 2025. This revised draft not only considers more recent evidence and potential action to reduce NO₂, but also considers opportunities to link the Action Plan with local net zero ambitions and also to consider measures to reduce emissions of and exposure to respirable particulate (also known as PM₁₀ and PM_{2.5}), both of which have emerged in the last few years as airborne pollutants of increasing concerns to medical experts.

5 Purpose of the Consultation

We are writing to you both to notify you on our intention to revoke the AQMA and also to invite feedback should you think there are any other factors that need to be considered.

If you wish to make any representation with regards to these proposals, please email us with your comments at Environmental Health at Environmental_Health@newcastle-staffs.gov.uk by **6th August, 2025**.

In particular, we would appreciate your views on the following questions:

1. Do you think that the current evidence supports the revocation of the Kidsgrove AQMA?
Yes / No. If 'No', could you please explain why.
2. What further evidence do you think is necessary to support the revocation of the Kidsgrove AQMA?
3. What measures do you think need to be considered to sustain air quality improvements in Kidsgrove?

6 What Happens Next?

We begin a 4-week Statutory Consultation – **9th July, 2025**.

Feedback from the consultation will be summarised in a report to the Council's Licensing and Public Protection Committee prior to the next meeting on 19th August, 2025. This Committee will make the decision about whether or not to revoke the AQMA.

The AQMA will be revoked if the Committee approves the revocation and after the Council signs, and seals, a Revocation Order.

The Committee report and decision and (if issued) the Revocation Order will be published on the Council website.

References and Papers

- Newcastle-under-Lyme Borough Council Air Quality Action Plan (2019-2024) at <https://moderngov.newcastle-staffs.gov.uk/documents/s28367/4%20App%20AQAP%202019-2024.pdf>
- Newcastle-under-Lyme Borough Council Annual Status Reports at <https://www.newcastle-staffs.gov.uk/protection/air-quality-management>
- Air Quality Management Areas (AQMAs) at <https://uk-air.defra.gov.uk/aqma/>
- Air Quality Hub & LAQM at <https://laqm.defra.gov.uk/air-quality-hub/>
- Local Air Quality Management Technical Guidance LAQM.TG22. 2022. Published by Defra in partnership with the Scottish Government, Welsh Assembly Government and Department of the Environment Northern Ireland.
- DEFRA guidance documents at <https://laqm.defra.gov.uk/guidance/>

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO Licensing and Public Protection Committee

19 August 2025

Report Title: **Revocation of the Maybank, Wolstanton & Porthill Air Quality Management Area**

Submitted by: Service Director- Regulatory Services

Portfolios: Sustainable Environment

Ward(s) affected: Bradwell, Wolstanton and Maybank

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To advise on the outcome of a four week consult on the making of an Order under the Environment Act 1995 to revoke the Maybank, Wolstanton & Porthill Air Quality Management Area and to recommend that the revocation order is accepted and confirmed.			
<u>Recommendation</u> That Committee approves the Air Quality Management Area Number 3 - Maybank, Wolstanton & Porthill - Revocation Order 2025 and for this to take effect from 20th August 2025.			
<u>Reasons</u> Monitoring of Nitrogen Dioxide (NO ₂) concentrations against the prescribed annual mean objective shows that there has been no exceedance within the last ten years (and that they have been substantially below since 2020). Therefore, the Department for Environment, Food & Rural Affairs (DEFRA) has advised the Council to revoke this Air Quality Management Area.			

1. Background

- 1.1 Part IV of the Environment Act 1995 introduced a requirement on all local authorities to carry out duties in relation to local air quality management. All local authorities are obliged to regularly review and assess air quality in their areas, and to determine whether the air quality objectives for different pollutants are likely to be achieved.
- 1.2 Where it is likely that air quality levels are such that certain pollutants are above specified levels the Local Authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
- 1.3 Air quality objectives have been set for 7 pollutants, but only Particulate Matter (PM₁₀ and PM_{2.5}) Nitrogen Dioxide (NO₂) are seen as a potential problem in most locations in the U.K.
- 1.4 In 2015, an AQMA was declared in Maybank, Wolstanton & Porthill as required by duties prescribed in the Environment Act 1995. The AQMA was declared due to a likely breach of the annual mean Nitrogen Dioxide national air quality objective of 40 µg/m³. This was

due to presence of residential receptors which presented relevant exposure in adjacent to busy roads.

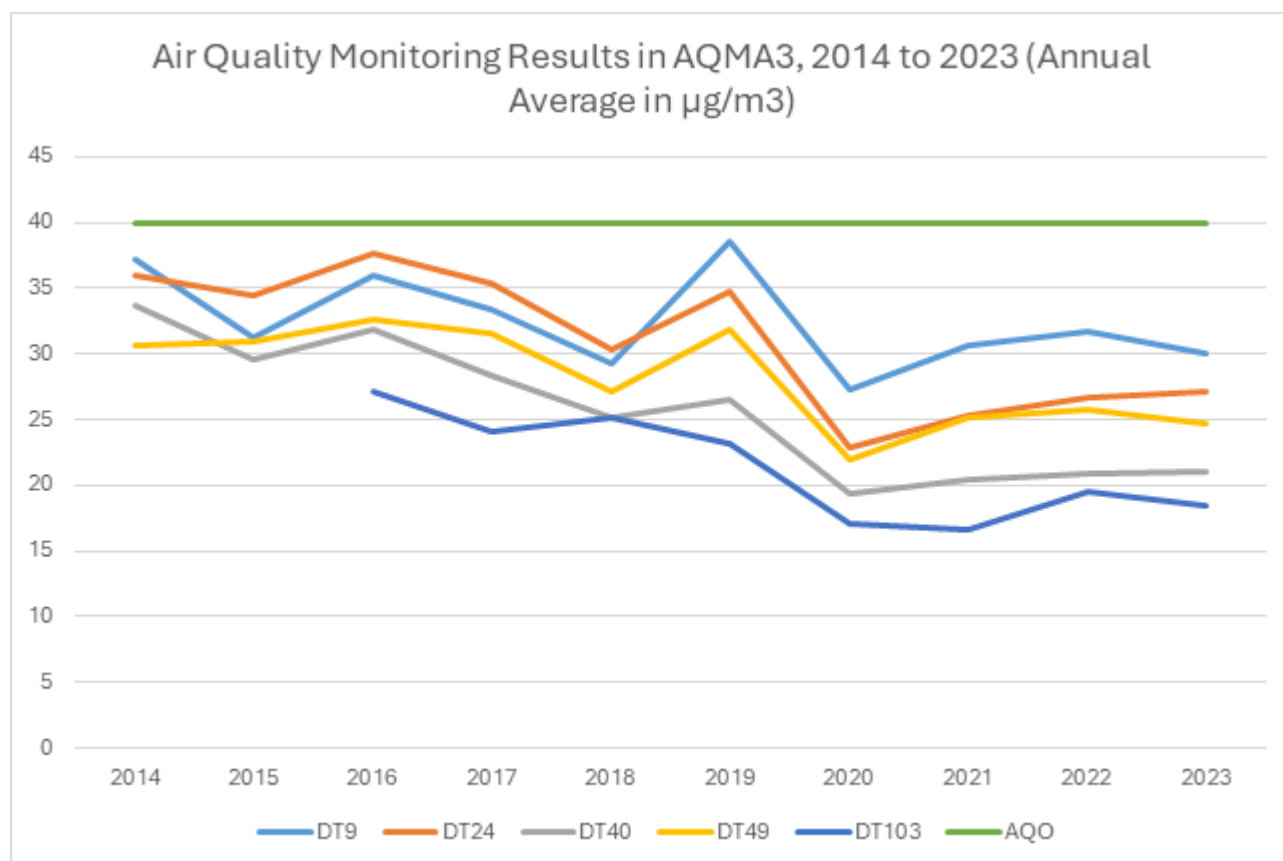
2. Issues

- 2.1 Historically, air quality in this location was impacted by emissions from road traffic vehicles which added to high background concentrations of NO₂.
- 2.2 The Borough Council has been monitoring air quality at various locations within the Maybank-Wolstanton-Porthill for a number of years. The locations where we monitor air quality were chosen to represent worst-case exposure to traffic emissions and to provide the best representation of where residents are exposed to these emissions over the course of a full year.
- 2.3 The concentration of nitrogen dioxide has significantly reduced, and has been consistently below the 40 µg/m³ standard since 2014, as shown in the Table 1 and Graph 1 below

Table 1 - Air Quality Monitoring Results in AQMA3, 2014 to 2023

Location	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Reduction
DT9	37.2	31.3	36	33.4	29.3	38.6	27.3	30.6	31.7	30.1	19.1%
DT24	35.9	34.5	37.7	35.3	30.4	34.8	22.9	25.3	26.7	27.1	24.4%
DT40	33.7	29.5	31.8	28.3	25.2	26.5	19.4	20.5	20.9	21.1	37.4%
DT49	30.6	30.9	32.6	31.5	27.2	31.9	21.9	25.1	25.7	24.7	19.4%
DT103	-	-	27.1	24.1	25.1	23.1	17.1	16.6	19.5	18.5	31.8%

Graph 1 - Air Quality Monitoring Results in AQMA3, 2014 to 2023



- 2.4 The measured NO₂ concentrations observed within the Maybank-Wolstanton-Porthill AQMA have been less than 36µg/m³ since 2020 at all monitoring locations. Statutory guidance published by DEFRA states that “Due to the inherent uncertainties of dispersion modelling, consideration should be given to predicted concentrations being 10% below the relevant objective before an amendment or revocation of an AQMA is completed” (LAQM TG22 para 3.53), and, revocation of an AQMA should be considered where there is robust evidence that air quality is consistently 10% lower than the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³ for 3 consecutive years (LAQM TG22 para 3.57).
- 2.5 Due to the prolonged period that the concentrations have been significantly below the Air Quality Objective within the AQMA, the service is confident that the reduction is permanent and not due to annual variations arising from factors such as meteorological conditions.
- 2.6 The reduction in NO₂ concentration is due to a combination of:
 - a decrease in the background concentration of NO₂, and,
 - an increased uptake of lower emission vehicles.

We are therefore confident that the compliance with the Air Quality Objective within Air Quality Management Area Number 3 - Maybank, Wolstanton, Porthill will be sustained.
- 2.7 The Department for Environment Food and Rural Affairs (DEFRA) has advised that the AQMA could be revoked following submission of the Council’s Annual Status Reports.
- 2.8 Between 1st March 2025 and 1st April 2025, your officers formally consulted with the public and a number of relevant organisations and interested parties in relation to the proposed revocation.
- 2.9. No objections to the proposal to revoke the Maybank, Wolstanton and Porthill AQMA were received. No responses were received during the consultation period but one representation was received shortly afterwards. This suggested that:
 - congestion would remain post revocation as traffic numbers have not decreased,
 - asked when the county council and Church of England would manage school traffic,
 - stated that on street parking aggravated congestion, and,
 - asked that bus gate upon Basford Bank is resisted.
- 2.10 Given the previous advice from DEFRA and in consideration of the nitrogen dioxide monitoring results, it is considered appropriate for the Council to make an order under section 83(2)(b) of the Environment Act 1995 to revoke this AQMA. This order is produced in Appendix 1.
- 2.11 More detail regarding the work carried out to monitor, and understand, the air quality within the AQMA is given within the consultation report provided within appendix 2.

3. **Recommendation**

- 3.1 That Committee approves the Air Quality Management Area Number 3 - Maybank, Wolstanton and Porthill Revocation Order and for this to take effect from the 20th August 2025.

4. Reasons

- 4.1 There has been a gradual reduction in the concentration of NO₂ over the last decade within the Maybank, Wolstanton and Porthill Air Quality Management Area and has been consistently more than 10% below the National Air Quality Objective since 2020.
- 4.2 This was reported in recent Annual Status Reports upon Air Quality and DEFRA has advised that the AQMA should now be considered for revocation.
- 4.3 The monitoring data has been evaluated by DEFRA.
- 4.4 The reasons for the reduction in NO₂ concentrations are understood and there is no reason to believe that air quality in this area will exceedance the current relevant air quality objective within the future.
- 4.5 It is therefore recommended that the Air Quality Management Area Number 3 - Maybank, Wolstanton and Porthill be revoked and the revocation order (given within Appendix 1) be made.

5. Options Considered

- 5.1 The only alternative would be to retain the AQMA. However, this would prolong any potential adverse impact upon property values, and potentially deter future development, within the area of the AQMA.

6. Legal and Statutory Implications

- 6.1 The Environment Act 1995, Part IV places an obligation on Local Authorities to assess and manage local air quality with the intention of ensuring compliance with relevant regulations Technical and Policy Guidance made under Part IV of the Environment Act 1995.
- 6.2 The Council is required to revoke a designated Air Quality Management Area where it can be robustly demonstrated that the prescribed pollutant achieves ongoing compliance with regulations made under Part IV of the Environment Act 1995. Before doing so, the Council must formally consult with relevant stakeholders.

7. Equality Impact Assessment

- 7.1 There are no impacts on equality arising from revocation of the AQMA.

8. Financial and Resource Implications

- 8.1 There are no direct financial or resource implications for the Council arising from the recommendations of with costs associated with the administration of the revocation of the AQMA being met from the service budget.

9. Major Risks & Mitigation

- 9.1 A specific GRACE risk assessment has been prepared for this line of work. Those considered to be the most significant are identified below. Appropriate controls are in place to reduce these risks from being realised.

9.2 Failure to have adequate controls in place to enable the council to comply with its legal obligations under Part IV of the Environment Act 1990 could see the Council being formally Directed by the relevant minister to undertake any of the actions they see fit, in line with the Act.

9.3 Public bodies including local Authorities may also be subject to legal action for breach of a person's human rights specifically Article 2 Right to Life and Article 8: Respect for your private and family life.

10. UN Sustainable Development Goals (UNSDG)

10.1 The following Un sustainable goals are relevant.



11. One Council

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

One Commercial Council ☐

We will make investment to diversify our income and think entrepreneurially.

One Digital Council ☒

We will develop and implement a digital approach which makes it easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

One Sustainable Council ☒

We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle

12. Key Decision Information

12.1 This is not a Key Decision.

13. Earlier Cabinet/Committee Resolutions

13.1 Licensing & Public Protection Committee 22nd December 2014
<https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=123&MID=2287> .

14. List of Appendices

Appendix 1 - Proposed Revocation Order.
 Appendix 2 - Consultation Report for the Revocation of the Air Quality Management Area
 Number 3 - Maybank, Wolstanton, Porthill

15. Background Papers

15.1 Environment Act 1995 – Part IV <https://www.legislation.gov.uk/ukpga/1995/25/part/IV>

15.2 Local Air Quality Management Technical Guidance (LAQM.TG.22) Available at
<https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf>

15.3 Air Quality Reports completed available from
<https://www.newcastlestaffs.gov.uk/protection/air-quality-management/>

Appendix 1 – Proposed Revocation Order.



ENVIRONMENT ACT 1995 PART IV SECTION 83(2)(b)

Air Quality Management Revocation Order

Air Quality Management Area Number 3 - Maybank, Wolstanton and Porthill

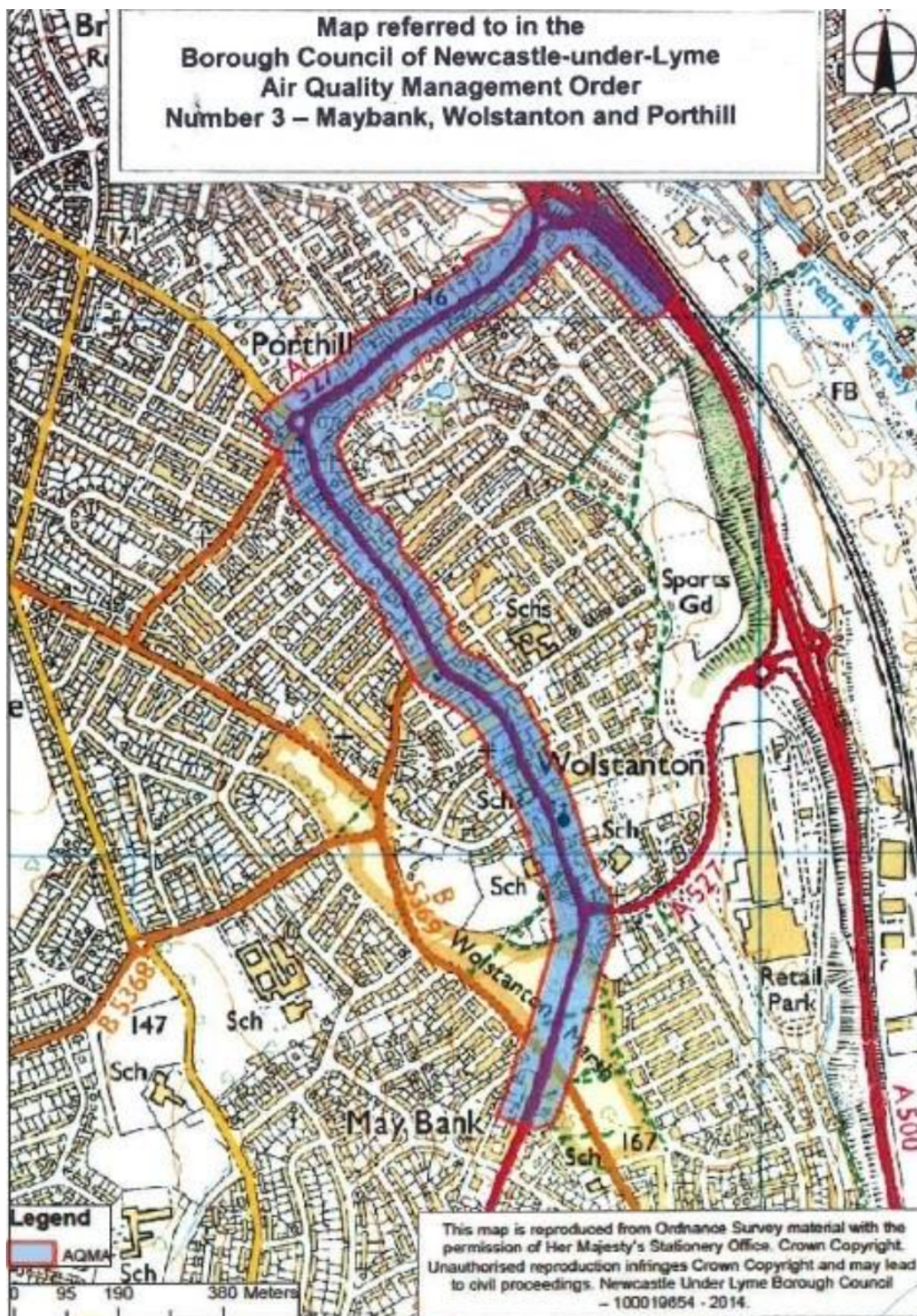
Newcastle-under-Lyme Borough Council, in exercise of the powers conferred on it by the Section 83(2)(b) of the Environment Act 1995 **HEREBY** makes the following order:-

1. *As it has been evidenced that there is no longer a likely breach of the annual mean nitrogen dioxide national objective level of $40\mu\text{g}/\text{m}^3$ at relevant receptors within Air Quality Management Area Number 3 - Maybank, Wolstanton and Porthill.*
2. *This order shall therefore revoke 'Air Quality Management Order 3 - Maybank, Wolstanton and Porthill' which came into effect on the 15th January 2015*
3. *The air quality management area to be revoked is shown shaded in blue, and edged in red, upon the map appended herewith at appendix 1.*

This Order came into force on the 20th August, 2025.

EXECUTED as a DEED
By affixing the Common Seal
of THE BOROUGH COUNCIL OF
NEWCASTLE UNDER LYME

In the presence of
Councillor
Authorised Signatory
Dated



Councillor
Authorised Signatory
Dated



Consultation Report for the Revocation of the Maybank, Wolstanton, Porthill AQMA

In fulfilment of Part IV of the Environment Act 1995
Local Air Quality Management

Date: February 2025

Information	Newcastle-under-Lyme Borough Council Details
Local Authority Officer	Rob Thomas (Environmental Protection Team)
Department	Environmental Protection, Regulatory Services
Address	Newcastle-under-Lyme Borough Council Castle House Barracks Road Newcastle under Lyme ST5 1SR
Telephone	01782 717717
E-mail	environmental_health@newcastle-staffs.gov.uk
Report Reference Number	AQMA RP- Maybank, Wolstanton, Porthill
Date	25 th February, 2025

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2	Historical Air Quality in Maybank, Wolstanton & Porthill	5
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4	Implications of revoking the Air Quality Management Order.....	14
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Figures

Figure 1. AQMA 3 - Maybank, Wolstanton, Porthill Areas

Figure 2 Percentage contribution to the annual mean NO₂ concentration in Porthill Bank

Figure 3 Percentage contribution to the annual mean NO₂ concentration in May Bank High Street

Figure 4 - Map of monitoring - AQMA 3: Maybank, Wolstanton, Porthill

Figure 5 Air Quality Monitoring Results in AQMA3, 2014 to 2023

Figure 6 Estimated Background NO₂ in AQMA3, 2014 to 2023

Figure 7 Registered Road Vehicles by Fuel Type in Newcastle under Lyme Borough

1 Background Information

Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children, the elderly, and those with existing heart and lung conditions. There is also often a strong correlation with equalities, because areas with poor air quality are also often less affluent areas^{1,2}. Newcastle-under-Lyme Borough Council has been taking action to reduce air pollution across the borough to reduce risk to human health and the environment as a whole.

Under the Environment Act 1995 all District and Borough local authorities (often called ‘second tier’ Councils) are obliged to review and assess air quality in line with the Government’s air quality strategy. The Department for Environment, Food and Rural Affairs (DEFRA) has the national lead, and closely supervises the work of local authorities in relation to their air quality duties.

The National Air Quality Strategy sets out Air Quality Objectives for certain pollutants and local authorities are required to ensure that these objectives are met.

These Air Quality Objectives consist of

- concentrations for each particular air pollutant which are considered to be acceptable in terms of what is scientifically known about the effects of each pollutant on health and on the environment,
- an averaging period for each air pollutant,
- a compliance date by which the Objective should be achieved.

Where there is evidence that there will be sustained exceedances of one or more Air Quality Objective, then the second-tier authority has a legal duty to declare an Air Quality Management Area (AQMA).

¹ Public Health England. Air Quality: A Briefing for Directors of Public Health, 2017

² Defra. Air quality and social deprivation in the UK: an environmental inequalities analysis, 2006

Newcastle-under-Lyme Borough Council has been assessing air quality across the Borough for more than 20 years and publishing regular annual reports on progress with this. Copies of the annual reports can be found in the [Air Quality Management section](#) of the Borough Councils website.

Previously, air quality monitoring data from the Borough Councils network of monitoring locations led to the conclusion that the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³ (micrograms per cubic meter) measured as an annual mean was being exceeded in four discrete areas of the Borough, namely:

- Liverpool Road, Kidsgrove
- Newcastle-under-Lyme Town Centre
- Maybank-Wolstanton-Porthill
- Little Madeley; which revocation is subject of this report.

The dominant source of nitrogen dioxide emissions in each of these areas was road traffic.

An AQMA, Air Quality Management Area 3, was declared on the 15th January 2015 in relation to parts of Maybank, Wolstanton and Porthill. The area covered by this AQMA is illustrated in Figure 1.

AQAM Revocation report 2024



2 Historical Air Quality in Maybank, Wolstanton & Porthill

Detailed analysis of air quality in the Maybank, Wolstanton, Porthill area during 2015 led to the following conclusions:

A combination of air quality monitoring and air quality dispersion modelling calculated that 104 households (residential properties) were predicted to be exposed to airborne concentrations of nitrogen dioxide (NO₂) above 40µg/m³ averaged over a calendar year. These properties were concentrated at the bottom of Porthill Bank / Vale View and in May Bank, High Street.

The biggest single source of NO₂ was identified as being 'background' which was identified as contributing between 41 – 44% of all NO₂. The total concentration of a pollutant comprises those from explicit local emission sources such as roads, chimneystacks, etc., and those that are transported into an area by the wind from further away. If all the local sources were removed, all that would remain is that which comes in from further away; it is this component that is called 'background'.

The biggest single 'local' sources of NO₂ were identified as being from

- Cars (22 – 23%)
- Buses (10 – 11%)
- Heavy Goods Vehicles (6%)
- Light Goods Vehicles (5-6%)

Figure 2 Percentage contribution to the annual mean NO₂ concentration in Porthill Bank

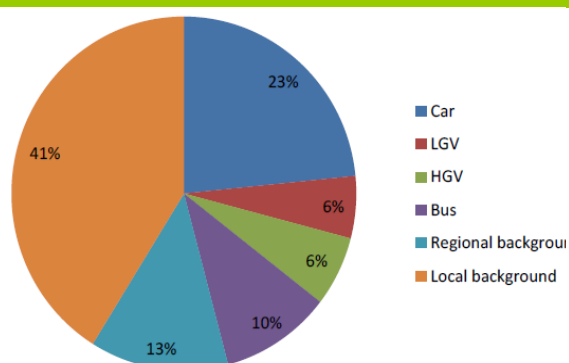
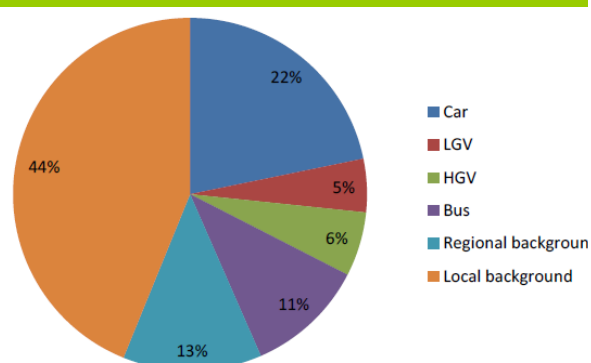


Figure 3 Percentage contribution to the annual mean NO₂ concentration in May Bank High Street



The relatively high contribution of local traffic emissions at Porthill Bank were due to traffic congestion particularly at peak periods, traffic volume and low speeds, as well as increased engine loading due to the terrain. The contribution at May Bank High Street was due to the influence of the traffic lighted road junction, the puffin crossing serving the shops and local car park, as well as the high traffic volume and relatively low traffic speeds.

It was established that it would be necessary to reduce local traffic emissions by 9.5%, in order to meet the Air Quality Objective for NO₂, and an Air Quality Action Plan (AQAP) was published in 2015 to work towards this goal.

3 Recent Air Quality in Maybank, Wolstanton & Porthill

Since the declaration of the AQMA, the Borough Council has continued to monitor air quality within this AQMA and at many other locations to track the impact of national and local measures to improve air quality.

The presence of nitrogen dioxide in the air at a local level can be influenced by a number of factors. The most important is whether there are significant local emissions sources. The dominant source of nitrogen emissions is road traffic. However, other combustion sources such as commercial and industrial fossil fuel heating systems can also make a contribution.

Nitrogen dioxide is a relatively stable gas in the atmosphere and so nitrogen dioxide can travel large distances, meaning that NO₂ produced elsewhere can contribute to background concentrations in Newcastle under Lyme, and vice versa.

Meteorological factors can also have a significant influence. Relatively strong winds and strong sunlight can tend to disperse or cause chemical breakdown of NO₂. On the other hand, atmospheric inversions can inhibit dispersion, and cold weather can encourage people to turn on their heating and travel by car rather than walk – both of which adds to nitrogen dioxide emissions.

These variable factors mean that monitoring of nitrogen dioxide must take place over a long timescale, often years, in order to develop a meaningful idea about trends in air quality.

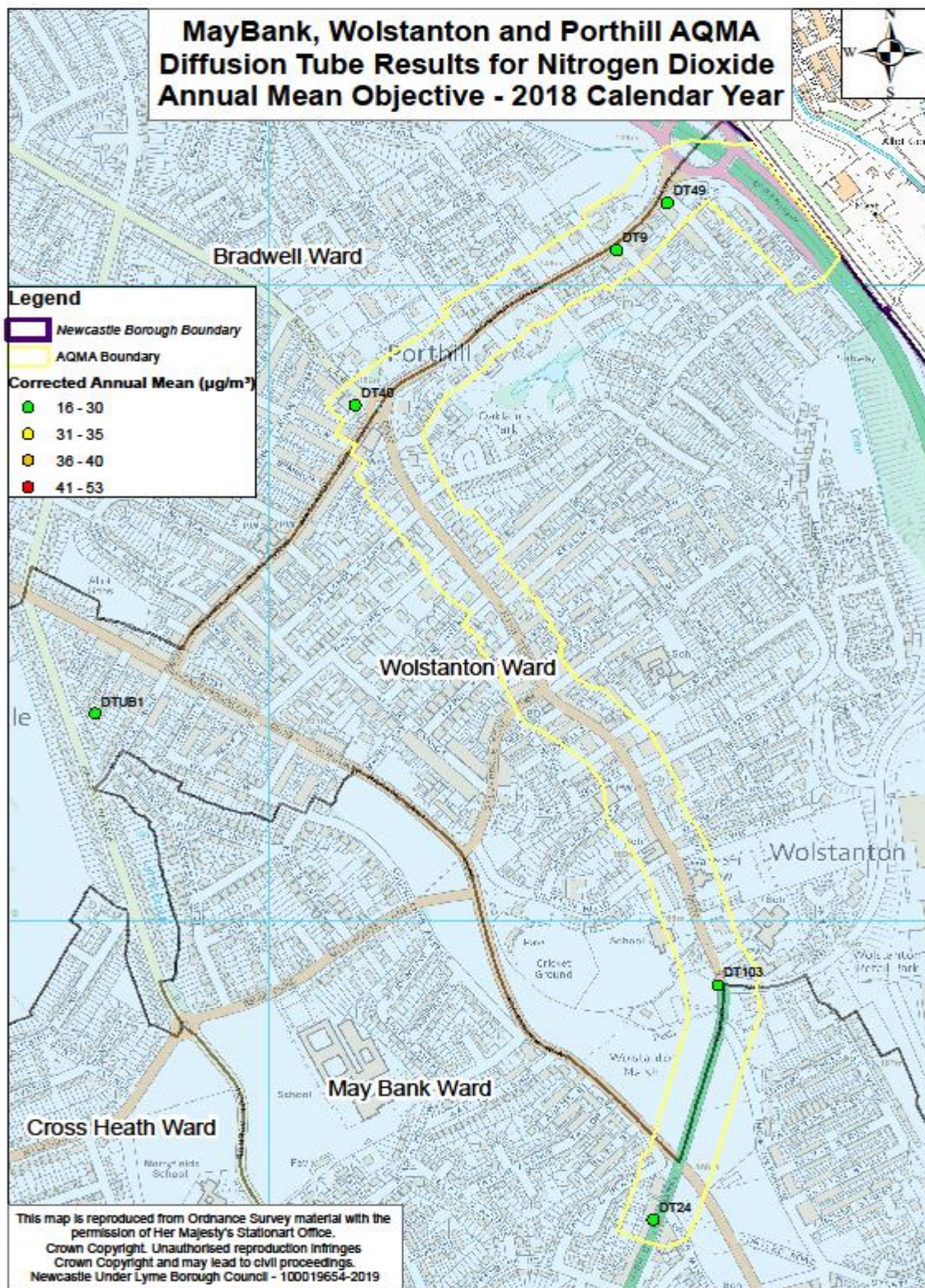
Trends in some of these factors over the past decade are illustrated in the following section of this report.

Air Quality Monitoring within the AQMA

The Borough Council has been monitoring air quality at various locations in the Maybank-Wolstanton-Porthill for a number of years. The locations where we monitor air quality are chosen to represent worst-case exposure to traffic emissions and to provide the best representation of where residents are exposed to these emissions over the course of a full year. Usually this means

monitoring air quality close to the façade of residential dwellings. Figure 4 is a map of the long-term monitoring locations in the Maybank-Wolstanton-Porthill AQMA.

Figure 4 - Map of monitoring - AQMA 3: Maybank, Wolstanton, Porthill



The monitoring data from the various monitoring locations in the Maybank-Wolstanton-Porthill AQMA is summarised in **Error! Reference source not found.5** and is presented in Table 1 for the calendar years 2014 to 2023.

Figure 5 Air Quality Monitoring Results in AQMA3, 2014 to 2023

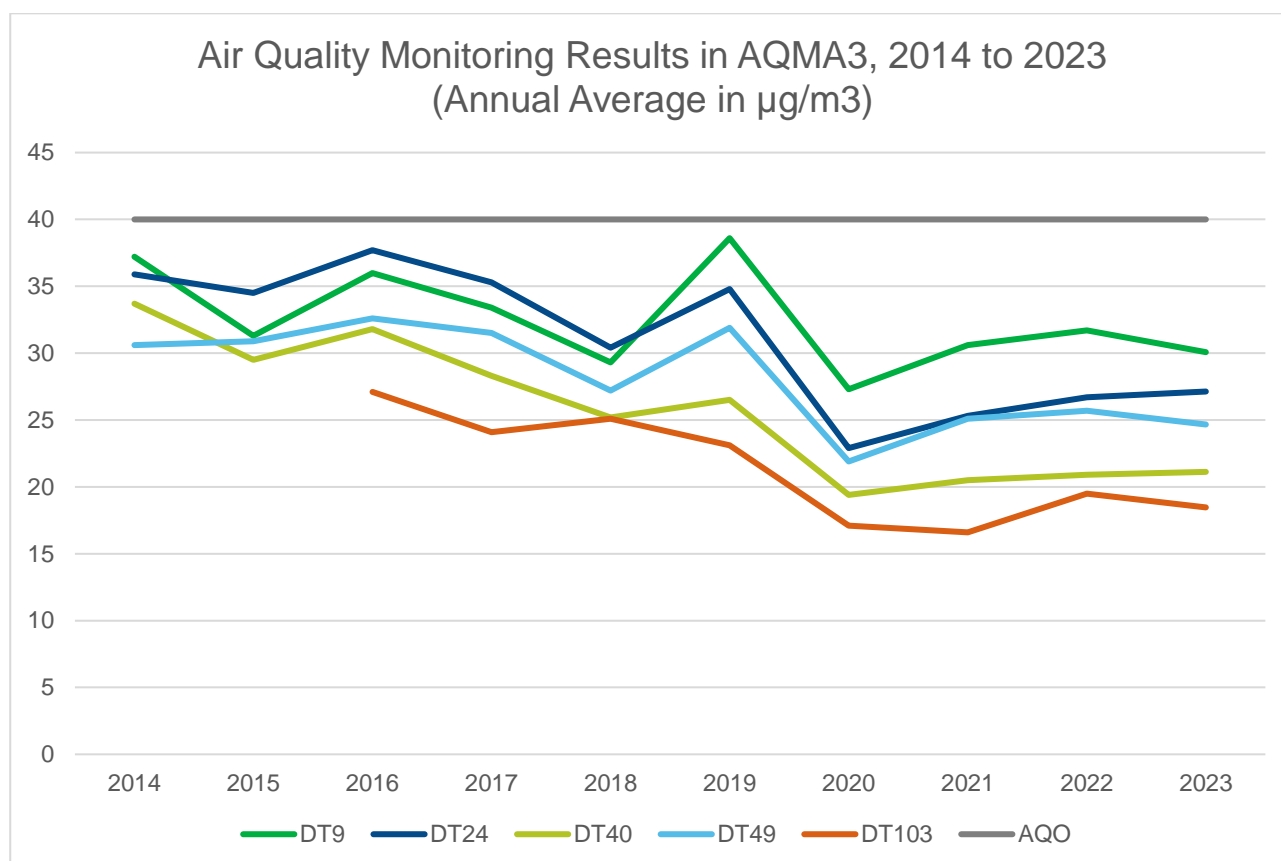


Table 1 Air Quality Monitoring Results in AQMA3, 2014 to 2023

Location	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Reduction
DT9	37.2	31.3	36	33.4	29.3	38.6	27.3	30.6	31.7	30.1	19.1%
DT24	35.9	34.5	37.7	35.3	30.4	34.8	22.9	25.3	26.7	27.1	24.4%
DT40	33.7	29.5	31.8	28.3	25.2	26.5	19.4	20.5	20.9	21.1	37.4%
DT49	30.6	30.9	32.6	31.5	27.2	31.9	21.9	25.1	25.7	24.7	19.4%
DT103	-	-	27.1	24.1	25.1	23.1	17.1	16.6	19.5	18.5	31.8%

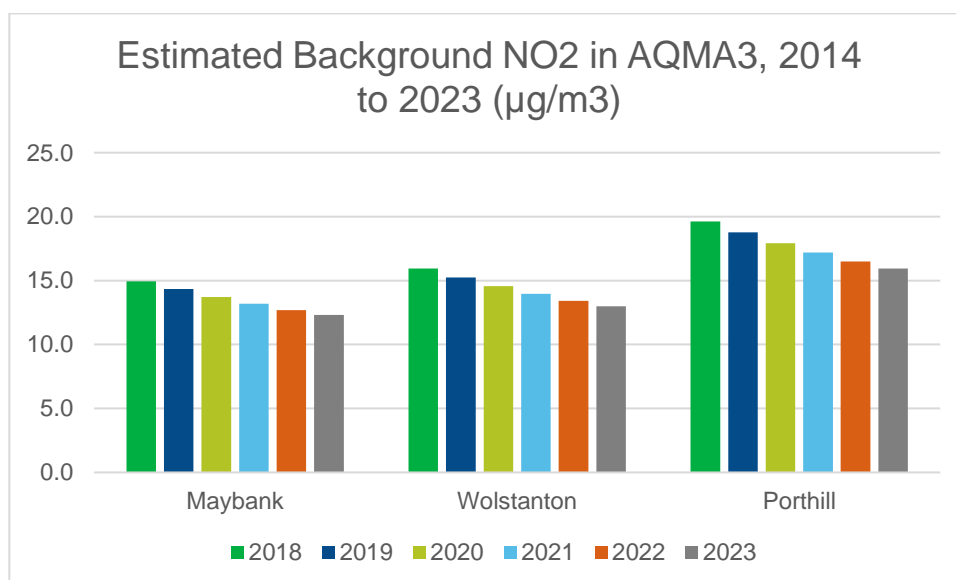
Estimated Background NO₂ in the AQMA

Data for 2024 has not been included within this report as it has yet to be ratified before publication. However, it appears to follow the trend above.

Each year the Department for the Environment, Farming and Rural Affairs (DEFRA) publish estimates of background air quality for each 1km square across the UK.

The published estimated background concentrations of NO₂ in the AQMA are shown in Figure 6.

Figure 6 Estimated Background NO₂ in AQMA3, 2014 to 2023



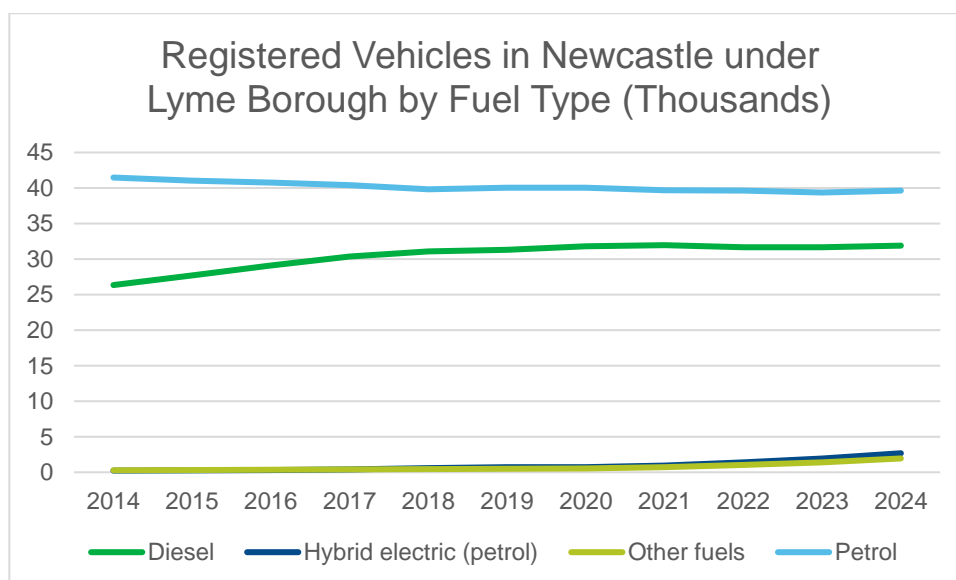
Changing Vehicle Types

DVLA publish data each quarter about the number of registered vehicles by vehicle type, fuel type and keepership.

The published data of the total number of vehicles registered in Newcastle under Lyme Borough by fuel type is shown in Table 2 and Figure 7.

Table 2 Registered Road Vehicles by Fuel Type in Newcastle under Lyme Borough

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Diesel	38.6%	39.9%	41.2%	42.4%	43.2%	43.1%	43.5%	43.6%	43.0%	42.6%	41.9%
Hybrid electric	0.4%	0.4%	0.5%	0.5%	0.8%	1.0%	1.0%	1.3%	1.9%	2.6%	3.5%
Other fuels	0.4%	0.4%	0.5%	0.6%	0.6%	0.7%	0.8%	1.0%	1.4%	1.9%	2.6%
Petrol	60.7%	59.2%	57.8%	56.5%	55.3%	55.2%	54.8%	54.1%	53.8%	52.9%	52.1%

Figure 7 Registered Road Vehicles by Fuel Type in Newcastle under Lyme Borough

Commentary

The air quality monitoring data in Figure 5 and Table 1 illustrates three key findings:

- Firstly, **there has been sustained decline in measured NO₂ at all monitoring locations in the Maybank-Wolstanton-Porthill AQMA since 2014.** The greatest reduction of 37.4% has been observed at monitoring location DT40 which is at the Porthill Road / High Street roundabout. The lowest reduction of 19.1% has been observed at monitoring location DT9, which is on the relatively steep stretch of road on Porthill Bank heading west from the A500 Porthill Roundabout.

- Secondly, the measured NO₂ at all monitoring locations in the Maybank-Wolstanton-Porthill AQMA have all remained consistently lower than the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³.
- Thirdly, the measured NO₂ at all monitoring locations in the Maybank-Wolstanton-Porthill AQMA have been less than 36µg/m³ since 2020. This is important because statutory guidance published by DEFRA states that “*Due to the inherent uncertainties of dispersion modelling, consideration should be given to predicted concentrations being 10% below the relevant objective before an amendment or revocation of an AQMA is completed*” (LAQM TG22 para 3.53) and revocation of an AQMA should be considered where there is robust evidence that air quality is consistently 10% lower than the Air Quality Objective for nitrogen dioxide (NO₂) of 40µg/m³ for 3 consecutive years (LAQM TG22 para 3.57).

There was a significant reduction in measured NO₂ within 2020 as a direct result of the restrictions in movement due to Covid-19 and the resulting reduction in traffic volumes. These restrictions also occurred to a lesser extent in 2021, and this is reflected in relatively low air quality monitoring results in this year.

However, air quality monitoring results in 2022 and 2023 did not return to the levels measured pre-Covid, and there is a clear and sustained downward trend overall since 2014.

The registered vehicle numbers in Table 2 and Figure 7 illustrate that diesel and petrol vehicles – both of which emit NO₂ in their exhaust gases, still dominate the vehicle fleet in the Borough of Newcastle under Lyme, but that hybrid electric and other fuels are rapidly forming a significant proportion of the fleet. Hybrid electric and other fuels have increased from 1.8% of the fleet in 2020 (1,277 vehicles) to 6.1% of the fleet in 2024 (4,628 vehicles) and this rapid increase in non-petrol and diesel is predicted to continue.

As the background concentration of NO₂ can be seen to be decreasing, and there is a clear trend showing the increased uptake of lower emission vehicles, we are confident that the compliance with the Air Quality Objective in the Maybank, Wolstanton, Porthill AQMA 3 will be sustained.

The Council has presented these results to central government, and they agree that the most proportionate way forward is to revoke the Air Quality Management Order which applies to Maybank, Wolstanton, Porthill.

The Borough Council therefore intends to revoke AQMA 3: Maybank-Wolstanton-Porthill. The purpose of this Consultation Report is therefore:

1. To provide stakeholders and interested parties with the most up to date evidence about air quality within the geographical area of the Maybank-Wolstanton-Porthill AQMA.
2. To set out the legal, environmental, economic and social implications of revoking or not revoking the AQMA.
3. To seek the views and comments of stakeholders and interested parties.

4 Implications of revoking the Air Quality Management Order

The revocation of the Order is a process which is set out in law (Part IV of the Environment Act 1995). In practice it will make no difference to the work we are doing to make the air in the Borough of Newcastle cleaner.

We Remain Committed to:

1. Continuing to monitor air quality in Maybank, Wolstanton and Porthill, and across the rest of the Borough.
2. Continuing our work, and that of our partner agencies such as Staffordshire County Council, to improve air quality.

In parallel with this review of the Maybank, Wolstanton and Porthill AQMA, we have also published a revised draft Air Quality Action Plan, which will also be subject to formal consultation shortly. This revised draft not only considers more recent evidence and potential action to reduce NO₂, but also considers opportunities to link the Action Plan with local net zero ambitions and also to consider measures to reduce emissions of and exposure to respirable particulate (also known as PM₁₀ and PM_{2.5}), both of which have emerged in the last few years as airborne pollutants of increasing concerns to medical experts.

5 Purpose of the Consultation

To notify stakeholders of our intention to revoke the AQMA and also to invite comments from .

If you wish to make any comments, please email us with your comments at Environmental Health at Environmental_Health@newcastle-staffs.gov.uk no later than the 1st April 2025. Please provide your name, telephone number, email address, and postcode with your comments.

6 What Happens Next?

We will begin a 4-week Statutory Consultation – 1st March to 1st April, 2025.

Feedback from the consultation will be summarised in a report to the Councils Licensing and Public Protection Committee in spring / summer 2025. This Committee will make the decision whether or not to revoke the AQMA.

If the Committee decides to revoke the AQMA, the Council will write to DEFRA informing them of this proposal and seeking approval to progress with the revocation. The AQMA will be revoked if the Committee decision is endorsed by DEFRA and after the Council signs and seals a Revocation Order.

The Committee report and decision and (if issued) the Revocation Order will be published on the Council's website.

References and Papers

- Newcastle-under-Lyme Borough Council Air Quality Action Plan (2019-2024) at <https://moderngov.newcastle-staffs.gov.uk/documents/s28367/4%20App%20AQAP%202019-2024.pdf>
- Newcastle-under-Lyme Borough Council Annual Status Reports at <https://www.newcastle-staffs.gov.uk/protection/air-quality-management>
- Air Quality Management Areas (AQMAs) at <https://uk-air.defra.gov.uk/aqma/>
- Air Quality Hub & LAQM at <https://laqm.defra.gov.uk/air-quality-hub/>
- Local Air Quality Management Technical Guidance LAQM.TG22. 2022. Published by Defra in partnership with the Scottish Government, Welsh Assembly Government and Department of the Environment Northern Ireland.
- DEFRA guidance documents at <https://laqm.defra.gov.uk/guidance/>

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO LICENSING & PUBLIC PROTECTION COMMITTEE

19th August 2025

Report Title: Taxi licensing framework consultations 2025

Submitted by: Licensing Lead Officer & Service Director – Regulatory Services

Portfolios: Finance, Town Centres & Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To inform Members of two recent Government consultations in relation to the future of the taxi and private hire trade.			
<u>Recommendation</u> That Committee: <ol style="list-style-type: none"> 1. Note the contents of the report; 2. Agree that Officers submit a response, in agreement with the Chair and Portfolio Holder, to the call for evidence in relation to the Transport Committee's Inquiry into the Licensing of taxis and private hire vehicles; and 3. Agree that Officers submit a response, in agreement with the Chair and Portfolio Holder, to the Department for Transport consultation in relation to Automated passenger services: permitting scheme. 			
<u>Reasons</u> <p>The Government have recently opened two consultations that relate to the future of the taxi and private hire industry. Firstly, the Transport Committee have opened an inquiry into the current licensing framework to examine whether it regulates the sector effectively.</p> <p>Secondly, the Department for Transport have opened a consultation a draft Statutory Instrument designed to support piloting the future deployment of commercial self-driving vehicles.</p>			

1. **Background**

- 1.1 The two primary pieces of legislation that form the basis of the licensing framework are the Town and Police Clauses Act 1847 (the 1847 Act) and the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). These are supplemented by various smaller pieces of legislation that have come about to effect specific changes, a vast amount of case law, Statutory

Standards in relation to driver and operators, and Best Practice Guidance. The Transport Committee has published a call for evidence to support their inquiry.

- 1.2 The legislation, case law and guidance at present would not apply to driverless vehicles and their operation, as currently there is a requirement that licensed vehicles have drivers.
- 1.3 The Automated Vehicles Act 2024 included a permitting scheme to provide a route to safely allowing commercial passenger services with no human driver. The Automated passenger services (APS) permitting scheme is to be introduced by way of a Statutory Instrument which is the subject of the second consultation.

2. Issues

- 2.1 The taxi and private hire licensing regime is multi-faceted and complex. The primary legislation for hackney carriages is the 1847 Act which is nearly 180 years old. The primary legislation for the licensing of drivers, private hire vehicle and operators is the 1976 Act which is almost 50 years old. As time has passed case law has built up to supplement the legislation to provide context and decisions upon which licensing authorities must follow. The legislation is arguably no longer fit for purpose as it has not and cannot move at the pace required with technological advances and changes in businesses models.
- 2.2 The legislation does not take account for mobile telephones, internet and email bookings or app-based providers. There is limited case law on how app and cloud-based operations and services can be compliant within the current legislative framework.
- 2.3 The Deregulation Act 2015 (the 2015 Act) provided that private hire operators (PHOs) could sub-contract bookings to PHOs who were licensed in any other LA area. In effect this meant that PHOs applied for and were granted PHO licences across multiple LA areas and could then lawfully operate vehicles and drivers licensed by any of those LAs as part of one large business operation.
- 2.4 There are circa 300 local authorities in England that have the responsibility for taxi licensing within their area. There is a requirement in the statutory guidance that every licensing authority (LAs) publishes a comprehensive policy document that details how they approach taxi licensing and should include application requirements and suitability criteria. However, every licensing authority (LA) approaches this differently and it has resulted in a wide range of standards across the country. There are LAs with very high standards, some have low standards and many in between. This lack of consistency has resulted in individuals being able to 'licence shop' at LAs with lower standards. This, in conjunction with PHOs being able to licence with multiple LAs and then sub-contract bookings within their own operation, has meant that some LAs have become 'beacons' for applicants where there is a perceived benefit to applying with them. Whether that is a lower standard to meet, it be quicker from application to grant or it be cheaper. The end result is that individuals who one LA may deem to be unfit to be a taxi driver, can lawfully apply to any other LA and potentially have a licence granted and then come back to work in the area that they have been refused a licence in.

- 2.5** These issues pose real safeguarding risks to the most vulnerable members of society and the public as a whole. There have been numerous reports published in relation to the links between child sexual exploitation (CSE) and the use of taxis within that:
- The Jay report, published in 2015 highlighted the failures within Rotherham MBC that allowed CSE to go unchallenged for years.
 - Telford & Wrekin commissioned an independent inquiry into CSE in 2018 that occurred in their local area. The report was published in 2024 which identified a culture of concerns being dismissed resulting in children being let down.
 - In June 2025 Baroness Casey published an independent report into the national issue of 'Group-based child sexual exploitation' with a whole chapter dedicated to taxi licensing. Baroness Casey concluded that the Government must close the 'loophole' of drivers being able to licence anywhere in the country and the 'lack of stringency' of some LAs.
- 2.6** The issue of the differing standards, and how best to address the problem, has been considered by the Government previously. In 2012 the Law Commission carried out a review of the licensing framework. In 2014 a report was published with their findings which included, amongst many other findings, suggestions on the benefits of making national standards across the trade, improving accessibility, tackling cross-border concerns and improved enforcement powers. Appended to the report was a draft Bill that could have been put before parliament, but it never was.
- 2.7** In 2017 the Government established a 'Task and Finish Group' to consider evidence as to the adequacy of the licensing system, including specific reference as to whether the recommendations of the Law Commission report from 2014 should be accepted. The task and finish group chair presented their report to the Secretary of State for Transport in July 2018. The primary focus was to consider ways in which the safety of the public could be protected. Overall, the report made 34 recommendations. The very first recommendation was *"Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now"*. A small number of the others have been taken forward nationally by way of Guidance however many have been left to individual authorities to determine to introduce themselves.
- 2.8** The Council have been severely affected by the implications of 'licence shopping' and cross-border hiring. Since the Council implemented the current comprehensive and fit for purpose taxi policy in November 2019, which included increased standards for applicants and licence holders, there has been a large drop in figures of licensed drivers, vehicles and operators.
- 2.9** Officers have been told on multiple occasions through formal consultations, meeting and informal discussions and correspondence that licence holders have left, and new applicants will not apply, because our standards are too high, and they can get licences more easily at other LAs. The table below shows the licence figures for the years 2019 to 2023 taken from the Department for Transport statistics:

	Year					
Licence type	2019	2020	2021	2022	2023	2024
Drivers	1020	972	929	724	616	546
Hackney Carriages	194	173	159	149	141	127
Private Hire Vehicles	600	723	560	515	438	385
Private Hire Operators	68	78	79	69	66	63

With the exception of the private hire vehicle and operator figures from 2019 to 2020, which appear have been as a result of under reporting in 2019, the impact is clear. Since the current policy was brought into force, to 2024, there has been a 47% decrease in drivers, a 35% decrease in hackney carriages and at least 36% decrease in private hire vehicles.

- 2.10** On 16th July 2025 the Transport Committee published their call for evidence to support their inquiry. The last date for submission of evidence is 8th September 2025 and a copy of the Terms of Reference and questions are attached as **Appendix A**.
- 2.11** The authorising of self-driving vehicles and their operation is a new concept within the UK and as such the Government are seeking to put measures in place to allow for such services to be piloted, and authorised, to future proof the area.
- 2.12** On 21st July 2025 the Department for Transport opened a consultation which seeks views on a proposed statutory instrument (SI) relating to 'automated passenger services' and supporting the deployment of commercial self-driving pilots. The last date for submission is 28th September 2025. A copy of the consultation document is attached as **Appendix B**, and a copy of the draft SI is attached as **Appendix C**.
- 2.13** In brief the permitting scheme aims to remove the requirements for licensing the vehicles and operation of them by LAs under the current statutory framework and replace with that a permit that the LA can consent to the applicant/operator using APS within the local area and condition certain aspects such as locations and timings that it would be authorised, or not.
- 2.14** Due to the timelines between the publications of the consultations, the drafting of reports and the Committee schedule, Officers have not yet been able to fully consider either one. However, Officers do believe that the Council should be offering evidence and opinions on both matters, and as such are proposing to draft responses to each and have them agreed by the Chair of the Committee and Portfolio Holder prior to submission.

3. Recommendation

That Members:

- 3.1** Note the contents of the report;

- 3.2 Agree that Officers submit a response, in agreement with the Chair and Portfolio Holder, to the call for evidence in relation to the Transport Committee's Inquiry into the Licensing of taxis and private hire vehicles; and
- 3.3 Agree that Officers submit a response, in agreement with the Chair and Portfolio Holder, to the Department for Transport consultation in relation to Automated passenger services: permitting scheme.

4. **Reasons**

- 4.1 The current taxi licensing framework is outdated and not fit for purpose. These consultations are designed to improve the framework and future proof the regime for better, and to protect the most vulnerable in society. Failure to respond will mean that the Council's views and experiences will not be considered when the Government make their decision on the two matters.

5. **Options Considered**

- 5.1 To not respond to either consultation.
- 5.2 To only respond to one of the consultations.
- 5.3 For officers to respond to the consultations without Member input

6. **Legal and Statutory Implications**

- 6.1 There are no legal or statutory implications from responding, or not, to the consultations. The result of the consultations will be reported back to the Committee as appropriate.

7. **Equality Impact Assessment**

- 7.1 Not applicable.

8. **Financial and Resource Implications**

- 8.1 There are no resource implications identified in responding to the consultations other than officer time which will be met through existing capacity.

9. **Major Risks & Mitigation**

- 9.1 There are no major risks or mitigations identified in responding, or not, to the consultations.

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

10.1



11. **One Council**

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

One Commercial Council: ☐

There are no implications on the one commercial council strategy from responding to the consultations. The results of the consultations may result in increased licence applications or savings on processes.

One Sustainable Council: ☐

There are no implications on the one sustainable council strategy from responding to the consultations. The results of the consultations may result in improved suitability in processes, products and vehicles licensed or used by the Council.

One Digital Council: ☐

There are no implications on the one digital council strategy from responding to the consultations. The results of the consultations may result in improved digital solutions in processes, products and vehicles licensed or used by the Council.

12. **Key Decision Information**

12.1 Not applicable.

13. **Earlier Cabinet/Committee Resolutions**

13.1 Not applicable.

14. **List of Appendices**

14.1 Appendix A - [Transport Committee Call for Evidence – 16th July 2025](#)

14.2 Appendix B – [Department for Transport APS consultation – 21st July 2025](#)

14.3 Appendix C – [Department for Transport Draft Statutory Instrument](#)

15. **Background Papers**

15.1 [Jay Report 2015](#)

15.2 [Telford report 2024](#)

15.3 [Casey report 2025](#)

15.4 [Law Commission report 2024](#)

15.5 [Task and Finish Group report 2018](#)

15.6 [Taxi Licensing Policy 2021-2025](#)

15.7 [Department for Transport Taxi Statistics](#)

Committees

UK Parliament > Business > Committees > Transport Committee > Licensing of taxis and private hire vehicles > Call for Evidence

Call for Evidence

Licensing of taxis and private hire vehicles

Terms of Reference

The Transport Committee is launching a short inquiry into the regulation of taxi and private hire vehicles (PHVs) in England. The inquiry will examine the effectiveness of current licensing frameworks, the impact of regulatory inconsistencies across local authorities, and the adequacy of safeguarding measures. It will also explore issues relating to cross-border operation and accessibility. The Committee welcomes evidence that addresses any of the following issues:

- a. Do current licensing arrangements and tools enable local authorities to effectively regulate and oversee the taxi and private hire vehicle (PHV) sector across England, in terms of safety, accessibility and quality of service? If not, what improvements could be made?
- b. What is the impact on the travelling public and drivers of variation between licensing authorities? Is reform needed to bring greater standardisation?
- c. What would be the practical implications for licensing authorities and operators of more stringent or standardised licensing conditions in respect of safety, accessibility, vehicles and driver conduct?
- d. What steps should the Government take to address the challenges posed by cross-border licensing in the taxi and PHV sector?
- e. What would effective reform look like in terms of enforcement, passenger safety and safeguarding, and regulatory consistency? Is there a role for regional transport authorities?
- f. How are digital ride-hailing platforms impacting standards in the sector, and is further regulation in this area required?
- g. How effective, accessible, and trusted are complaints and incident reporting systems in the taxi and private hire vehicle (PHV) sector, for both passengers and drivers?
- h. How effective is the National Register for Revocations, Refusals and Suspensions (NR3S). in supporting consistent licensing decisions across local authorities? What barriers, if any, are limiting its use or impact?
- i. What are the implications for taxi and PHV licensing of the future rollout of autonomous vehicles?

Important information about making a submission

Evidence we can't accept

We can't accept submissions that mention ongoing legal cases. **Please note** that, as proceedings are active in the Supreme Court in the matter of Uber Britannia Ltd v Sefton MBC, the Committee is not able to accept evidence dealing with the issues in that case.

In line with the general practice of select committees the Transport Committee is **not able to take up individual cases**. If you would like political support or advice you may wish to [contact your local Member of Parliament](#).

If you wish to raise **a concern or complaint** about a taxi or private hire vehicle service, you should contact the licensing authority that issued the driver or operator's licence. To identify your local authority, go to the [find your local council](#) page on GOV.UK and enter your postcode. This will direct you to your local authority's website, where you can find out more information about specific complaint procedures.

How your submission will be treated

If your submission is accepted by the Committee, it will usually be published online. It will then be available permanently for anyone to view and may be found online by using search engines. It cannot be changed or removed. If you have included your name or any personal information in your submission, that will normally be published too. Please consider how much personal information you want or need to share. Your contact details will never be published. Final decisions on whether any evidence is anonymised, redacted or kept confidential are made by the Committee.

Support and safeguarding

If issues raised in this inquiry are sensitive or upsetting for you, in addition to contacting your G.P., the following organisations may be able to offer support or further information:

Victim Support – offers free and confidential support to anyone affected by crime: www.victimsupport.org.uk or call ‘supportline’ on 0808 1689 111

Rape Crisis England & Wales- offers free support for anyone affected by sexual violence: www.rapecrisis.org.uk or call 0808 500 2222

Rape Crisis Scotland- www.rapecrisisscotland.org.uk or call 08088 01 03 02

Your welfare is important to us. If we feel that there are any safeguarding issues raised by your evidence, we may seek advice on how best to support you. More information about safeguarding on the Parliamentary Estate can be found [here](#).

If you have immediate safeguarding concerns about yourself or someone else, we urge you to contact the Police on 999.

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Open consultation

Automated passenger services (APS) permitting scheme consultation

Published 21 July 2025

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This publication is available at <https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation>

Introduction

The Automated Passenger Services (APS) permitting scheme will provide a clear legal route to deploying commercial passenger services with no human driver, providing certainty for operators to enter the GB market. It will be introduced through the Automated Vehicles (AV) Act 2024^[footnote 1], which establishes a targeted high-level regulatory framework.

While being introduced in advance of other parts of the AV Act, the proposed statutory instrument (SI) will continue to be in effect following the introduction of the full AV Act. This means that the proposed SI will apply for initial pilots from spring 2026 and for deployments following the full implementation of the AV Act in the second half of 2027.

APS permits have been developed as a bespoke route for regulating passenger services that either operate without a human driver or that are trialling services that might be used without a human driver. Without this certainty, both Law Commissions identified that automated passenger services ‘may either be banned or entirely unregulated’.^[footnote 2]

The APS permitting scheme intends to provide a flexible approach that enables the potential for new service models to emerge while maintaining passenger safety.

For services that have been granted an APS permit, taxi, private hire vehicles (PHV) and public service vehicles (PSV) legislation will be disapplied. The APS permitting scheme does not replace these existing licensing routes for passenger carrying vehicles, instead sitting alongside them as an additional route targeted specifically at self-driving vehicles.

Details for the APS permitting scheme are intended to be set out through secondary legislation. The Centre for Connected and Autonomous Vehicles (CCAV) is now seeking views on the scheme and proposed secondary legislation through this consultation.

The consultation has 7 chapters:

1. [Legislative scheme outline](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#legislative-scheme-outline)
(<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#legislative-scheme-outline>)
2. [Local consent](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#local-consent)
(<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#local-consent>)

3. [Accessibility](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#accessibility) (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#accessibility>)
4. [Application process and renewals](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#application-process-and-renewals) (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#application-process-and-renewals>)
5. [Variation, suspension or withdrawal](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#variation-suspension-or-withdrawal) (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#variation-suspension-or-withdrawal>)
6. [Reviewing the decision](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#reviewing-the-decision) (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#reviewing-the-decision>)
7. [Disclosure and use of information](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#disclosure-and-use-of-information) (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#disclosure-and-use-of-information>)

1. Legislative scheme outline

Part 5 of the AV Act 2024 (the act) introduces APS permitting, designed to provide a new, flexible scheme to issue permits for automated passenger services and provide businesses with the regulatory confidence to invest in testing and deploying these innovative services.

APS permits not only apply to self-driving vehicles (those without a human driver and listed or authorised as self-driving). They are also available, as set out in the act, for trials ‘with the aim of developing vehicles’ able to carry passengers without a driver.^[footnote 3]

Given the importance of APS permits in providing clarity to enable commercial passenger carrying services, including for trials with or without a safety driver, the government intends to bring Part 5 of the act into effect in spring 2026.

This would see the provision of Part 5 in advance of the full implementation of the act, including, for example, before the full schemes of authorisation and no user-in-charge operator (NUICO) licensing.

In addition to providing clarity for organisations that wish to deploy a commercial service, bringing forward implementation of the APS permitting scheme will help further inform:

- government about the in-use challenges
- the benefits of automated passenger services

Operators could use these proposed regulations to deploy passenger services in one of 3 ways:

1. With a safety driver, as part of a trial to develop automated services.
2. In advance of full implementation of the AV Act, in a vehicle that has been listed as capable of safely driving itself under section 1 of the Automated and Electric Vehicles Act 2018.
3. After full implementation of the AV Act (in an authorised vehicle) where an APS permit will operate alongside authorisation and no user-in-charge operator licensing. The APS permitting scheme will continue, but aspects of the guidance may be simplified to reflect the fact that some issues will be covered in the no user-in-charge operator licencing.

The following provides background on some of the aspects of the APS permitting scheme.

Statutory framework

While much of the APS permitting scheme is set out on the face of the act, other parts of the scheme are left to secondary legislation.

For example, while the act sets out the definition of an APS, ^[footnote 4] the disapplication of existing legislation, ^[footnote 5] and the consent requirements, ^[footnote 6] it does not set out the form and content of an application, how a permit can be varied, suspended or withdrawn or the maximum period for which a permit may be valid.

In this consultation, we are not seeking views on the provisions of the act itself: that has already been approved by Parliament. We are consulting on the initial regulations to be made under the scheme.

We are also interested in receiving views on the practicalities of running the scheme in its initial phase and following implementation of the act.

Appropriate national authority

Section 82 gives the power to grant a permit to ‘the appropriate national authority’, which depends on the service model that is proposed for deployment.

For services that resemble a PSV, such as a bus, the appropriate national authority, as a reserved matter, would be the Secretary of State for Transport.

For devolved services resembling a taxi or PHV in England, the appropriate national authority would be the Secretary of State for Transport, while in Scotland or Wales, the power is with Scottish or Welsh Ministers [\[footnote 7\]](#).

The APS permitting scheme does not apply in Northern Ireland.

This consultation is confined to powers granted to the Secretary of State for Transport as the appropriate national authority. It, therefore, covers:

- services resembling taxis or PHV that operate in England
- services resembling a bus or coach that operate anywhere in Great Britain

From this point on, the Secretary of State for Transport will be referred to in the consultation in their role as the appropriate national authority.

The act allows the Secretary of State for Transport to delegate some or all of its functions to the traffic commissioners [\[footnote 8\]](#). However, the initial intention is for APS permit applications to be granted by the Driver and Vehicle Standards Agency (DVSA) for the Secretary of State for Transport.

Consent

Where a service resembles a taxi or PHV, a permit may only be issued with the consent of the licensing authority for each place where the service is provided [\[footnote 9\]](#).

Where a service resembles a bus and operates in an area covered by a franchising scheme, consent is required from relevant franchising authorities [\[footnote 10\]](#).

For non-franchising areas, the Secretary of State may exercise discretion over how far to require service providers to register timetables or take part in local partnerships (for example, by joining ticketing schemes) ^[footnote 11].

We discuss the procedure for obtaining consent in [chapter 2: local consent](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#local-consent) (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#local-consent>).

Older and disabled passenger needs

Under section 87(3), the Secretary of State for Transport must consider whether and to what extent to grant a permit:

“is likely to lead to an improvement in the understanding of how automated passenger services should best be designed for, and provided to, older and disabled passengers ^[footnote 12]”

This is in addition to the Secretary of State for Transport’s public sector equality duty (PSED) when:

- deciding whether to grant a permit
- to have due regard to the need to eliminate unlawful discrimination, harassment or victimisation
- to advance equality of opportunity
- to foster good relations

Early implementation of the APS permitting scheme will provide the opportunity to accelerate learning in advance of full implementation of the act.

Any deployment would provide the opportunity to build an understanding of how to realise the full extent of benefits from these services for older and disabled people, alongside others who have limited or restricted mobility.

In [chapter 3](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#accessibility), we outline accessibility considerations (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#accessibility>).

Consulting traffic authorities and emergency services

Under section 87(1), before granting a permit, the Secretary of State for Transport must consult traffic authorities and emergency services that are likely to be substantially affected by the permit ^[footnote 13].

We discuss the consultation procedure in chapter 4 (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#application-process-and-renewals>) as part of the application.

Permit conditions

When a permit is granted, the act requires the permit to specify the area where the service may be provided:

- the vehicles (or description of vehicles) in which the service is provided
- the period for which the permit is valid ^[footnote 14]

Permits will also be subject to conditions. Conditions may limit the service, for example, to times of day, or impose obligations on the permit holder ^[footnote 15].

Some conditions are required by the legislation: for example, the permit holder must publish reports about their service. ^[footnote 16]

Other conditions will be discretionary, and may, for example, be linked to consent given by appropriate licensing authorities or reflecting concerns raised by emergency services or traffic authorities.

We discuss conditions alongside the application process more generally in chapter 4 (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#application-process-and-renewals>).

The act provides for regulations to be made about fees, including those for the grant, retention and renewal of a permit. ^[footnote 17] Costs notices, to cover the cost of compliance orders and monetary penalties, are specified in the act itself. ^[footnote 18]

We discuss fees alongside the application process more generally in chapter 4 (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#application-process-and-renewals>).

Civil sanctions

When fully implemented, the act provides for civil sanctions if the permit holder infringes the scheme. We do not intend to implement the civil sanctions scheme for pilots because there may be a risk that civil sanctions are overly punitive, given their nature.

Variations, suspensions and withdrawals

As an addition or alternative to applying civil sanctions, the Secretary of State for Transport may react to an infringement by varying, suspending or withdrawing the permit.

This issue is not dealt with in the act itself, which states that regulations may be made to specify both the circumstances in which a permit may be varied, suspended or withdrawn, and the procedure to be followed in connection with these actions. ^[footnote 19]

Regulations may also provide for reviews and appeals against the decision. ^[footnote 20]

We discuss variations, suspensions and withdrawals in chapter 5 (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#variation-suspension-or-withdrawal>).

Where a permit holder believes a decision has not been made correctly, under the proposed regulations, they can request DVSA to undertake an internal review.

This is discussed in [chapter 6](#)

(<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#reviewing-the-decision>).

Disclosure and data sharing

Permit conditions will require some information to be published and may require other information to be shared with:

- public authorities
- private businesses on a confidential basis [\[footnote 21\]](#)

Section 88 of the act protects confidential information and makes it an offence for the recipient to disclose it [\[footnote 22\]](#) except for a purpose that is specified in regulations or where authorised by another enactment.

We discuss [disclosure and data sharing in chapter 7](#)

(<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme/automated-passenger-services-aps-permitting-scheme-consultation#disclosure-and-use-of-information>).

2. Local consent

An automated passenger service that resembles a taxi, PHV or bus will require consent from the appropriate local licensing authority or franchising body. These bodies will be referred to as consenting authorities from this point.

To successfully provide the APS permitting scheme, clarity of consent is critical for:

- consenting authorities
- organisations that wish to deploy a service

This chapter explains when consent is needed and outlines the procedure for obtaining it.

We want to know what guidance and coordination the consenting authorities may find useful and what information these authorities need to make a decision.

Services resembling taxis or private hire vehicles

Definition of resembling taxis or PHV

A service ‘resembling a taxi or private hire vehicle’ would require a taxi or private hire vehicle licence if it had a driver and was not exempt from the legislation ^[footnote 23]. The reliance of this definition on existing legislation governing taxis and private hire vehicles makes this complex.

This consultation is only concerned with taxi and private hire-like services in England.

APS licensing for taxi and private hire-like services in Wales and Scotland is a matter for Welsh Ministers and Scottish Ministers.

Within England, separate legislation covers London, Plymouth and the rest of the country. ^[footnote 24]

This means the definition applies to commercial passenger services that use vehicles designed to carry fewer than 9 passengers and where passengers pay a single fare for the journey. However, there are several exemptions, for example, for wedding and funeral cars. ^[footnote 25]

Passenger services using larger vehicles, or charging separate fares, are known as PSVs and would typically be seen as buses or coaches.

Who must consent?

If the service resembles a taxi or PHV, it requires consent from each licensing authority in whose area the service may be provided, of which there were 263 in England as of April 2024. ^[footnote 26]

These are typically unitary or lower-tier local authorities such as borough and district councils. However, Transport for London (TfL) is the licensing authority for Greater London.

[and-partnership-foundations-for-growth/english-devolution-white-paper](#)) included a commitment to consult on granting responsibility for taxi and private hire vehicle licensing to all Local Transport Authorities (including Strategic Authorities) ^[footnote 27].

The consenting power for taxis and PHVs would align with any changes that are implemented following the consultation.

Services resembling buses

Most bus services do not need consent to obtain a PSV licence. The decision whether to grant an APS permit for a 'bus-like' service will be a matter for the Secretary of State for Transport, whether the service is in England, Wales or Scotland.

The only bus-like services that require consent to obtain an APS permit are 'local services' – as defined by section 2 of the Transport Act 1985 – that operate within an area subject to a bus franchising scheme. For example, a local bus service that uses a vehicle operating with a PSV licence and carries passengers by road for separate fares.

The route can be any length if passengers can alight within 15 miles of where they started (measured in a straight line). There are a variety of exclusions, for example, for excursions, school buses and rail replacement bus services.

TfL and Transport for Greater Manchester (TfGM) are currently the only bus franchising bodies. Where further bodies gain franchising powers, their consent will also be required.

Consent procedure

Under the legislation, the Secretary of State for Transport is to request consent from the consenting authority or authorities where the service would operate across licensing boundaries.

Consenting authorities have a key role in this process, where they have a 6-week period to:

- evaluate the proposed service and the potential effect on the local area

- respond with their decision and reasoning in writing to the Secretary of State for Transport

Where no response or written reason is provided within that period, consent is given automatically. [\[footnote 28\]](#)

Consent provisions in practice

Initial discussions

It is beneficial for consenting authorities to understand as much as possible about the proposed deployment before receiving the formal consent request.

To enable this, applicants should discuss their proposals with the consenting authority (or authorities) or other key stakeholders before making a formal application.

While there are likely many details that would need to be considered, useful initial information could likely include:

- the proposed deployment area
- any key points within this, for example, access to railway station pick-up/drop-off points
- the number and types of vehicles
- what vehicles will do between rides
- the operating hours of the service

When DVSA receives an application, it may also hold preliminary, informal discussions with the licensing authority or franchising body before the formal request if the application is helpful.

Helping consenting authorities with the decision

Consent is a broad and important power within the act. Consent must be understood by organisations wishing to deploy a service and by consenting authorities.

Coordination

Where a proposed service would operate in different consenting authority areas, there will be a need for a level of consistency in considerations in whether to grant consent or not.

We welcome views on whether government should be involved in supporting any coordination of information and best practice sharing.

Guidance

Government is considering publishing guidance, including for consenting authorities, to help support the deployment of automated passenger services and understanding what is required to make an application and the process it follows.

The aim of guidance for consenting authorities would be to clarify their role. For example, there will be a safety assessment process that is followed before a vehicle can be legally deployed, so we would not expect this to form the basis of consenting decisions.

As part of the process to consider the granting of an APS permit, government would require evidence that vehicles are appropriately insured and maintained, and it is proposed that relevant staff undergo safeguarding checks, including appropriate passenger safeguarding.

The policy intention of consent, as outlined through the act's explanatory notes, is that it ensures consideration is given to local issues relating to policy and standards for taxi and PHV licensing and those applied through bus franchising.

Where guidance is published, we will aim to make it as helpful and practical as possible for all those with a role in enabling the deployment of any proposed services.

Formal request

It is important that when the Secretary of State for Transport makes a formal request for consent, consenting authorities receive information that enables an informed consent decision to be made within the 6-week period.

It is, therefore, important that the application process requests relevant information that can be shared with consenting authorities. We are seeking views on what information consenting authorities would view as being useful to make a decision.

Consent questions for authorities

Question 1: what guidance, if any, do you think government should provide to enable preliminary discussions between those wishing to apply for an APS permit and authorities?

Question 2: in your view, should we support any coordination, information sharing and best practice sharing between authorities?

Question 3: in your view, what would you expect to see included to make the proposed guidance as useful as possible for your authority?

Question 4: in your view, what information are taxi and private hire licensing authorities likely to view as useful in deciding whether to grant or refuse consent?

Question 5: in your view, what information are bus franchising bodies likely to view as useful in deciding whether to grant or refuse consent?

3. Accessibility

Around 1 in 4 people report having a disability in the UK

([https://www.gov.uk/government/statistics/disability-accessibility-and-blue-badge-scheme-statistics-2023-to-2024/disability-accessibility-and-blue-badge-statistics-england-2023-to-](https://www.gov.uk/government/statistics/disability-accessibility-and-blue-badge-scheme-statistics-2023-to-2024/disability-accessibility-and-blue-badge-statistics-england-2023-to-2024#:~:text=There%20are%20now%20approximately%2016.1,age%20has%20remained%20relatively%20stable)

2024#:~:text=There%20are%20now%20approximately%2016.1,age%20has%20remained%20relatively%20stable). In line with the government's Inclusive Transport Strategy, self-driving passenger services provide an opportunity to improve transport options for disabled people who otherwise may struggle to make a journey.

Benefits are also likely to be seen by other people with limited or restricted mobility. Widely accessible APS could offer essential transport links, particularly in areas where accessible public transport services are currently limited.

Accessibility in the act

In section 87 of the act:

“In deciding whether to grant a permit, the Secretary of State must have regard to whether, and to what extent, the granting of the permit is likely to lead to an improvement in the understanding of how automated passenger services should best be designed for, and provided to, older or disabled passengers.”

The act further sets out that, where a permit has been granted, it must include a:

“...condition requiring the permit holder to publish reports about the automated passenger services which it provides, and in particular about the steps which it takes to meet the needs of older or disabled passengers, and to safeguard passengers more generally.”

The Public Sector Equality Duty

Beyond the act, the Public Sector Equality Duty (PSED) applies in respect of all the Secretary of State for Transport's functions under the permit scheme. This includes considering how the decision to grant a permit, attach conditions, vary or renew a permit would support the requirement of the PSED.

PSED also applies to other public sector bodies, such as consenting authorities and to organisations, such as service providers, carrying out a role for a public authority. For example, where they are contracted to do so.

Reporting condition

The Law Commission's final joint report recommended that the permit holder should publish a report that highlights how the service safeguarded passengers and how it met the needs of older and disabled passengers.

This reporting will help build an evidence base in understanding accessibility provision on what could be new approaches to providing passenger transport.

We welcome views on this.

Accessibility guidance

As outlined earlier in this consultation, consideration is being given to the development of guidance. Current consideration includes the provision of guidance on accessibility.

We welcome views on this.

Accessibility questions

Question 6: what information would you expect to see published by permit holders on the safeguarding of passengers?

Question 7: what information would you expect to see published by permit holders on how the service was meeting the needs of older and disabled people?

4. Application process and renewals

The application and renewal processes are intended to be flexible rather than being fixed by legislation. This approach intends to enable government to revise and develop the process and any supporting guidance over time. For example, as experience is gained or in response to applicant feedback.

With most aspects not being set in regulations and not forming part of the statutory consultation on the regulations, this chapter focuses on information that applicants may be asked to provide during the application process.

This is to provide some clarity and direction on the government's current thinking. This requested information will be used to support licensing/franchising authorities with their consenting decisions:

- by DVSA to decide whether to grant the application
- to formulate permit conditions

Proposed regulation 4 sets out the renewal window for existing permit holders, in which an application can be made to renew from between 2 to 6 months before the existing APS permit's expiry date.

Where a renewal is applied for within this proposed window, it is proposed that the permit will continue until either a decision on renewal is made or the permit has been in place for 5 years.

This chapter will also discuss fees: while the act allows for a regulation to be made about fees, this power is not currently being taken, so there will not be a cost associated with applications at this stage.

Information required for applications

Service scope

Under section 82(4), the permit must specify the areas in which the service is provided and the vehicles (or a description of the vehicles) involved. We will, therefore, ask applicants to specify the:

- area where a service will be provided
- number and description of vehicles intended to be deployed
- times of operation

Applicants will also need to confirm in what sense the service is automated, under section 82(2). This is to understand if the proposed service will use vehicles that have been listed or authorised as able to travel autonomously, or whether they are being used with a safety driver in a trial with the aim of developing automated services.

The APS permitting scheme is not a bypass to avoid licensing routes for normal taxis, PHVs, or PSVs.

Proposed service wider assessments

Further information will be requested to enable an assessment of the proposed service and operational capability of the organisation. This would include elements such as:

- operational competence, such as depots, other operational centres and support infrastructure, maintenance, monitoring and incident response, including where third-party services are contracted
- operational plan, such as deployment area, contingency planning in the event of road closures, service and vehicle type, any schedules, and fare information provision
- passenger safety management, including safeguarding policy

- data management policy
- appropriate insurance for passenger carrying services and financial stability
- evidence of any engagement with consenting authorities and other appropriate stakeholders
- consideration of providing an accessible service

We have provided more details on some of these aspects below.

Traffic authorities and emergency services engagement

Under section 87(1), the Secretary of State for Transport must consult:

- traffic authorities, as defined by the Road Traffic Regulation Act 1984, s.121A
- emergency services they consider are likely to be affected if the permit is granted

As with consenting authorities, we strongly encourage permit applicants to engage with the appropriate traffic authorities and emergency services before submitting their application.

To make this a productive process, both for the engagement and application, applicants should include information about how:

- the service will impact congestion and affect traffic flow
- their vehicles will respond to emergency vehicles and situations
- emergency services and other officials can engage with the vehicle and/or applicant

Information on congestion and traffic flow could, for example, include:

- what will happen to vehicles between trips
- how breakdowns will be responded to
- how pick-up and drop-off points will operate, particularly with consideration of busy areas

This is in addition to the scope of the service, which is likely to be useful for the wider context of the proposed deployment.

We are considering providing guidance to support discussion between applicants, emergency services and traffic authorities. We welcome views on this consideration.

Proposed services resembling a taxi, private hire vehicle or a bus

The legislation distinguishes between services that resemble taxis or PHVs and those that resemble buses. To apply these categories, consider how many passengers each vehicle can carry and how fares will be charged. For example, a separate or whole vehicle will need to be known.

If a proposed service uses larger vehicles (carrying 9 or more passengers) or charges separate fares, it could resemble a local bus service. Consideration will need to include:

- how the service will operate
- if passengers alight within 15 miles of where they started (measured in a straight line)
- if it would fall within one of the statutory exceptions

Where an exception doesn't apply, the service may be considered as bus-like.

For a bus-like service, the service should comply with the regulatory provisions regarding buses in the service area unless there is a good reason why the provisions should not apply. Therefore, any operator intending to operate bus-like services should indicate how they will align with existing regulatory provisions, such as participating in ticketing schemes. Applicants should also provide draft timetables.

Where consent is required, the application form will ask for details of any engagement with the consenting authority.

Safeguarding

Service providers should ensure that any passenger-facing staff are subject to enhanced checks with the Disclosure and Barring Service. This would apply to:

- any staff employed within the vehicles (such as stewards or safety drivers)
- those undertaking remote oversight
- those who support with the ability to control or interact with the vehicle and/or passenger(s)

For the service itself, applicants will be required to set out how they have considered passenger safeguarding and their safeguarding policies. Under

section 87(4)(b), permit holders must be subject to a condition to publish reports about the steps they take to safeguard passengers.

If a permit is granted, the holder will be expected to publish its safeguarding policy on its website at the start of the service.

Fare information

It is not our intention to regulate fares. However, we believe passengers should have an opportunity to compare prices before booking. Given the importance of fare information, it is likely to be a condition of the scheme.

Applications will also include fare structure information and how this is communicated to passengers. Applicants should disclose if there are any circumstances in which additional charges would be levied that are not agreed upon in advance.

Children

Under current legislation, it is the driver's responsibility to ensure that children under the age of 14 use the correct restraint [\[footnote 29\]](#), with exemptions for some buses and special provisions for taxis and private hire vehicles.

If the correct child car seat is not provided, children can travel without one, but only if they travel in a rear seat and:

- wear an adult seat belt if they are aged 3 or older
- do not wear a seat belt if they are under 3 [\[footnote 30\]](#)

Applicants should indicate how they intend to cater for children in their vehicles through the application.

Customer service assistance

In addition to the safeguarding considerations for those in customer support roles, the application should further provide information on how customers will be supported through and pre or post-journey.

This would be expected to include information on:

- how customers will be supported in the event of an emergency
- when customers have an urgent need for support

Information should also be provided on how customers and others can more generally contact the company, for example, to make a complaint.

Other information

The above is not exhaustive of all that will be required, but it provides an understanding of current thinking for APS.

As new approaches to providing passenger transport, it is important that the application is refined to ensure it remains appropriate for the services being deployed.

Maximum period for a permit

Proposed regulation 3 specifies that a permit may not be valid for a period exceeding 5 years. This is based on the same period as operator licences for PHVs [\[footnote 31\]](#). When the scheme is fully established, we think it is important that operators are given sufficient certainty to make plans, so we have proposed a period that is longer than the 3 years recommended by the Law Commissions [\[footnote 32\]](#).

It is important to note that this is the proposed maximum period and that permits can be granted for any period up to 5 years. It is expected that the first permits issued will likely be part of the pilot process in advance of the act. We think that these permits should be valid for long enough to allow the holder to gather data about the vehicles and the service and make an application to renew.

We anticipate that, subject to discussions with the applicant, pilot APS permits should be granted for around 12 to 18 months and allow for an appropriate period to allow deployments to renew after full implementation of the act.

Post-implementation of the act, we propose a similar approach to be adopted with shorter permit periods initially granted to new services. This would be to provide confidence to consenting authorities, emergency services and other stakeholders that they will continue to have a role in the granting of permit applications to build understanding and trust of deployments.

As understanding and trust are developed, which could vary between applicants, dependent on deployment experience, permit lengths would be considered for longer periods.

Renewal window

As with the application process, the intention for renewals is that it will be flexible and build on the application process and deployment experience. To attempt to avoid being in a position where a service may have to be suspended because of delays in the renewal process, where there is currently uncertainty as to how long it could take, proposed regulation 4 sets out a renewal period. This is defined in proposed regulation 4(2) as beginning 6 months before the permit's expiry date and ending 2 months before the expiry date.

A permit holder who applies for a renewal within this 'window' is protected against delays to the renewal that would otherwise have seen the permit expire.

The proposed regulation will continue the permit beyond its original expiry date until either a decision on renewal is made or the 5-year maximum period is reached. Where a decision is made to renew, the renewed permit will be subject to a new 5-year maximum period.

Fees

Section 89(3) of the act sets out that the Secretary of State may make regulations about fees payable for:

- making an application for, or applying to renew, a permit
- the grant, retention or renewal of a permit

Any fee set may be determined by reference to costs incurred, or likely to be incurred, by the Secretary of State for Transport in connection with managing the APS permitting scheme. This would mean that a fee could be more than the cost of a particular function, for example, the costs for undertaking enforcement could be added to the application cost.

In this consultation, consideration for fees that could be charged by the Secretary of State for Transport, undertaken by DVSA for:

- bus-like services in Great Britain
- taxi- and private-hire like services in England

It is proposed not to exercise this power at this stage, to enable government to gain a greater understanding of the cost likely to be incurred by the DVSA in managing the APS permit scheme. Several fee-charging schemes were

examined in considering what an appropriate fee structure would be. However, these vary considerably.

The intention is for this power to be exercised in the future and that fees will be charged for full cost recovery in managing the permit system. We may commence the charging of fees alongside full implementation of the act.

Current consideration is being given to the consideration of fee bands based on vehicles number and the duration of the permit. We welcome views on fees and managing the transition to introducing them.

Application process and renewals questions

Question 8: what information do you think should be requested in the APS permit application process?

Question 9: what information do you think should be requested in the APS permit renewal process?

Question 10: what information do you think would be useful to include in any guidance to support discussions between APS permit applicants and emergency services and traffic authorities?

Question 11: do you agree or disagree that safety drivers or passenger assistants should be subject to the same criminal record checks and medical standards as taxis and PHV drivers and why?

Question 12: do you agree or disagree that regulations should set the maximum permit validity period at 5 years?

Question 13: do you agree or disagree with our proposed approach to initially grant APS permits for a shorter validity period?

Question 14: do you agree or disagree with the length of the proposed APS permit renewal window?

Question 15: do you agree or disagree with our proposal for an existing permit to remain valid, subject to the maximum 5-year period, where the renewal process is delayed?

Question 16: do you agree or disagree with the proposal to not immediately charge an APS application fee?

Question 17: do you agree or disagree with the proposal to introduce a fee in the future, following the implementation of the full act?

5. Varying, suspending or withdrawing a permit

Through section 89(1) of the act, a permit may be varied, suspended or withdrawn ‘in such circumstances as are specified in regulations’. The proposed regulations set out both the grounds and procedures for doing this.

The regulations aim to achieve a balance. It is important to provide commercial certainty in planning a service and understanding what novel deployment approaches could be.

It is also important that there may be a need to alter or stop services that prove unsafe or fail to operate as planned.

To achieve this balance, we look at the grounds for varying, suspending or withdrawing a permit, before discussing the procedure for doing so.

Variation by agreement

Proposed regulation 5(1) allows a variation by agreement (alongside suspension and withdrawal), which is likely to be led by a request from the permit holder. This can only be made by the Secretary of State for Transport with the permit holder’s consent.

This power cannot be used to circumvent the consent requirements set out in the act, as proposed regulation 6 provides that if the original permit required the consent of a consenting authority, then the permit cannot be varied without their new consent.

For example, if a permit holder wishes to extend their operating area, consent must be gained for their new plans. The procedure for obtaining that consent is set out in regulation 6(2) and mirrors the procedure in the act itself.

Grounds

In other cases, the Secretary of State for Transport may vary, suspend or withdraw a permit unilaterally, on one of the grounds set out in the proposed regulation 5(2).

These proposed grounds, discussed in more detail below, are:

- the permit holder breaches a permit condition
- a vehicle to which the permit applies commits a traffic infraction that the Secretary of State for Transport considers serious or repeated
- multiple vehicles to which the permit applies commit the same or similar traffic infractions
- the permit holder does not fulfil an undertaking given to the Secretary of State for Transport
- during the application process, the applicant made a statement of fact that (whether to the applicant's knowledge or not) was false
- during the application process, the applicant made a statement of expectation, and that expectation has not been fulfilled
- since the permit was granted, there has been a material change of any circumstances that were relevant to the grant of the permit
- the Secretary of State reasonably believes, in relation to a vehicle to which the permit applies, that:
 - there are serious safety concerns about the vehicle,
 - the vehicle has caused or will cause serious or repeated disruption to traffic
 - the vehicle has caused or will cause an unacceptable delay to an emergency worker who is responding to emergency circumstances
 - a vehicle to which the permit applies is in an unroadworthy condition within the meaning of section 75 of the Road Traffic Act 1988 (vehicles not to be sold in unroadworthy condition or altered to be unroadworthy)

Breaching a permit condition

Under section 82 of the act, the Secretary of State for Transport may grant a permit subject to conditions, which either limit the proposed service or place obligations on the permit holder. If the permit holder fails to comply, there is the possibility of civil sanctions under Schedule 6.

Initially, government does not intend to implement civil sanctions until full implementation of the act, with variation, suspension or withdrawal being the means of enforcing permit conditions.

The proposed regulation 5(2)(a) enables the variation, suspension or withdrawal of a permit where the permit holder breaches a permit condition.

Committing serious or repeated traffic infractions

Human drivers are subject to a wide variety of criminal offences or penalty charges if they fail to comply with traffic laws. We intend that self-driving vehicles should abide by the same traffic laws.

Under proposed regulation 5(3)(b), a vehicle 'commits a traffic infraction' if it does anything that, were an individual in control, would amount to a criminal offence or cause that individual to become liable to a penalty charge.

Proposed regulation 5(2)(b) allows the Secretary of State for Transport to vary, suspend or withdraw a permit without the permit holder's consent where a vehicle is considered to have committed serious or repeated traffic infractions.

Permits will not be varied, withdrawn or suspended for any infraction that is considered minor, such as entering a yellow box junction before the exit is clear, but may be where it continues to do so.

Multiple vehicles committing the same or similar traffic infractions

Proposed regulation 5(2)(c) applies where offences are repeated by vehicles in the same fleet.

Failing to fulfil an undertaking given to the Secretary of State for Transport

For less serious infractions or failing to meet other agreed undertakings, DVSA may ask for an undertaking that the issue will not recur.

Under proposed regulation 5(2)(d), action may be taken if the permit holder fails to fulfil such an undertaking.

Misrepresentations in the application process

A permit may also be varied, suspended or withdrawn following a misrepresentation during the application process. This applies if the applicant made a statement of fact which was false (proposed regulation 5(2)(e)).

The applicant does not need to have known that the statement was false. This approach is comparable to revoking a PSV licence under section 17(3)(a) of the Public Passenger Vehicles Act 1981.

Failure to fulfil a material statement of expectation

Like above, a permit may also be varied, suspended or withdrawn following a statement of expectation which has not been fulfilled (proposed regulation 5(2)(f)).

Material change in circumstances

Under proposed regulation 5(2)(g), a permit may be varied, suspended or withdrawn following a material change of circumstances that would have been:

“relevant to the grant of the licence such that, had those circumstances existed at the time the permit was granted, the Secretary of State would not have granted the permit.”

Examples of this would arise if the holder became insolvent or if vehicles were de-listed ^[footnote 33].

Serious concerns about safety or traffic disruption

A permit may be varied, suspended or withdrawn following serious concerns about safety or traffic disruption.

Proposed regulation 5(2)(h) applies where the Secretary of State for Transport reasonably believes that a vehicle:

- raises serious safety concerns
- has caused or will cause serious or repeated disruption to other traffic
- has caused or will cause an unacceptable delay to emergency workers who are responding to emergencies

For these purposes, ‘emergency worker’ covers the police and all the services listed in section 1(2) of the Emergency Workers (Obstruction) Act 2006.

Failing to maintain roadworthiness

Under proposed regulation 5(2)(i), permits may be varied, suspended or withdrawn if vehicles are used in an unroadworthy condition, within the meaning of section 75 of the Road Traffic Act 1988.

We welcome views on these grounds.

Procedure

The proposed procedure for varying, suspending or withdrawing an APS permit is similar to the procedure for varying, suspending or withdrawing a permit under Schedule 1 to the act.

The procedure distinguishes between ordinary and urgent cases.

In both cases, the Secretary of State for Transport must consider any representations made by the permit holder and the consenting authority.

If the final decision is to vary or suspend the permit, the Secretary of State for Transport must issue a document giving reasons for that decision.

Ordinary cases

In ordinary cases (proposed regulation 7), the Secretary of State for Transport must give the permit holder and the consenting authority notice of their intention to vary, suspend or withdraw.

The notice must give reasons and invite representations within a specified period.

Urgent cases

Under the urgent procedure (proposed regulation 8), the Secretary of State for Transport may suspend or make a temporary variation first and then invite representations.

Varying, suspending or withdrawing a permit questions

Question 18: do you agree or disagree with our proposed approach to vary, suspend or withdraw an APS permit?

Question 19: do you agree or disagree that in ordinary cases, the Secretary of State for Transport should give the APS permit holder and consenting authority notice of an intention to vary a permit and invite representations?

Question 20: do you agree or disagree that in urgent cases, the Secretary of State for Transport may suspend or make a temporary variation to an APS permit first, and then invite representations?

6. Reviewing the decision

The act sets out a power for regulations to make provision about ‘reviews of, or appeals against, decisions’. [\[footnote 34\]](#)

With the potential for APS to enable new and novel services to come forward and understand their operation without a human driver, at this stage, we are not proposing to establish a formal appeals system in which a court or tribunal examines whether the rules have been followed.

However, there must be a route to ensure that decisions are fully scrutinised. Proposed regulation 9, therefore, provides for the opportunity to request DVSA to review a decision they have made on behalf of the Secretary of State for Transport.

DVSA internal review

Under proposed regulation 9(1), applicants and permit holders will be entitled to request an internal review if they are dissatisfied with a decision that DVSA have made on behalf of the Secretary of State for Transport.

The right to a review applies to the full range of DVSA decisions, including:

- refusing to grant a permit
- refusing to renew a permit
- imposing a permit condition
- refusing a request to vary or remove a permit
- varying, suspending or withdrawing a permit under regulation 5(2)
- specifications made under section 82(4) about the areas and vehicles in which services may be provided and the period for which the permit is valid

Any applicant or permit holder may request an internal review within 28 days, beginning with the day after the day on which the decision was sent. The request must include any written representations they wish to make.

Under regulation 9(3), DVSA will then confirm receipt of the request within 14 days and provide a date on which they anticipate sending the applicant or the permit holder the outcome of the internal review.

Requesting a review of a consenting authority’s decision is outside the scope of the power for review. Any consideration of a review or appeal would need to follow the consenting authority’s local process.

Status of an existing permit during the review process

In some cases, the permit holder will have asked for a renewal or variation to the existing permit. Under proposed regulation 9(4), the original permit will remain valid until the review process is complete.

This is intended to protect permit holders against delays in the renewal process. Provided that a permit holder applies for a renewal within the 2-to-6-month 'window' in regulation 4(3), their existing permit should remain valid either until:

- it is renewed
- the full decision and review process is complete
- the 5-year maximum validity period is exceeded

Reviewing the decision questions

Question 21: do you agree or disagree with our proposed approach to reviews of decisions made by DVSA?

7. Disclosure and use of information

Section 88(1) of the act sets out that permit conditions may require information to be collected and shared, either with public authorities or private businesses.

This information is protected by s.88(6), which specifies that it is a criminal offence for the recipient of this information to disclose it to a third party or use it for a different purpose, unless the disclosure or use is authorised by regulations. The offence carries an unlimited fine.

Defences available to a defendant who has disclosed information in this way are that:

- the information provider consented to the disclosure
- the defendant reasonably believed the disclosure was lawful

- the third party already had lawful access

The act stresses the importance of not using information shared under a permit condition to harm commercial interests.

Regulations are not to be used to authorise information to be disclosed or used in a way that would be liable to harm the commercial interest of any person unless the regulation specifically allows it, or if it is necessary for the regulation.

The proposed regulations allow some information required under a permit condition to be disclosed by the recipient to any person for any purpose. In particular, scheduled services are likely to be subject to bus open data requirements.

If so, information may be shared about:

- routes, stopping places, timetables, fares and tickets
- changes or proposed changes to the above
- the operation of services, such as live information, for example, vehicle location and expected arrival time and historical service information

The proposed regulation also includes that, where a permit condition requires sharing information about accidents with the police, this can be used by the recipient for any purpose for which they could use a report under section 170 of the Road Traffic Act 1988 (duty of driver to stop, report accident and give information or documents).

A permit condition may require additional safety-related information to be shared with the Secretary of State for Transport. If so, the proposed regulation enables the Secretary of State to disclose this information if they consider it would be in the public interest to do so and the information disclosed is factual.

Where other information is required to be shared with the Secretary of State for Transport, they may disclose the information to appropriate agencies and bodies to investigate potential criminal offences and for appeal or court proceedings for which it is relevant.

Where information was otherwise required to be published and has not been, the Secretary of State for Transport may make this information available for compliance with the permit condition.

Where complaint information is shared with any complaints-handling organisation, it is proposed that this body can disclose the information to the complainant.

The proposed regulation intends to enable this information to be shared for examples such as those below.

Bus open data

In 2024, research found that many people are put off using buses because they lack reliable journey information (<https://bettertransport.org.uk/research/better-bus-stops-creating-a-national-bus-stop-standard/>). Since 2020, steps have been taken to improve the information available to passengers about routes, bus stops, timetables, bus location and fares (<https://www.orr.gov.uk/monitoring-regulation/rail/passengers/information/improvement-plan>).

Under the Bus Services Act 2017, operators of local bus services in England must share timetable, bus location and fares information with the bus open data service (BODS). It then becomes free open data that can be downloaded by anyone setting up an app, product or service, or analysing traffic patterns. The intention is that this would apply to APS services providing a bus-like service.

Such services would be required to share information about routes, stopping places, timetables, fares and tickets (or changes to them) with BODS, which will then be available for anyone to use.

Incidents raising safety concerns

Section 20 of the Public Passenger Vehicles Act 1981 places a duty on PSV operators to report 'any failure or damage of a nature calculated to affect the safety of occupants' to the Secretary of State for Transport.

DVSA guidance on reporting an incident involving your organisation's bus or coach ([https://www.gov.uk/guidance/report-an-incident-involving-your-organisations-bus-or-coach#:~:text=You%20must%20report%20any%20incident%20involving%20your%20organisation%27s%20public%20service%20vehicles%20\(PSVs\)%20if%20there%20are%20fatalities%2C%20serious%20injuries%2C%20or%20serious%20damage.](https://www.gov.uk/guidance/report-an-incident-involving-your-organisations-bus-or-coach#:~:text=You%20must%20report%20any%20incident%20involving%20your%20organisation%27s%20public%20service%20vehicles%20(PSVs)%20if%20there%20are%20fatalities%2C%20serious%20injuries%2C%20or%20serious%20damage.)) explains that, by law, PSV operators must report:

- fatalities

- serious injuries (such as broken bones, damage to major organs or overnight hospitalisation)
- allegations of a safety defect
- serious damage as a result of the incident (such as major body or mechanical component damage, which needs specialist recovery and the vehicle being taken out of service to be repaired)
- a safety critical component failure or a history of the same component failing
- a vehicle catching fire

PSV operators must also send a report if the police request them to. ^[footnote 35]

An APS permit holder will likely be required to report, at least, any failure or damage affecting safety to the Secretary of State for Transport (acting through DVSA) – no matter the service type.

Consideration is being given to extending this to failures affecting the safety of all road users and any collision, rather than just those that require the vehicle to be taken out of service.

In considering the sharing of this information, there is a balance required between what is likely to be a strong public interest and harming commercial interests. The proposed regulation intends to enable the Secretary of State for Transport to share this information:

- where it is viewed to be in the public interest
- to support potential criminal investigations

Complaints logs

With complaint systems currently in place for bus and coach operators as well as taxi and private hire companies, the expectation is that the requirement for a complaints system will form the basis of a permit condition. The scope of this would not be targeted at collating safety concerns, but, for example, to provide a route for passengers to raise concerns about the quality of the service they experienced.

People not using the service may also wish to complain, for example, if they have been affected by what they perceive to be poor driving or parking. The expectation would be for permit holders to log complaints, likely within defined

categories and for details of categories and numbers to be published through the reporting requirement.

DVSA may also wish to have access to information from complaints logs relating to safety, accessibility and safeguarding, or to investigate where a complainant is unsatisfied with a response. A high number of complaints could be used to justify failing to renew a permit or, in serious cases, a variation or withdrawal.

It is important that DVSA can share the information justifying such a decision with any reviewer, tribunal or court. Local consenting bodies, traffic authorities and emergency services are likely to also have an interest.

Information intended for publication

Some permit conditions will require information to be published. Under section 87(4), permits must include a condition requiring the holder to publish reports that have to include how the service meets the needs of older or disabled passengers and safeguards passengers more generally.

Further reporting requirements could include elements such as publishing an annual report, listing any safety-related incidents and giving figures of complaints, broken down by category.

Where a report does not contain information that is required, the proposed legislation allows the Secretary of State for Transport to share this information.

Investigating safety incidents

The proposed legislation sets out to strike a balance between its short-term use in advance of implementation of the act and post-implementation in the longer term.

This balance provides a way for accident information to be shared with police, and for the police to be able to request any information or documents from the permit holder.

Where safety-related information is shared with the Secretary of State for Transport for transparency purposes, they can disclose this information to any person if they feel it is in the public interest and done so factually.

Disclosure and use of information questions

Question 22: do you agree or disagree with our proposed approach to information sharing?

How to respond

See the [Ways to respond](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme) section of the consultation page on GOV.UK (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme>) to find out how you can respond to this consultation.

The consultation period began on 21 July 2025 and will run until 23:59 on 28 September 2025. Ensure that your response reaches us before the closing date.

What will happen next

We will publish a summary of responses and the government response on the homepage for this consultation. Paper copies will be available on request.

If you have questions about this consultation, contact:

CCAV
3rd floor, Great Minster House
33 Horseferry Road
London, SW1P 4DR

Alternatively, you can email: consultation@ccav.gov.uk.

Full list of questions

These questions are listed here to give you an overview of what we are asking. The consultation response form may include more questions, for

example, questions about who you are.

See the [Ways to respond](https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme) section of the GOV.UK home page (<https://www.gov.uk/government/consultations/automated-passenger-services-permitting-scheme>) for this consultation to read a full list of questions and find out how you can respond to them.

Question 1: what guidance, if any, do you think government should provide to enable preliminary discussions between those wishing to apply for an APS permit and authorities?

Question 2: in your view, should we support any coordination, information sharing and best practice sharing between authorities?

Question 3: in your view, what would you expect to see included to make the proposed guidance as useful as possible for your authority?

Question 4: in your view, what information are taxi and private hire licensing authorities likely to view as useful in deciding whether to grant or refuse consent?

Question 5: in your view, what information are bus franchising bodies likely to view as useful in deciding whether to grant or refuse consent?

Question 6: what information would you expect to see published by permit holders on the safeguarding of passengers?

Question 7: what information would you expect to see published by permit holders on how the service was meeting the needs of older and disabled people?

Question 8: what information do you think should be requested in the APS permit application process?

Question 9: what information do you think should be requested in the APS permit renewal process?

Question 10: what information do you think would be useful to include in any guidance to support discussions between APS permit applicants and emergency services and traffic authorities?

Question 11: do you agree or disagree that safety drivers or passenger assistants should be subject to the same criminal record checks and medical standards as taxis and PHV drivers and why?

Question 12: do you agree or disagree that regulations should set the maximum permit validity period at 5 years?

Question 13: do you agree or disagree with our proposed approach to initially grant APS permits for a shorter validity period?

Question 14: do you agree or disagree with the length of the proposed APS permit renewal window?

Question 15: do agree or disagree with our proposal for an existing permit to remain valid, subject to the maximum 5-year period, where the renewal process is delayed?

Question 16: do you agree or disagree with the proposal to not immediately charge an APS application fee?

Question 17: do you agree or disagree with the proposal to introduce an APS application fee in the future, following the implementation of the full act?

Question 18: do you agree or disagree with our proposed approach to vary, suspended or withdraw an APS permit?

Question 19: do you agree or disagree that in ordinary cases, the Secretary of State for Transport should give the APS permit holder and consenting authority notice of an intention to vary a permit and invite representations?

Question 20: do you agree or disagree that in urgent cases, the Secretary of State for Transport may suspend or make a temporary variation to an APS permit first, and then invite representations?

Question 21: do you agree or disagree with our proposed approach to reviews of decisions made by DVSA?

Question 22: do you agree or disagree with our proposed approach to information sharing?

Freedom of information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information

Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

Data protection

Your consultation response and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. DfT will, under data protection law, be the controller for this information.

DfT's privacy policy (<https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>) has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer.

1. Most provisions in the Automated Vehicles Act 2024 are not yet in force. References in this document to provisions of the act are phrased to reflect the anticipated legal position once the relevant provisions are in force.
2. Law Commission and Scottish Law Commission, Automated Vehicles: joint report (2022) Law Com No 404, Scot Law Com No 258, para 10.8.
3. Automated Vehicles Act 2024, s 82(2)(b).
4. Automated Vehicles Act 2024, s 82(2).
5. Automated Vehicles Act 2024, s 83.
6. Automated Vehicles Act 2024, s 85 and s 86.
7. Automated Vehicles Act 2024, s 90(4).
8. Automated Vehicles Act 2024, s 89(7).
9. Automated Vehicles Act 2024, s 85(3).
10. Automated Vehicles Act 2024, s 86.

11. For details of enhanced partnerships under the Bus Services Act 2017 (for example), see The bus services act 2017: enhanced partnerships, (PDF) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002507/national-bus-strategy.pdf).
12. Automated Vehicles Act 2024, s 87(3).
13. Automated Vehicles Act 2024, s 87(1).
14. Automated Vehicles Act 2024, s 82(4).
15. Automated Vehicles Act 2024, s 82(5).
16. Automated Vehicles Act 2024, s 87(4).
17. Automated Vehicles Act 2024, s 89(3)(b).
18. Automated Vehicles Act 2024, Sch 6, para 4.
19. Automated Vehicles Act 2024, s 89(1) and (2).
20. Automated Vehicles Act 2024, s 89(3)(d).
21. Automated Vehicles Act 2024, s 88(1) and (2).
22. Automated Vehicles Act 2024, s 88(6).
23. Automated Vehicles Act, s 86(1) and (2).
24. For a detailed discussion of the definitions, see the Law Commission's background paper 2 automated vehicles final report, (PDF) (<https://s3-eu-west-2.amazonaws.com/cloud-platform-e218f50a4812967ba1215eaecede923f/uploads/sites/30/2022/01/Background-papers-24-01-22.pdf>).
25. Local government (Miscellaneous Provisions) Act 1976, s 75(1)(c) and (cc).
26. See taxi and private hire vehicle statistics, England, 2024 (revised) (<https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2024/taxi-and-private-hire-vehicle-statistics-england-2024>).
27. See English Devolution White Paper (<https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper>).
28. Automated Vehicles Act 2024, s 85(4) and (5) and s 86(5) and (6).
29. Road Traffic Act 1988, s 15.
30. Motor Vehicles (Wearing of Seat Belts) Regulations 1993, reg 10(b) and (c).
31. See Operator licences for private hire vehicles (<https://www.gov.uk/operator-licence-private-hire-vehicle#:~:text=PHV%20operator%20licences%20last%20for%20a%20maximum%20of%205%20years.>).

32. Law Commission and Scottish Law Commission, Automated Vehicles: joint report (2022), para 10.33.
33. De-listing would be where a vehicle is no longer viewed, in the Secretary of State for Transport's opinion, as being able to safely and lawfully drive itself under the circumstances for which it was previously viewed as being able to do so.
34. Automated Vehicles Act 2024, s 89(3)(d).
35. See [report an incident involving your organisation's bus or coach](https://www.gov.uk/guidance/report-an-incident-involving-your-organisation's-bus-or-coach#:~:text=You%20must%20report%20any%20incident%20involving%20your%20organisation%27s%20public%20service%20vehicles%20(PSVs)%20if%20there%20are%20fatalities%2C%20serious%20injuries%2C%20or%20serious%20damage.) ([https://www.gov.uk/guidance/report-an-incident-involving-your-organisation's-bus-or-coach#:~:text=You%20must%20report%20any%20incident%20involving%20your%20organisation%27s%20public%20service%20vehicles%20\(PSVs\)%20if%20there%20are%20fatalities%2C%20serious%20injuries%2C%20or%20serious%20damage.](https://www.gov.uk/guidance/report-an-incident-involving-your-organisation's-bus-or-coach#:~:text=You%20must%20report%20any%20incident%20involving%20your%20organisation%27s%20public%20service%20vehicles%20(PSVs)%20if%20there%20are%20fatalities%2C%20serious%20injuries%2C%20or%20serious%20damage.)) for more information.



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2026 No. ***

ROADS

The Automated Vehicles (Permits for Automated Passenger Services) Regulations 2026

Made - - - -

Laid before Parliament

Coming into force

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 88(5), 89(1), (2), (3)(c) and (d) and (6) and 97(4)(b) and (c) of the Automated Vehicles Act 2024(a).

As required by section 97(2) of that Act, before making these Regulations, the Secretary of State has consulted with such representative organisations as the Secretary of State thinks fit.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Automated Vehicles (Permits for Automated Passenger Services) Regulations 2026 and come into force on ***.

(2) These Regulations extend to England and Wales and Scotland.

(3) These Regulations apply in relation to—

(a) an automated passenger service provided in England, Wales or Scotland(b) in a vehicle that, by virtue of its use in providing that service, would count as a public service vehicle within the meaning of the Public Passenger Vehicles Act 1981(c) (assuming that section 83 of the 2024 Act did not apply), and

(b) any other automated passenger service provided in England.

Interpretation

2. In these Regulations—

“the 2024 Act” means the Automated Vehicles Act 2024;

“applicant” means a person who applies for the grant, variation, suspension or withdrawal of a permit(d);

(a) 2024 c. 10.

(b) “Automated passenger service” and a service “provided in” an area are defined in sub-sections (1) and (3), respectively, of section 90 of the Automated Vehicles Act 2024 (c. 10).

(c) 1981 c. 14.

(d) “Permit” is defined in section 90(1) of the Automated Vehicles Act 2024 (c. 10).

“consenting authority” means—

- (a) in relation to a permit to which section 85 of the 2024 Act (consent requirement for services resembling taxis or private hire vehicles) applies, each licensing authority in whose area the service may be provided under the permit or the proposed permit;
- (b) in relation to a permit to which section 86 of the 2024 Act (consent requirement for services resembling buses) applies, each relevant franchising body;

“expiry date” means the last day on which a permit is valid;

“licensing authority” has the same meaning as in section 85(6) of the 2024 Act (meaning of “taxi or private hire vehicle licence” and “licensing authority”);

“relevant franchising body” has the same meaning as in section 86(4) of the 2024 Act (meaning of “relevant franchising body”);

“traffic commissioner” means a commissioner appointed under section 4 of the Public Passenger Vehicles Act 1981 (traffic commissioners)(a).

Maximum validity period

3. A permit may be valid for a maximum period of five years.

Renewal of a permit

4.—(1) A permit holder(b) may apply during the renewal period for a permit to be renewed.

(2) In this regulation, the “renewal period” is the period that begins six months before the expiry date and ends two months before the expiry date.

(3) Subject to regulation 3 (maximum validity period), if a permit holder has applied for a permit to be renewed but the Secretary of State has not yet determined the application, the permit remains valid after the expiry date until the Secretary of State determines the application.

Circumstances in which a permit may be varied, suspended or withdrawn

5.—(1) The Secretary of State may vary, suspend or withdraw a permit with the permit holder’s consent.

(2) The Secretary of State may vary, suspend or withdraw a permit without the permit holder’s consent in any of the following circumstances—

- (a) the permit holder breaches a permit condition(c);
- (b) a vehicle to which the permit applies commits a traffic infraction that the Secretary of State considers is serious or repeated;
- (c) multiple vehicles to which the permit applies commit the same, or similar, traffic infractions;
- (d) the permit holder does not fulfil an undertaking given to the Secretary of State;
- (e) during the application process, the applicant made a material statement of fact that (whether to the applicant’s knowledge or not) was false;

(a) Section 4 was substituted by the Transport Act 1985 (c. 67), section 3(2), and subsequently amended by the Local Transport Act 2008 (c. 26), sections 2(2), (3), (4), (5) and (6) and 3(2)(a), and the Public Service Pensions and Judicial Offices Act 2022 (c. 7), Schedule 1, paragraph 17.

(b) “Permit holder” is defined in section 90(1) of the Automated Vehicles Act 2024 (c. 10).

(c) “Permit condition” is defined in section 90(1) of the Automated Vehicles Act 2024 (c. 10).

- (f) during the application process, the applicant made a material statement of expectation, and that expectation has not been fulfilled;
 - (g) since the permit was granted, there has been a material change of any circumstances that were relevant to the grant of the permit;
 - (h) the Secretary of State reasonably believes, in relation to a vehicle to which the permit applies, that—
 - (i) there are serious safety concerns about the vehicle,
 - (ii) the vehicle has caused or will cause serious or repeated disruption to traffic, or
 - (iii) the vehicle has caused or will cause an unacceptable delay to an emergency worker who is responding to emergency circumstances;
 - (i) a vehicle to which the permit applies is in an unroadworthy condition within the meaning of section 75 of the Road Traffic Act 1988 (vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy)(a).
- (3) In this regulation—
- (a) an “application” means an application for the grant, variation, suspension or withdrawal of a permit;
 - (b) a vehicle “commits a traffic infraction” if it does anything that would, were an individual in control of it—
 - (i) amount to the commission of an offence by that individual, or
 - (ii) cause a person to become liable to pay a penalty charge under an enactment relating to road traffic;
 - (c) an “emergency worker” means a person who is—
 - (i) in a capacity mentioned in section 1(2) of the Emergency Workers (Obstruction) Act 2006 (obstructing or hindering certain emergency workers responding to emergency circumstances), or
 - (ii) a constable;
 - (d) a person “responding to emergency circumstances” has the meaning given in section 1 of the Emergency Workers (Obstruction) Act 2006 (obstructing or hindering certain emergency workers responding to emergency circumstances).

Procedure for varying a permit with the permit holder’s consent

- 6.—**(1) The Secretary of State may not vary a permit without the consenting authority’s consent if—
- (a) the Secretary of State intends to vary a permit in the circumstances described in regulation 5(1) (circumstances in which a permit may be varied, suspended or withdrawn with the permit holder’s consent), and
 - (b) the grant of that permit required the consenting authority’s consent.
- (2) A consenting authority is to be taken to have given consent under paragraph (1) if—
- (a) the Secretary of State requests consent in writing, and
 - (b) within the relevant period, the consenting authority either—
 - (i) fails to give or refuse consent, or
 - (ii) refuses consent but fails to give written reasons for doing so.

(a) 1988 c. 52; section 75 was amended by the Road Traffic Act 1991 (c. 40), sections 16(2) and 83 and Schedule 8.

(3) In paragraph (2), the “relevant period” is the period of six weeks that begins with the day on which the request is made.

Ordinary procedure for varying, suspending or withdrawing a permit without the permit holder’s consent

7.—(1) Before varying, suspending or withdrawing a permit in any of the circumstances described in regulation 5(2) (circumstances in which a permit may be varied, suspended or withdrawn without the permit holder’s consent), the Secretary of State must—

- (a) issue a notice under paragraph (2) to—
 - (i) the permit holder, and
 - (ii) the consenting authority, and
 - (b) consider any representations made by those persons in response to (and in accordance with) that notice.
- (2) A notice under this paragraph is a notice that—
- (a) states the Secretary of State’s intention to vary, suspend or withdraw the permit,
 - (b) explains the Secretary of State’s reasons for intending to vary, suspend or withdraw the permit, and
 - (c) specifies the time by which, and manner in which, representations may be made.

(3) Paragraph (4) applies if, having complied with paragraph (1), the Secretary of State decides to vary, suspend or withdraw the permit.

(4) The Secretary of State must, in, or in a document issued together with, the notice by which the variation, suspension or withdrawal takes effect, explain the Secretary of State’s reasons for the decision.

Procedure for urgently suspending or temporarily varying a permit

8.—(1) If the Secretary of State considers that the need to suspend a permit is too urgent to follow the procedure in regulation 7 (ordinary procedure for varying, suspending or withdrawing a permit without the permit holder’s consent)—

- (a) that regulation does not apply, and
 - (b) paragraphs (2) and (3) apply instead.
- (2) The Secretary of State must—
- (a) in, or in a document issued together with, the notice by which the suspension takes effect—
 - (i) explain the Secretary of State’s reasons for suspending the permit, and
 - (ii) specify the time by which, and manner in which, representations may be made, and
 - (b) as soon as reasonably practicable after suspending the permit—
 - (i) consider any representations made by the permit holder and the consenting authority in response to (and in accordance with) that notice, and
 - (ii) decide whether to lift the suspension.

(3) If, having complied with paragraph (2), the Secretary of State decides not to lift the suspension, the Secretary of State must, as soon as reasonably practicable, issue to the permit holder a notice that—

- (a) states the Secretary of State’s decision, and

(b) explains the Secretary of State's reasons for the decision.

(4) The preceding paragraphs apply in relation to temporary variation as they apply in relation to suspension, and for that purpose the references to lifting the suspension are to be read as references to reversing the variation.

(5) In this regulation, a reference to the permit holder in relation to a suspended permit is a reference to the person who was the permit holder immediately before the suspension took effect.

Reviews of decisions

9.—(1) An applicant or a permit holder may request an internal review of a relevant decision.

(2) The applicant or the permit holder who requests the internal review must—

- (a) do so before the end of the period of 28 days that begins with the day after the day on which the decision that is to be reviewed was sent to the applicant or the permit holder, and
- (b) when requesting the internal review, state in writing any representations that the applicant or the permit holder wishes to make to the Secretary of State.

(3) If an applicant or a permit holder requests an internal review, the Secretary of State must—

- (a) confirm receipt of the request, and
- (b) confirm in writing to the applicant or the permit holder the date no later than which the Secretary of State anticipates sending to the applicant or the permit holder the outcome of the internal review,

before the end of the period of 14 days that begins with the day after the day on which the Secretary of State receives the request.

(4) Subject to regulation 3, a permit holder's permit remains valid during the review period where—

- (a) a permit holder applies for a new permit,
- (b) the permit holder's existing permit is still valid, and
- (c) the permit holder has requested an internal review of a relevant decision in relation to the new permit.

(5) In this regulation—

(a) a "relevant decision" means the Secretary of State's decision—

- (i) to refuse to grant a permit,
- (ii) to refuse to renew a permit,
- (iii) to impose a permit condition,
- (iv) to refuse to vary or remove a permit condition,
- (v) to vary a permit condition other than at the permit holder's request,
- (vi) to withdraw or suspend a permit, or
- (vii) as to the details specified in the permit in accordance with section 82(4) of the 2024 Act (details that a permit must specify);

(b) the "review period" means the period that begins on the date of the relevant decision to be reviewed and ends when either of the following criteria is satisfied—

- (i) the applicant or the permit holder has requested an internal review of that decision within the period in paragraph (2)(a) and the outcome of that internal review has been sent to the applicant or the permit holder;

- (ii) the applicant or the permit holder did not request an internal review within the period in paragraph (2)(b) and that period has passed.
- (c) a reference to the permit holder in relation to a suspended or withdrawn permit is a reference to the person who was the permit holder immediately before the suspension or withdrawal took effect.

Disclosure and use of information

10.—(1) Where a permit condition requires the permit holder to share any of the information(a) described in paragraph (2), the recipient(b) may disclose that information to any person for any purpose.

(2) The information in this paragraph is—

- (a) information about routes, stopping places, timetables, fares and tickets,
- (b) information about changes or proposed changes to routes, stopping places, timetables, fares and tickets, and
- (c) information about the operation of services, including—
 - (i) live information, that is to say information provided immediately it becomes available about the location of vehicles operating the services and the time at which they stop, or are expected to stop, at stopping places, and
 - (ii) information about the operation of services in the past.

(3) Where a permit condition requires the permit holder to share information about accidents with the police, the recipient may use that information for any purpose for which the recipient could use a report made under section 170 of the Road Traffic Act 1988 (duty of driver to stop, report accident and give information or documents)(c).

(4) Where a permit condition requires the permit holder to share information about safety-related incidents with the Secretary of State, the Secretary of State may, for the purpose of providing information about safety-related incidents, disclose that information to any person if the Secretary of State considers it would be in the public interest to do so and the information disclosed is factual.

(5) Where a permit condition requires the permit holder to share information with the Secretary of State, the Secretary of State may disclose that information to—

- (a) the police, the Health and Safety Executive or any other prosecuting agency for the purpose of investigating potential criminal offences;
- (b) a traffic commissioner, a court or any other appellate body for the purpose of any appeal or court proceedings for which the information is relevant.

(6) Where—

- (a) a permit condition requires the permit holder to publish information,
- (b) the permit holder has not published that information, and
- (c) the permit holder has shared the information with the Secretary of State,

the Secretary of State may disclose that information to any person for the purpose of ensuring compliance with the permit condition.

(7) Where the permit holder provides a complaints-handling organisation with information about a complaint, that complaints-handling organisation may disclose that information to the complainant.

(a) “Information” is defined in section 94 of the Automated Vehicles Act 2024 (c. 10).

(b) “The recipient” is defined in section 88(4) of the Automated Vehicles Act 2024 (c. 10).

(c) Section 170 was amended by the Road Traffic Act 1991 (c. 40), Schedule 5, paragraph 72, and S.I. 2000/726 and 2019/1047.

[date]

[Name]
[Job title]
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations detail certain procedural and administrative matters to enable the permitting regime for automated passenger services in Part 5 of the Automated Vehicles Act 2024 (c. 10) to function. An automated passenger service is a service that consists of the carrying of passengers in a road vehicle that is designed or adapted to travel autonomously or is being used for a trial with the aim of developing vehicles that are so designed or adapted. These Regulations apply in relation to bus-like services in England, Wales and Scotland and taxi- and private hire vehicle-like services in England.

Regulation 3 provides that a permit may be valid for a maximum period of five years. Regulation 4 sets out that a permit holder may apply to renew a permit between six months and two months before the permit expires, and that the existing permit remains valid until the Secretary of State determines the renewal application (subject to the maximum five-year validity period).

Regulation 5(1) sets out that the Secretary of State may vary, suspend or withdraw a permit with the permit holder's consent. Regulation 6 deals with the procedure for doing so.

Regulation 5(2) lists the circumstances in which the Secretary of State may vary, suspend or withdraw a permit without the permit holder's consent. Regulation 7 details the ordinary procedure for doing so, and regulation 8 details the procedure for urgently doing so.

Regulation 9 details the mechanism for an applicant to request an internal review of a decision, which a permit holder may request within 28 days of the Secretary of State sending the decision. Paragraph (4) sets out that a permit holder's permit remains valid while an application for a new permit is reviewed (subject to the maximum five-year validity period).

Regulation 10 authorises the recipient of information to disclose that information to another person for a purpose specified in the regulation.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available alongside this instrument on www.legislation.gov.uk and from the Centre for Connected and Autonomous Vehicles, Great Minster House, 33 Horseferry Road, London, SW1P 4DR. An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO PUBLIC PROTECTION COMMITTEE

19 August 2025

Report Title: **Taxi and Private Hire Licensing Policy 2026-2030**

Submitted by: Service Director – Regulatory Services & Licensing Lead Officer

Portfolios: Finance, Town Centres & Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To notify the Committee of the proposed Taxi Licensing Policy following external consultation.			
<u>Recommendation</u>			
That Committee:			
1. Agree the proposed policy document; and			
2. Approve that the policy document takes effect from 1st January 2026			
<u>Reasons</u>			
<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 that guidance.</p>			

1. **Background**

- 1.1 The Council's current Taxi and Private Hire Licensing Policy was implemented on 1st November 2019. The policy included a widescale reform of the Council Taxi licensing policy and procedures. Since its implementation the policy has been reviewed and amended on six occasions as detailed in the Committee report dated 29th October 2024.
- 1.2 The current policy end date is 2025 and as such is due for review.
- 1.3 At the Committee meeting on 29th October 2024 Members determined to consult on the proposed policy for a period of 12 weeks.
- 1.4 At the Committee meeting on 30th January 2025 Members determined to consult on proposed amendments to the Suitability Guidance for a period of 4 weeks.

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 Department for Transport Best Practice Guidance (DfT BPG) from 2023, the responses received during the consultation periods, and following discussions with neighbouring local licensing authorities, officers have drafted an amended policy document which is attached as **Appendix A**.
- 2.3** There were a large number of proposed amendments in the draft document that came before Committee on 29th October 2024. The vast majority related 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. The Council did not receive any comments during the consultation to these amendments and as such Officers have implemented these changes into the proposed document at Appendix A and amended section numbers where appropriate.
- 2.4** There were also a number of significant amendments proposed which were:
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 Council did not receive any comments in relation to points 2, 4, 5 or 6. As such Officers have implemented the changes for 2, 5 and 6 into the proposed document at Appendix A. Upon reflection, Officers have determined that it is more beneficial to retain the Suitability Guidelines within the policy document itself to allow for one comprehensive and cohesive policy document instead of two. A copy of the amended summary of changes document is attached as **Appendix B**.
- 2.6** During the four-week consultation period in respect of updating the Suitability Guidelines the Council received two responses, detailed at section 2.7 of the report. As such, Officers have reinstated the Suitability Guidelines into the proposed policy document, to include Chapter 4 of the updated Institute of Licensing document.
- 2.7** Two responses were received as part of the Suitability Guidelines consultation, one from a licensed driver and one from another local authority. The licensed driver made a single comment suggesting that the guidelines were there to make it harder for people to work in the trade. The local authority officer's comments were around two provisions they wanted to highlight and suggested that the Council should adopt the Guidelines in part and have our own version. They highlighted that it would be mandatory for applicants with a history of drug possession offences to have undertaken drug testing, and there was a concern about a disparity between the

offences of violence and possessing a firearm. A copy of the comments can be seen in the summary of responses document attached as **Appendix C**.

2.7 The Council received twenty-two responses to the policy consultation from:

- 19 x licensed drivers, vehicle proprietors and operators;
- 1 x Alderman of the Council;
- 1 x Guide Dogs; and
- 1 x Staffordshire County Council School Transport Team.

A summary of the responses is attached as **Appendix D**.

2.8 The licence holders' responses can be further summarised as such:

Proposal:	Comments:
1. To remove door livery	<ul style="list-style-type: none"> - 17 responses re: door livery; - 8 responses in favour of retaining livery (to assist customers, public safety and advertising) - 6 responses in favour of removing livery (unnecessary due to technology and looks messy) - 3 responses that door livery damages paintwork (no further details provided)
2. To amend vehicle criteria to be based on emissions/carbon neutrality	<ul style="list-style-type: none"> - 13 responses specific to proposal; - 7 responses were negative or concerned about the proposal (primarily concerned about lack of infrastructure, suggests the phasing should be delayed and the cost implications) - 6 responses were positive (good for the environment, it makes sense, moving to hybrids is good)
3. Other	<ul style="list-style-type: none"> - In relation to Executive private hire vehicles – could have a small internal disc/plate similar to in London; - Fees are too high; - Should scrap 6 month tests for older vehicles; - Don't like needing an MOT and a Council test.

2.9 The policy proposal to remove door livery was in line with section 8.12 of the DfT BPG document which stated 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, and that all private hire vehicles must display the door livery of the operator/s they work for.

During recent compliance operations Officers have firsthand found identifying private hire vehicles, that do not display door livery, to be difficult. Vehicles licensed by Local Authorities, that do not require door livery quite often also do not need to display a licence plate on the front of the vehicle either. These issues combined make the vehicles almost 'invisible' as licensed vehicles which present a real risk to the public who are not aware of how to ensure the vehicle they are getting into is correctly licensed.

Having liaised with our colleagues at Stoke City Council (Stoke CC) throughout the process, and who also originally intended to remove door livery requirements, we are in agreement that removing door livery would be a detrimental step to passenger safety and public confidence in identifying licensed vehicles. Stoke CC had their policy approved by Cabinet on 22nd July 2025 which included retaining the provisions around door livery requirements.

Officers have taken into account the consultation responses received, summarised at section 2.8 of the report and attached as Appendix D, Officers' experiences during compliance operations and Stoke CC having determined to retain door livery, and are now proposing to retain our current policy provisions.

- 2.10** The policy 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."

Officers have discussed this proposal with colleagues at Stoke-on-Trent City Council (Stoke CC) who were also consulting on this element in their taxi policy at the same time. Stoke CC received a number of responses in relation to this aspect of their consultation which were broadly supportive. Due to the length of consultation, and consideration of responses, several amendments from the original proposal have been made. Primarily the phasing out of Euro 4 and 5 vehicles is proposed to begin in April 2026 instead of 2025, that wheelchair accessible vehicles will be permitted to stay on the fleet for an extra one or two years dependant on their Euro standard, and the cessation of licensing new ICE vehicles will start in April 2028 instead of 2027.

The new proposal is that:

- 1) From 01 April 2026 the Council will not accept any applications for Euro 4 or 5 standard vehicles. Unless the vehicle is already licensed with the Council AND is wheelchair accessible, in which case we will accept renewal applications until 31 March 2027.
- 2) From 01 April 2026 all new vehicle applications that are powered solely by Internal Combustion Engines (ICE) must be Euro 6 Emissions Compliant.
- 3) From 01 April 2028 the Council will not accept new applications for vehicles which are powered solely by ICE. 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) From 01 April 2030 the Council will not accept applications to renew existing ICE vehicles that are Euro 6 compliant. Unless the vehicle is already licensed with

the Council AND is wheelchair accessible, in which case we will accept renewal applications until 31 March 2031. 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.

Stoke CC had the emissions vehicle criteria approved by Cabinet on 22nd July 2025 and the policy as a whole will take effect from 1st September 2025. The one change that Stoke CC did make was to remove point (5) in relation to a cut-off for hybrid vehicles in 2035 as their opinion is that can be reviewed at their next policy consultation which at the very latest will be in 2030. Officers' view is that it is beneficial to retain this provision and may be reviewed at any time before the next policy consultation.

2.11 In relation to the other points raised by the licence holders during consultation the Officers' views are:

- In relation to Executive private hire vehicles – could have a small internal disc/plate similar to in London;
- Fees are too high;
- Should scrap 6 month tests for older vehicles;
- Don't like needing an MOT and a Council test

Proposal	Officer comments
1. Executive private hire vehicles – having a small internal disc/plate similar to in London.	This is unnecessary as the Council already issue a small internal plate for display and for Exec PHVs and issue an exemption notice that can be provided to any person who requires evidence of being licensed.
2. Fees are too high	Fees are not a policy matter. The correct time to comment on fees is during the annual fee setting consultation period.
3. No Additional tests for older vehicles	The Council have always had a policy to test vehicles over a certain age, twice per year. The legislation allows for a maximum of three times per year. Licensed vehicles carry out a large number of miles annually when compared to private vehicles and have a greater level of wear and tear which impacts on the safety of the vehicle. The mileage a vehicle has done, the higher the wear and tear and therefore requires additional tests at a standard higher than a normal MOT.
4. Removing multiple vehicle tests	It is accepted that having a normal MOT offers some confidence that a vehicle is in a mechanically 'fit' state, however it has long been the Officers' and Technicians' view that licensed vehicles that carry out more mileage

	<p>and have greater levels of wear and tear should also be subject to a test of a higher standard to ensure, as far as practicable, the safety of the travelling public. A MOT is the minimum standard that private vehicles must attain and not sufficient for licensed vehicles.</p> <p>N.B. This view is contrary to the provisions in the DfT BPG.</p>
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- 2.12** The response from the Alderman was in favour of retaining door livery for public safety reasons, and stated that even if you receive a text message with details of your pre-booked vehicle it can still be difficult to locate it, especially if it is dark. A copy of the response is included within Appendix D.
- 2.13** The response from Guide Dogs provided information about the use of Guide Dogs, the difficulties users face, how important they are to maintain independence and stated that 58% of users have experienced being refused access by a licensed vehicle. A copy of the full response is attached as **Appendix E**.

Overall, the response was supportive and welcomed many of the points that the Council have already included within the policy. However, they also recommended that the certain areas, detailed in brief below, could be strengthened to further ensure that Guide Dogs users are treated fairly and licensed driver and operators meet their statutory obligations.

Proposal:	Officer comments:
1. That Appendix I – Private Hire Operator licence conditions should include reference to their legal obligations under Equality Act 2010	The Policy already has this for drivers in the code of conduct so it is sensible and appropriate to have the same provisions in these conditions.
2. It is recommended that the policy makes clear that drivers not stopping when they see a guide dog still constitutes the offence of refusing access.	It is sensible and appropriate to make this clear within the policy.
3. The policy should be amended to reflect that the relevant provisions of Equality Act 2010 have now been widened to all disabled passengers and not just those with assistance dogs or that require mobility assistance.	It is sensible and appropriate to make this clear within the policy.
4. The policy, or elsewhere, should include information about what is considered within the Disability Equality Training section of driver training to provide assurance to disabled persons	It is sensible and appropriate to make this clear within the policy and/or website.
5. It is recommended that the Council operate a zero-tolerance approach to offences under the Equality Act 2010, with a view to prosecution.	It is sensible and appropriate to make this clear within the policy, however Officers will have to make decisions having regard to the Corporate Enforcement Policy.
6. It is recommended that the Council work with assistance dog owners to ensure compliance using various means which may include test purchases.	It is a sensible and appropriate recommendation however Officers opinion is that it does not necessarily need to be included within the policy. Officers have already made enquiries

	with a view to carrying out test purchases with volunteer assistance dog users.
--	---

Officers have amended the proposed policy taking into account the recommendations (1) to (5) detailed in the table above.

- 2.14** The response from Staffordshire County Council School Transport Team (Staffs CC) consisted primarily of comparisons between the proposed policy and their contractual terms and agreements, rather than any recommendations or views on the proposals. It remains a condition of their contracts that the companies standard livery is displayed in a prominent position, which is line with the proposal to retain door livery. A copy of the full response is attached as **Appendix F**.

3. Recommendation

- 3.1** Agree the proposed policy document at Appendix A; and
- 3.2** Approve that the policy document takes effect from 1st January 2026.

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 implementation phase of the updated policy. These resources will be met by current staffing levels.
- 8.2** Applicants who do not meet the updated policy may challenge decisions and require additional Sub-Committee meetings to those currently planned. This would require additional resource on Officers, which would be met by current staffing levels, but also more time commitments on Members of the Committee and support staff from legal and democratic services.

9. Major Risks & Mitigation

9.1 None identified

10. UN Sustainable Development Goals (UNSDG)

10.1



11. One Council

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

One Commercial Council: ☒

Taxi licensing operates on the basis that it is cost recovery at most, the Council is not permitted to make a profit on the income made through the service. Processes are continually being refined with a view to identifying efficiencies.

One Sustainable Council: ☒

The Licensing Department are actively reviewing how the taxi policy and administering the regime can be refined to be more sustainable and assist the Council in achieving it's net-zero goals. In due course we will be moving to issuing front and internal vehicle plates with no expiry so they will not need replacing every year and moving to a paperless licensing system.

One Digital Council: ☒

The Licensing team are currently involved in the build of a new case management system which will include a customer portal allowing self-service, and multiple APIs which will reduce the number of document checks required.

12. Key Decision Information

12.1 Not applicable

13. Earlier Cabinet/Committee Resolutions

- 13.1 August 2019 – Licensing & Public Protection Committee
- 13.2 January 2021 – Licensing & Public Protection Committee
- 13.3 February 2022 - Licensing & Public Protection Committee
- 13.4 December 2023 - Licensing & Public Protection Committee
- 13.5 April 2024 - Licensing & Public Protection Committee
- 13.6 October 2024 - Licensing & Public Protection Committee
- 13.7 January 2025 - Licensing & Public Protection Committee

14. List of Appendices

- 14.1 Appendix A – Draft Proposed Taxi Licensing Policy 2026-2030 for consultation
- 14.2 Appendix B – Summary of changes in Draft Proposed Taxi Licensing Policy 2026-2030
- 14.3 Appendix C – Consultation responses re: Suitability Guidelines
- 14.4 Appendix D – Consultation responses re: proposed taxi licensing policy

14.5 Appendix E – Consultation response from Guide Dogs

14.6 Appendix F – Consultation response from Staffordshire County Council School Contracts Team

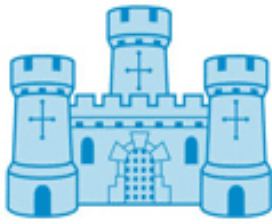
15. **Background Papers**

15.1 [Taxi Licensing Policy 2021-2025](#)

15.2 [Department for Transport Statutory Guidance for Taxi Licensing 2020](#)

15.3 [Department for Transport Best Practice Guidance 2023](#)

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BOROUGH COUNCIL

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

TAXI LICENSING POLICY

2026-2030

1st January 2026 version 16

Document Control	
Prepared by:	Matthew Burton
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Status	Approved
Author	Matthew Burton
File Name	Master – NULBC Taxi Policy
Document Owner	Matthew Burton
Keywords	Taxi, private hire, policy, conditions, convictions
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Revision History			
Version	Date	By	Summary of Change
1.0-7.0	2017-2018	MBU	Creation and amendments pre-policy introduction
8.0	28.6.19	MBU	Amendments following decisions by Public Protection Committee on 11 th June 2019
9.0	30.11.19	MBU	Amendment to Appendix L (removed in 2025) 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
16.0	1.4.25	MBU	Full Policy review incorporating DfT Best Practice Guidance

Approval Signature			
Name:		Date	
Name:		Date	
Council	Approved	Date	

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Glossary

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

ABOUT THIS POLICY

1.1 Introduction

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

In carrying out its Taxi and Private Hire licensing function the Council seeks to promote the following objectives:

- Protection of the Public
- Safety and health of drivers and the public;
- High standards of vehicle safety, comfort and access;
- Prevention of crime and disorder and the protection of the consumers;
- Ensure that the decision making processes are transparent, and the resulting decisions are fair, proportionate and consistent;
- Equality and accessibility in service provision.

The Council expects all applicants, drivers, proprietors and operators to demonstrate commitment to promoting these objectives.

In addition, this Policy attempts to encompass the Council's key corporate priorities of:

- One Council delivering for local people;
- A successful and sustainable growing borough;
- Healthy, Active and Safe Communities; and
- 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

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 19th August 2025.

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 all disabled persons as required.
- 1.2.4 The main concerns for the Council are to ensure:
- the safeguarding of children, young persons and adults at risk of abuse and neglect;
 - that in order to promote the welfare of children and to protect them from harm, prospective and licensed drivers and operators who have dealings with children and families have a duty to report matters of concern that could relate to the safety and/or welfare of children and vulnerable persons to the relevant authorities (refer to [Newcastle-under-Lyme BC's Safeguarding Policy](#), and Appendices A and K for further information);
 - that any person who applies to be a hackney carriage or private hire vehicle, driver or operator is a fit and proper person and does not pose a threat (in any form) to the public. The Council also use the phrase 'safe and suitable' in place of 'fit and proper' as an aid to interpret what is meant by it. The tests that the Council will use to determine whether an individual is considered fit and proper/safe and suitable to hold a licence are below:
 - For drivers: *"Would you allow your child, spouse or partner, parent, grandchild or any other person for whom you care, to get into a vehicle with this person alone at any time of day or night?"*
 - For private hire operators: *"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"*
 - For vehicle proprietors: *"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would*

maintain it to an acceptable standard throughout the period of the licence?”.

- that the public are safeguarded from dishonest persons; that vehicles used to convey passengers are safe and fit for the purpose for which they are licensed; and
- that the impact on the environment is reduced in line with 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 36. 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 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.

In addition, the service is provided in accordance with all relevant Council policies, but in particular the following which mirror the framework of policies which under section 177(4) of the Policing and Crime Act 2017 the authority must have regard to when exercising its licensing functions:

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

- 1.5.3 The General Data Protection Regulations ("GDPR") and the Data Protection Act 2018 ("DPA18") covers the collection, storage, processing and distribution of personal data. It also gives certain rights to individuals about whom information is recorded. The Council aims to fulfil its obligation under the legislation to the fullest extent by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council. The DPA18 obliges local authorities to comply with the below data protection principles. The principles state that the information shall be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

Further information about GDPR and DPA18 can be obtained at the Information Commissioner's website (www.ico.gov.uk). Enquiries regarding the Council's use of personal data should be addressed to the Council's Data Protection Officer at dataprotection@newcastle-staffs.gov.uk

- 1.5.4 The Policy and associated conditions do not 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 **500 +** drivers, **65+** operators, **450+** private hire vehicles and **120+** 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.
- 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. 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,
- Department for Transport and any other Government Guidance as applicable;
- any relevant legislation,

- any relevant 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.

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 driver 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.

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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
- 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/db-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 6 months or more (whether continuously or in total) while aged 18 or over living outside the United Kingdom, and hence their DBS record is incomplete will be required 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/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

- 3.1.6 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.

- 3.1.7 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, on the basis that they believe the individual presents a risk of harm to a child or vulnerable adult.
- 3.1.8 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

- 3.1.9 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

- 3.1.10 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 stated at section 1.2.4 of the policy.

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 must be fully completed and include all relevant information, supporting documentation and payment of the appropriate fee. If any part of the application 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.

- 3.2.4 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 an 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 a digital photograph 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 the joint Disability Equality and Safeguarding and Child Sexual Exploitation Training approved by the Council, and supply the certificate, completed 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, 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 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 evidence of their right to work in the UK in accordance with the Home Office requirements;
- Pass the joint Disability Equality and Safeguarding and Child Sexual Exploitation Training approved by the Council, and supply the certificate, completed 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, 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;
- 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.

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.

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 Criteria

- 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.
- 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

- 3.3.13 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. 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

- 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 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.**
 - f) **(New vehicles only)** the V5 registration certificate (or alternative interim measure outlined in paragraph 3.3.21 below);
 - g) a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out in **Appendix E**
 - h) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).
 - i) 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 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 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 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.

Signage

- 3.3.25 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.

Ranks

- 3.3.26 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.
- 3.3.28 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

- 3.3.27 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.
- 3.3.28 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.
- 3.3.29 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.
- 3.3.30 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 Vehicles

- 3.3.31 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

- 3.3.32 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

- 3.3.33 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.

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 –Department for Transport 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):
<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 Criteria

- 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.

- 3.4.9 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>

Taximeters

- 3.4.10 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.

Application

- 3.4.11 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.

- 3.4.12 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 certificate of insurance for private hire, this must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.
- f) **(New vehicles only)** the V5 registration certificate (or alternative interim measure outlined in paragraph 3.4.19 below);
- g) 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**
- h) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).
- i) 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

3.4.13 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 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 (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

3.4.14 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.

3.4.15 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.

3.4.16 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.

3.4.17 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

3.4.18 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

- 3.4.19 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.
- 3.4.20 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

- 3.4.21 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.

Signage

- 3.4.22 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.

LPG Converted Vehicles

- 3.4.23 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.
- 3.4.24 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.
- 3.4.25 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.
- 3.4.26 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

- 3.4.27 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

- 3.4.28 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.

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 dispatch 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;
- Pass the joint Disability Equality and Safeguarding and Child Sexual Exploitation Training approved by the Council, and supply the certificate, completed within the previous 3 months
- 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-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 6 months or more (whether continuously or in total) while aged 18 or over living outside the United Kingdom, 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](https://www.gov.uk/government/world) website at <https://www.gov.uk/government/world>.

The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at: FCO, King Charles Street, London, SW1A 2AH.

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

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

Insurance

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

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

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

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

Licence Conditions

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

Safeguarding and Disability Training

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

COMPLIANCE, COMPLAINTS AND ENFORCEMENT

4.1 Summary

- 4.1.1 This part of the Policy sets out the manner in which the Council approaches compliance and enforcement, including the way in which complaints will be dealt with, as it relates to hackney carriage and private hire licensing.

Compliance and enforcement

- 4.1.2 The Council's licensing officers will work closely with the hackney carriage and private hire trades to achieve compliance with the relevant legislation and the Council's conditions of licence. The Council will do so in accordance with the Council's Enforcement Policy, which is available on the Council's website at <https://www.newcastle-staffs.gov.uk/downloads/file/2325/enforcement-policy-2024-2027>.

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 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 Council's 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. Where there is sufficient evidence that a discriminatory offence has been committed, the Council will look to instigate legal proceedings with a view to 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 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 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>

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 **19th August 2025** and for it to be implemented on **1st January 2026** (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 K – CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PERSONS

Appendix L – VEHICLE SIGNAGE

APPENDIX A

CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

Introduction

Set out below is information for hackney carriage and private hire vehicle drivers and operators to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

General information

The Borough Council of Newcastle-under-Lyme's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly Staffordshire Police, Children and Adult Services within the Council and the Staffordshire Safeguarding Children Board.

Through partnership working and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with Staffordshire Police and Staffordshire Safeguarding Children's Board helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

How hackney carriage and private hire vehicle drivers and private hire operators can help tackle child sexual exploitation.

Drivers of hackney carriages and private hire vehicles as well as private hire operators are in a good position to help identify victims of sexual exploitation because, through the transport services they provide, drivers and operators regularly come into contact with children and young people. This means that licensed drivers and private hire operators are in an ideal position to help protect young people.

In particular, drivers should ask themselves the following questions when picking up a fare.

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are you taking them to a hotel, party or secluded location? If so, ask yourself why?
- Are children/young people being taken regularly to the same localities? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.

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>

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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 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 proprietor within 24 hours, they 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 72 hours if they are questioned, arrested and released, interviewed voluntarily under caution, charged by the Police or convicted of any criminal offence.
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 they 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.

Child Sexual Exploitation & Safeguarding Training

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

Drivers' Badges/Licenses

12. Wearing of badge – 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 they are acting as a hackney carriage or private hire driver.
13. 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.
14. Return of badges/licences – In the event of expiry of the licence or where the driver ceases to operate as a licensed driver they must immediately return their badge and licence plates to the Council and otherwise upon any request by an Authorised Officer of the Council.

Conduct

15. Punctuality - The driver shall attend punctually when hired and shall provide reasonable assistance with the loading and unloading of luggage.
16. Appearance - The driver shall wear respectable and appropriate clothing at all times and appropriate footwear for driving.
17. 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.
18. Route - The driver must, unless otherwise requested by the hirer proceed to the destination by the most direct route

19. Receipts – The driver must, if requested, provide the hirer with a full written receipt for the fare paid.
20. 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.
21. Other passengers – The driver must not, without the express consent of the hirer, allow another person to be carried in the vehicle.
22. 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.
23. 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).
24. 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 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.
25. 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, and any assistance required by disabled passengers
26. 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.
27. 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
28. Agreed fare - Where the fee is agreed in advance, the driver shall ensure that no more than the agreed fare is paid.
29. Receipts – The must issue a written receipt to the passengers for the fare paid for the journey undertaken, if requested to do so.
30. 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.
31. 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.

32. 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

Medical

33. 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.
34. 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 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

35. Maintenance – The driver must before the start of any shift carry out a 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

36. The driver must not convey in the vehicle any animal except one belonging to a passenger.
37. 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.
38. Paragraph 37 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

39. 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.
40. 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 their licence.

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 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. 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 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.
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.
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.
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 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

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).
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.

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.
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. However, the principal consideration will be to ensure the safety and welfare of the public.
14. Any applicant who has, in the 10 years before the application is made, spent 6 months or more (whether continuously or in total) while aged 18 or over living outside the United Kingdom 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.

Non-conviction information

15. 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.

16. 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.
17. 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

18. 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.
19. 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.
20. 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.
21. 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

22. 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.

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.

If any applicant has any particular needs as a result of a disability or otherwise they should let

the Licensing team know and suitable arrangements can be made to facilitate the test.

23. 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.
24. The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of an authorised officer of the Council or the Public Protection Sub Committee.
25. Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

Disability Equality, Safeguarding and Child Sexual Exploitation Awareness

26. The Council requires all licensed drivers to attend Disability Equality, Safeguarding and Child Sexual Exploitation Awareness training prior to the grant of a new or renewal licence.

Medical requirements

27. 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>

28. 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.
29. 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.
30. 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.
31. 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.
32. 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.

33. Should an authorised officer of the Council have reason to believe that a licensed 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.
34. 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.
35. With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence.

Medical Exemptions

36. Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must 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

37. 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 dual driver. This will be tested as part of the Knowledge Test, and 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

38. 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 proprietor 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 proprietor 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 proprietor must at all times ensure that the vehicle is properly and regularly maintained. The 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. Vehicle Idling - That when the vehicle is parked on the highway or in a public place during the course of their duties that the engine must be kept from idling at any time, unless there is a mitigating reason to. Drivers must turn off the engine when requested by an Authorised Officer of the Council.

Alteration to vehicle

18. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
19. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The 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

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

25. Identification Sticker – The Council will issue a white “identification sticker” or “internal plate” particular to the vehicle. Such sticker/plate must be displayed at all times in a clearly visible place in the front of the vehicle in a location visible to all passengers. The sticker must not at any time be wholly or partially concealed from view.
26. 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.
27. 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.
28. Advertisements - The owner must not display any advertisements on or in the vehicle
29. 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.
30. 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.
31. 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

32. 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

33. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
34. 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.
35. 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

36. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
37. 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.
38. Paragraph 37 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 including failing to stop when the driver sees a passenger accompanied by an assistance dog.

Other requirements

39. 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.
40. 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.

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

ADDITIONAL CONDITIONS APPLICABLE TO THE USE OF TRAILERS

1. Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
2. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
3. The licensed towing vehicle's insurance must cover the towing of a trailer.
4. Trailers must not be left unattended anywhere on the highway.
5. The speed restrictions applicable to trailers must be observed at all times.
6. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
7. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle, and immediately before and after the journey on the way to and from the booking.
8. The owner of the trailer must carry out periodic checks of the vehicle and be able to provide a written history of the checks and any maintenance that have been carried out,
9. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
10. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation
11. The trailer must display a duplicate of the rear licence plate affixed to the vehicle. The proprietor must inform the Council that they use a trailer and pay an additional fee for the duplicate plate.

APPENDIX E

HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

1. Vehicle criteria

The Policy changes on vehicle emissions and the licensing of Electric and Hybrid vehicles may be subject to future review and change because of unforeseen circumstances which may affect the vehicle market.

Vehicle Emissions and Carbon Neutrality

1) From 01 April 2026 the Council will not accept any applications for Euro 4 or 5 standard vehicles.

Unless the vehicle is already licensed with us AND wheelchair accessible, in which case we will accept renewal applications until 31 March 2027.

2) From 01 April 2026 all new vehicle applications that are powered solely by Internal Combustion Engines (ICE) must be Euro 6 Emissions Compliant

3) From 01 April 2028 the Council will not accept new applications for vehicles which are powered solely by ICE. 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) From 01 April 2029 the Council will not accept applications to renew existing ICE vehicles that are Euro 6 compliant. Unless the vehicle is already licensed with us AND wheelchair accessible, in which case we will accept renewal applications until 31 March 2031. 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

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. 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.

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 that are wheelchair accessible 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.

4. Taximeters

Taximeters must be:

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

5. Wheelchair Accessible Vehicles

- 5.1 Vehicles must be able to accommodate at least one wheelchair using passenger.
- 5.2 Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.
- 5.3 Wheelchairs can be loaded from either the side or the rear of the vehicle
- 5.4 A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion. It is best practice to secure wheelchairs in a forwarding facing position.
- 5.5 A suitable restraint must be available to the occupant of the wheelchair.
- 5.6 A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.
- 5.7 Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations (e.g. Lifting Operations and Lifting Regulations 1998) for such devices and maintained in good working order.

APPENDIX F

PLYING FOR HIRE

1. Only licensed hackney carriages are permitted to ply for hire and only in the administrative area of the Borough Council with which they are licensed. It is **ILLEGAL** for a private hire vehicle to ply for hire. This means:

- a) Private hire vehicles **MUST NOT** carry passengers if the journey has not been pre- booked with a private hire operator by the passenger.
 - b) All private hire vehicle journeys **MUST** be pre-booked through a licensed private hire operator.
 - c) All bookings **MUST** be made by prospective passengers with a private hire operator who will dispatch the vehicle. Prospective passengers may instruct a third party, e.g. a restaurant manager or bus station marshal, to make a booking on their behalf but this third party **MUST NOT** be the private hire vehicle driver.
 - d) A driver of a private hire vehicle is **NOT** permitted to make the booking on behalf of a prospective passenger, e.g. via their radio or mobile telephone or other device.
 - e) Private hire operators **MUST NOT** accept any booking made by a driver on behalf of a passenger.
 - f) Private hire vehicle drivers are **NOT** permitted to make their vehicles available for immediate hire. This means that private hire vehicle drivers **MUST NOT** physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom, e.g. allowing prospective customers to approach the vehicle and ask, 'Are you free?'
 - g) In most cases, the vehicle will not be insured during a journey that has not been correctly pre-booked.
 - h) Private hire vehicles **MUST NOT** wait at any taxi rank/stand.
 - i) Private hire vehicles **MUST NOT** be hailed in the street.
2. Other circumstances may constitute unlawful 'plying for hire'; accordingly, each case of allegedly unlawful 'plying for hire' will be judged on its own facts. Nevertheless, attention is drawn to the Council's position as set out above.
3. Further information about the relevant legislation is available in the Town Police Clauses Act 1847, in particular Section 45, and in Part II of the Local Government (Miscellaneous Provisions) Act 1976, in particular Section 64.

APPENDIX G

PRIVATE HIRE VEHICLE CONDITIONS

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

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

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

The Conditions attached to the licence are as follows:

Notification

1. Change of Address - The proprietor of the vehicle ("the owner") must notify the Licensing Administration Team at The Borough Council of Newcastle-under-Lyme ("the Council") within 72 hours in writing of his/her change of address.
2. Accident damage – The proprietor 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 proprietor 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 proprietor must at all times ensure that the vehicle is properly and regularly maintained. The proprietor 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. Vehicle Idling - That when the vehicle is parked on the highway or in a public place during the course of their duties that the engine must be kept from idling at any time, unless there is a mitigating reason to. Drivers must turn off the engine when requested by an Authorised Officer of the Council.

Alteration to vehicle

18. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
19. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The 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

20. 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.
21. 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.
22. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
23. 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.
24. 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**.

25. Other Identification - Each private hire vehicle, unless granted an exemption by the Council, must display door livery (as detailed in conditions 24 and 27).
26. Roof sign – Are not permitted to be used on Private Hire Vehicles
27. 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.
28. Advertisements - The owner must not display any advertisements on or in the vehicle
29. 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.
30. 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.
31. 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

32. 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

33. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
34. 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.
35. 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

36. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
37. 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.
38. Paragraph 37 does not in any way remove or reduce the duty placed on the driver of the private hire vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under s170 Equality Act 2010 without charge unless the driver has a valid exemption certificate issued by this authority under s171. When attending a booked fare and the passenger has an assistance

dog with them the driver must stop to carry them. Failure to do so will be treated as an illegal refusal.

Other requirements

39. 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.
40. 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.

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

ADDITIONAL CONDITIONS APPLICABLE TO THE USE OF TRAILERS

1. Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
2. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
3. The licensed towing vehicle's insurance must cover the towing of a trailer.
4. Trailers must not be left unattended anywhere on the highway.
5. The speed restrictions applicable to trailers must be observed at all times.
6. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
7. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle, and immediately before and after the journey on the way to and from the booking.
8. The owner of the trailer must carry out periodic checks of the vehicle and be able to provide a written history of the checks and any maintenance that have been carried out,
9. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
10. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.
11. The trailer must display a duplicate of the rear licence plate affixed to the vehicle. The proprietor must inform the Council that they use a trailer and pay an additional fee for the duplicate plate.

Additional Conditions for Vehicles with Private Hire Vehicle Exemption Certificates

1. Where a private hire vehicle licence has been issued a Private Hire Vehicle Exemption Certificate it must be retained in the boot of the vehicle at all times and produced to an authorised officer of the Council or a Police Constable upon request.
2. Where a private hire vehicle licence has been issued a Private Hire Vehicle Exemption Certificate the driver of the vehicle must have their taxi driver licence badge in the vehicle at all times and

produced to an authorised officer of the Council or a Police Constable upon request.

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

ADDITIONAL LIMOUSINE CONDITIONS OF LICENCE

These additional conditions are attached to the licenses issued by the Borough Council of Newcastle-under-Lyme under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") in relation to limousines and special event vehicles.

For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle.

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

The licence holder (the owner of the vehicle) must meet all the conditions of this licence, including those for private hire vehicles generally. Breach of the conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

The additional conditions attached to the licence are as follows:

1. The vehicle will be presented for, and successfully complete, a garage test at the Council testing station on Knutton Lane or an alternative location authorised by the Authority every 6 months.
2. The vehicle will be licensed for a maximum number of 8 passengers.
3. The vehicle will not be subject to an age restriction for the purposes of licensing.
4. Adequate three point seat belt installations must be in place for the equivalent number of passengers and driver.
5. Must provide a certificate of compliance through the Individual Vehicle Approval Scheme (IVA, formerly known as the Single Vehicle Approval Scheme (SVA).
6. Must provide proof of manufacturer's alterations approval for the vehicle
7. Children under 135cm tall or 12 years (whichever they reach first) can not travel in a sideways facing seat
8. Standard council identification plates must be displayed.

APPENDIX H

PRIVATE HIRE VEHICLE SPECIFICATIONS

1. Vehicle criteria

The Policy changes on vehicle emissions and the licensing of Electric and Hybrid vehicles may be subject to future review and change because of unforeseen circumstances which may affect the vehicle market.

Vehicle Emissions and Carbon Neutrality

- 1) From 01 April 2026 the Council will not accept any applications for Euro 4 or 5 standard vehicles. Unless the vehicle is already licensed with us AND wheelchair accessible, in which case we will accept renewal applications until 31 March 2027.
- 2) From 01 April 2026 all new vehicle applications that are powered solely by Internal Combustion Engines (ICE) must be Euro 6 Emissions Compliant
- 3) From 01 April 2028 the Council will not accept new applications for vehicles which are powered solely by ICE. 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) From 01 April 2029 the Council will not accept applications to renew existing ICE vehicles that are Euro 6 compliant. Unless the vehicle is already licensed with us AND wheelchair accessible, in which case we will accept renewal applications until 31 March 2031. 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. 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/manufacture 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.

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 exemption certificate that restricts the use of the vehicle to contract work only then a condition will be placed on the vehicle licence that it may not be used for 'general private hire bookings' such as a trip to the shops or home from a restaurant.

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

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

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

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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.

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.**

7. 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

9. 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.

10. Booking records must be kept at the base recorded on the Operator's licence.
11. The operator must ensure that they use appropriate staff to carry out their bookings. The Operator must use a Fit and Proper test, similar to the one the Council use for determining whether to grant an operator's licence, for each member of staff that they employ. The operator should not employ any individual that falls below that test. This relates to all employees who receive booking information from customers and those who have access to booking records and related information.

12. 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

13. 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.
14. 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.
15. 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

16. 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.
17. 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

18. 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.
19. 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

20. 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

21. General standards - The operator must provide a prompt, efficient, safe and reliable service to members of the public.
22. 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.
23. 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

25. 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.
27. Licence for radio equipment – The operator must hold the necessary permission from OFCOM where they operate radio equipment requiring such permission.

Insurance

28. 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.

Fares

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

Other requirements

30. The Operator must comply with all other relevant statutory requirements including the duties placed upon them by the Equality Act 2010, such as ensuring that they do not fail or refuse to accept a booking for a disabled person, that no additional charges apply to disabled persons and failing or refusing to accept a booking from an assistance dog user. 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.

31. 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.

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 – Suitability Guidelines

- 4.1 This Guidance is not binding on licensing authorities. They are all independent bodies, and it is for them to determine their own standards. This Guidance is intended to encourage greater consistency in decision making where it concerns the suitability of applicants for taxi and private hire licences.
- 4.2 This Guidance is also intended to enable licensing authorities, as the regulators of taxi and private hire drivers, vehicles and operators, to set standards that protect the public, and uphold the reputation of the trade and those licensed to work in it. As with any regulated activity, absolute certainty of safety cannot be achieved, and there will always be a tension between those regulated, and the regulators. The aim of this Guidance is to enable regulators to protect the public, whilst not preventing the vast majority of decent, law-abiding applicants and licensees to obtain and retain those licences. The 'public' is not restricted to passengers. It encompasses everyone: passengers, other road users and, of course, drivers.
- 4.3 As is clear from the [Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview](#) above, 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 may reduce over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.4 Many members of our society use, and even rely on, taxis and private hire vehicles to provide transportation services. This is especially true of disabled and vulnerable people. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.5 Ideally, all those involved in the taxi and private hire trades (taxi and private hire drivers, taxi and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.6 It is essential those making decisions (whether Councillors or officers) undertake regular (annual) training in the legislation relative to licensing and the purpose of this document is to offer guidance on how licensing authorities can 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. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

- 4.7 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks and overseas checks for the vehicle proprietor;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space, comfort and any similar considerations
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.
- Electric Vehicles may have additional considerations

Drivers:

- Enhanced DBS checks (Other Workforce + Taxi) with update service and overseas checks;
- Checks made to the National Anti-Fraud Network NR3S database on refusals, revocations, and suspensions of taxi and private hire licences;
- Medical checks (Group 2 Standard as a minimum);
- Knowledge of the geographic area (for taxi and dual licences);
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation, county lines and safeguarding training;
- Right to work checks;
- Tax conditionality checks.

It should be noted that records only remain on the NR3S database for a period of 11 years after which they must be removed under S 4(3)(b) of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. This means that there will no longer be any record of whatever caused the entry to be made. This is unsatisfactory because any subsequent search after 11 years have elapsed from the date of entry will not reveal anything and is therefore worthless. It is believed that the period is set at 11 years to prevent a conviction that has become protected being revealed. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (SI 2013/1198) contains a long list of offences that will never become protected so it is some comfort that they will be disclosed on an Enhanced DBS in the normal way.

Operators:

- Basic DBS checks and overseas checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area;
- CSAE and County Lines Training for operator and staff
- Right to work checks;
- Tax conditionality checks.

- 4.8 The licensing authority sets its own application requirements which will be detailed in its licensing policy.
- 4.9 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.10 Drivers and operators cannot be granted a licence unless the authority 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).
- 4.11 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a taxi or private hire proprietor’s licence.
- 4.12 “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 partnership¹) is “safe and suitable” to hold the licence.
- 4.13 In determining safety and suitability, the licensing authority 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 taxi 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

¹ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

will be considered. This can include, but is not limited to, the individual's attitude and temperament. The categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

- 4.14 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.² Fixed penalties and community resolutions will also be considered in the same way as a conviction.³
- 4.15 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, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the licensing authority.⁴ In addition, complaints and or investigations 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.
- 4.16 In the case of any new applicant who is under investigation or has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.17 In all cases, the licensing authority 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.
- 4.18 Any offences committed, or unacceptable behaviour reported whilst driving a taxi or private hire vehicle, concerning the use of a taxi 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 taxi and private hire trades will not be seen as mitigating factors.
- 4.19 As the licensing authority 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.
- 4.20 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.
- 4.21 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.
- 4.22 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 (drivers, vehicles and operators) and it must be understood that any convictions or other actions on the part of the licensee

² This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

³ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

⁴ See *R v Maidstone Crown Court, ex p Olson* [1992] COD 496, QBD; *McCool v Rushcliffe Borough Council* [1998] 3 All ER 889, QBD; and *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt.

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

- 4.23 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.
- 4.24 Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, it is suggested that the same standards are applied to all licences, except motoring convictions in relation to a private hire operator.
- 4.25 This Guidance suggests minimum periods of time that should elapse between the date of conviction or completion of the sentence (whichever is later) and the grant of a licence. Those periods are for single convictions. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. Convictions do become less important over time (hence the time periods) but multiple convictions or continued offending over any period of time will always be of significant concern to a licensing authority. The licensing authority 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.
- 4.26 Where an applicant/licensee is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this guidance, the licensing authority will take that conviction and/or behaviour into account and use these guidelines as an indication of the approach that should be taken.
- 4.27 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual. It must be remembered that these are guidelines. It is for each authority to determine and adopt its own previous convictions policy, and then determine applications in the light of that policy.
- 4.28 It must always be borne in mind that these are Guidelines, not fixed periods, and if there are "truly exceptional circumstances"⁵ the time periods can be reduced in individual cases. Such instances should only be for "truly exceptional circumstances" and not frequent occurrences. The decision makers must consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence, and any mitigation that has been offered. However, the conviction itself cannot be reconsidered.⁶

Drivers

- 4.29 As the criteria for determining whether an individual should be granted or retain a taxi driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.30 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. 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.
- 4.31 As stated above, where an applicant persistently offends, which shows 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.

⁵ DfT Statutory Standards Guidance para 5.15

⁶ *Nottingham City Council v Farooq (Mohammed) Times, October 28, 1998 QBD*

4.32 In relation to single convictions, the time periods detailed in the following paragraphs should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. For motoring offences see the paragraphs headed 'Motoring Offences' below.

4.33 As stated above, the categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

Barred lists

4.34 A licence will not be granted to a person who is on any barred list.

Offences resulting in death

4.35 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.

Offences involving exploitation and criminal harassment

4.36 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment 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, stalking without violence, but this is not an exhaustive list.

Offences involving violence against persons, property, animals or the State

4.37 Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of "violence" is wide, but any such behaviour will be of concern. This Guidance does not differentiate between different levels of violence. It will be for the licensing authority to determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.

4.38 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. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

4.39 Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Offences involving Possession of a weapon

4.40 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.

Offences involving Sex, indecency or obscene materials

4.41 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. This includes any sexual harassment.

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

Offences involving Dishonesty

- 4.43 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.

Offences involving Alcohol abuse, Misuse or Dependency

- 4.44 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

- 4.45 Where an applicant has any conviction for, or related to, the production, import, trade in or 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.
- 4.46 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.
- 4.47 If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

- 4.48 Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving Regulatory non-compliance

- 4.49 Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

- 4.50 Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.
- 4.51 Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any

applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

- 4.52 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 disqualification imposed, whichever is the later.⁷
- 4.53 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)".⁸ They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction, or the date of the offence depending on the type of offence (see "Penalty points (endorsements)".⁹
- 4.54 By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.
- 4.55 Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.
- 4.56 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.
- 4.57 Any driver who has been disqualified as a result of "totting-up", which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.
- 4.58 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

- 4.59 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.

⁷ Research shows driving while using a handheld device is potentially more dangerous than driving under the influence of alcohol: <https://www.trl.co.uk/news/transport-select-committee-road-safety-enquiry-on-the-use-of-mobile-phones> Using an electronic device which is 'hands free' or 'factory fitted' does not constitute an offence on its own but drivers need to maintain proper control of the vehicle at all times. Any behaviour or activity other than driving may be considered an offence where control of the vehicle is compromised.

⁸ Available at: <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

⁹ Available at: <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

4.60 Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

- 4.61 Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour may be perceived by a vulnerable passenger.
- 4.62 If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.
- 4.63 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

- 4.64 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.
- 4.65 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.
- 4.66 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 licensing authority's overall criteria, that will lead to the operator's licence being revoked.
- 4.67 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, except motoring offences to recognise the operator is not connected with the use of a vehicle, which are outlined above.

Vehicle proprietors

- 4.68 Vehicle proprietors (both taxi and private hire) have two principal responsibilities.
- 4.69 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.70 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.71 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.

- 4.72 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.

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APPENDIX K

CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS

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

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

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

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

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.

- Drivers and operators must remain alert to issues around the safeguarding of children and adults at risk. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the Police by telephoning 101 (or in an emergency by calling 999).
- If a driver/operator is concerned about someone else's conduct, they should report such concerns to the council's licensing department (01782 717717), Police (101 or in an emergency by calling 999) or Crimestoppers (0800 555111).

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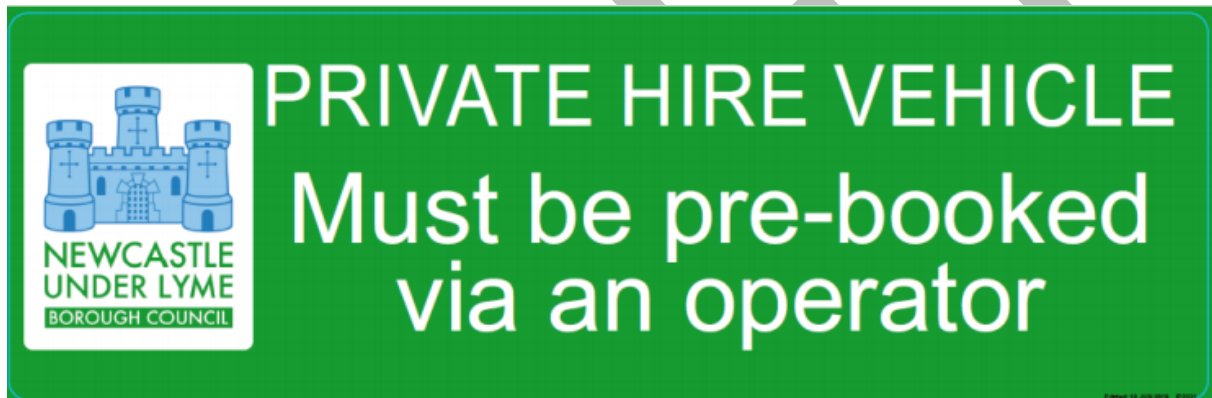
APPENDIX L

Vehicle Door Signage – Agreed 22.10.2019

HCV:



PHV:



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Page	Section	Change
		None
ABOUT THIS POLICY		
5	1.2.3	Amend/clarification that duties extend to all disabled persons and not only those with mobility issues.
LICENSING PRINCIPLES, DELEGATION & DECISIONS		
		None
TYPES OF LICENCE & APPLICATIONS		
16-17	3.24 and 3.25	Amend/clarification that applicants must pass the DE/CSE training
21	3.3.25	Requirements to display door livery/signage have been reinstated
26	3.4.22	Requirements to display door livery/signage have been reinstated
28 and 30	3.5.11 and 3.5.22	Amend/clarification that applicants must pass the DE/CSE training
COMPLIANCE, ENFORCEMENT AND COMPLAINTS		
32	4.2.10	Strengthening of provision around enforcement for Equality Act 2010 offences
FARES AND FEES		
		None
POLICY CONSULTATION		
		None
APPENDICES- List of		
42	Appendix B - 25	Amend/clarification of duties placed upon drivers re: disabled persons
52	Appendix D - 38	Amend/clarification that driving past an assistance dog user is classed as a refusal
53	Appendix E – 1,	Proposed new vehicle criteria for Hackney Carriages
59	Appendix G - 25-27	Requirements to display door livery/signage have been reinstated
62	Appendix H – 1,	Proposed new vehicle criteria for Private Hire Vehicles
70	Appendix I - 30	Amend/clarification of duties placed upon operators re: disabled persons
72-80	Appendix J	Suitability Guidelines reinstated and updated to reflect most recent Institute of Licensing Guidance

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Appendix C - Suitability Guidelines responses

<u>Response</u>	<u>Responder</u>	<u>Comments</u>
1	Licensed driver	As if the job isn't tough enough .. you should give it a go yourselves
2	Local Authority Officer	<p>Not sure if you picked up, but it proposes mandatory drugs testing of any applicant with any possession offences.</p> <p>I wouldn't simply replace the guidelines, I would adopt them in part and have your own policy, because they say an act of violence should be ten years, but they are happy for people who are in possession of a firearm to have a licence at 7 years?!</p>

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Appendix D – Taxi Policy Proposal responses

Response	Responder	Thoughts on door signage	Positives	Negatives	Other
1	Licence Holder	N/A	N/A	<p>A bit late in changing your policies now</p> <p>You lost majority of your drivers to other licensing councils.</p> <p>This was good revenue for this Borough at one time.</p> <p>Should ask yourself, who is to blame for the lost revenue from hard working taxi drivers, which were contributing with their heart and soul and maybe at the same time not been appreciated.</p> <p>Please bring this up in your next meeting</p>	N/A
2	Licence Holder	N/A	N/A	<p>my concern for new taxi policy is please give more time for euro 4 taxi to replace with euro 6 3 months is not enough time to find new vehicle and please let euro 6 petrol and diesel vehicles till they pass safety and suitability check because electric car r to expensive hybrid vehicles are best idea for taxi please according to sentinel only 3 taxi are euro 4 if you us bit extra time to find another vehicle it will be very helpful to the driver many thanks</p>	<p>. i would say's policy should be same as ne policy of stoke on trent and scrap the 6 month safety and suitability check and expect vosa mot certificate for taxi vehicle licence and hybrid should be carrying on licence after 2035 electric car are not very reliable and not cheap and no backup like hybrid got fuel as well many thanks</p>

3	Licence Holder	No not need it	I think this new policy helps protect the elderly and the younger communities.	I do not like the fees for licenses increasing.	I think a better service should be added where the drivers are more vigilant and listen better. I would also require the drivers to report anyone they think is involved with illegal products (e.g. drugs).
4	Licence Holder	Should keep door signs	Changes to emissions makes sense	N/A	N/A
5	Licence Holder	N/A	N/A	N/A	N/A
6	Licence Holder	Not necessary due to online technology and text service/App	Door signage which won't be required	Not got the infrastrucure for Evs. They are too expensive for drivers to afford and maintain	Could add more re: driver safety and minimim fare should be more
7	Licence Holder	They damage vehicle doors	A move to hybrids is good	EVs are unsuitable due to reliability, lack of infrastructure, costs of EVs to purchase and maintain, concerns over range limitations, environmental impact of building Evs. Does not belive this is a positive move for the taxi trade	Council employees and Councillors should move to Evs first to expereince issues first hand.
8	Licence Holder	N/A	N/A	Fees are too high, do not like needing MOT and taxi test	N/A
9	Licence Holder	They should be retained	It's good	N/A	N/A

10	Licence Holder	My thoughts are door signage Should be displayed at all times. So the customer knows his taxi has arrived..and its safer for customer too	N/A	Not safe without door signage	Keep door signage
11	Licence Holder	I can't see the need for signage on local taxis, most are on dual operators and too many signs looks messy	N/A	Dislike the push to Evs. Infrastructure is not in place nationally and will cause issues for distance driver like myself.Evs still at a premium cost compared to Diesel. What are Wolverhampton and other Council's doing as if not similar then there will be further licences issued by them to which you have no control.	For executive vehicle have something similar to the small sticker in London
12	Licence Holder	Prefer not to have it	N/A	Not a fan because the cost to replace a car is very expensive especially now more than ever. Also work is very quiet now at the rank in Newcastle, there is not as many people coming into town as before which is a real shame for us and local business. It will cost a lot of money to replace the car. If we have to get electrical only than its too expensive and the infrastructure is not in Newcastle Under Lyme to support charging cars quickly	Maybe for the policy not to come into effect till 2030 at least give people time to save up.
13	Licence Holder	Quality ruins paint	N/A	Electric cars	10 years old vehicle and check after 1 year would be great

14	Licence Holder	It damages paint	Not sure	N/A	Not sure
15	Licence Holder	Door sign easy for their car to be identified to elderly people	N/A	N/A	Drivers to wear their ID card so customers can identify them easily
16	Licence Holder	It feels unnecessary	I feel positive about the proposed changes	Nothing in particular	In my opinion, I feel the driver license tests should be kept upto date to keep the quality of drivers
17	Licence Holder	Agree with proposal (to remove)	It is a fair amendment	Nothing	None
18	Licence Holder	They are good so customers can identify easily	Stop using Diesel car and petrol, reducing the pollution	Nil	N/A
19	Licence Holder	I feel that there should be something on the vehicle to identify to the passenger that it's the correct vehicle without having to check the licence plates	N/A	I feel that we are being forced to go electric without actually looking at the cost of the vehicles as I have mentioned above ,also my property is 120 years old with no spare land to put a charging point so I would have to use a petrol station to charge the vehicle ,estimated for a quick charge on a minibus is 2 hours to last 5 hours so on average my working day is 8 hours so I would have to add an extra 3 hours in stationary charging at a service station ,how does this make sense ?	The vehicles we own as a small company are wheelchair adapted minibuses which when we replace a vehicle its costing £40,000.00 plus vat per vehicle including the conversion, the cost of a fully electric minibus plus conversion is £80,000.00 plus vat how as a small company can we ever make that proposition viable? I think with the investment that we as a small company put into our vehicles that the age of when the 6 monthly test comes into force should be a bit longer

20	Alderman	The Council should retain door signs for safety purposes	N/A	N/A	Even when receiving a text from the operator it can still be difficult to locate your taxi without door signs on
21	Guide Dogs	N/A	N/A	N/A	Consultation replicated in full in the report. Suggestions around strengthening policy to further support assistance dog users, and generally those with disabilities.
22	Staffordshire County Council, School Transport Team	Contract agreements contain provisions that door livery must be displayed during school contracts	N/A	N/A	Consultation replicated in full in the report. Focus on comparison of proposed policy against SCC contract conditions

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Response by Guide Dogs to Newcastle-under-Lyme Borough Council's Taxi Licensing Policy Consultation

24th January 2025

About Guide Dogs

Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms. Across Staffordshire there are an estimated 33,300 of people living with sight loss.

Taxis and private hire vehicles (PHVs) and the door-to-door service they provide are essential for disabled people. They are particularly important for the independence of blind and partially sighted people, who are unable to drive, and often face barriers when using public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners. A 2024 Guide Dogs survey found that 58% of guide dog owners have experienced being refused access to a taxi or minicab. Such access refusals can have a significant impact on assistance dog owners' lives, leading to feelings of anger and embarrassment and a loss of confidence and independence, which can often lead to isolation and poor mental health.

Highlighting obligations under Equality Act 2010 in respect of Assistance Dogs

The consequences of delayed travel combined with the emotional impact of facing discrimination and confrontation when trying to carry out everyday activities take a significant toll on assistance dog owners. Apart from feelings of anger and embarrassment, refusals can undermine the independence that assistance dogs bring to their owners. Assistance dog owners also reported that the stress of refusals has had a detrimental impact on their mental health and on whether they feel able to leave the



Guide Dogs, Hillfields, Burghfield Common, Reading, Berkshire, RG7 3YG

Guide Dogs is a working name of The Guide Dogs for the Blind Association. Registered Office: Hillfields, Burghfield Common, Reading, Berkshire, RG7 3YG. A company limited by guarantee registered in England and Wales (291646) and a charity registered in England and Wales (209617) and Scotland (SC038979).



house. This also has a negative impact on their ability to access work and other opportunities. As guide dog owners report:

“Each refusal is crushing, confidence shattering, rejecting, and traumatic. I always feel that I don't want to go out after - but work dictates I must.”
Guide dog owner

“I was left on my own at the side of the road in the dark. I am deaf and unable to phone for help and it made me feel very vulnerable. It makes me feel afraid to go out.” Assistance dog owner

“I was very upset, it was dark, raining and 10pm at night. I was scared. I avoid evening invites, as I worry about getting home. I lose out on the chance of socialising with friends, which is bad, as I have no family.” Guide dog owner

“I used to have a very tough two-hour commute to work. The taxi part of the journey was the shortest bit travel wise, but it always ended up being the bit that held me up the most because I was having to spend time facing drivers who wouldn't take me with my dog. ... It's good that my contract was flexi hours otherwise I'm sure I would have been sacked for being late all the time - it happened so often.” Guide dog owner

Guide Dogs welcomes the specific reference, in para. 40 of the draft Driver Code of Conduct, to the legal duty of drivers to carry, free of charge, all assistance dog owners under the Equality Act 2010.

Private Hire Operators play a key role in preventing and reducing access refusals, both at the point of booking and following an access refusal. Therefore, Private Hire Operators' legal obligations under the Equality Act should be included within the Private Hire Operator Conditions set out in Appendix I.

Further, guide dog owners have expressed concern of access refusals which take the form of drivers not stopping the car when they see the dog. We recommend ensuring that this is clearly identified as an illegal access refusal.



The Equality Act, including s. 165A, establishes duties on taxi and PHV drivers to provide assistance to disabled people, including assisting the passenger to find the vehicle. The current draft makes reference to drivers providing assistance to those with mobility problems, this should be expanded to clarify that this duty applies to all disabled people as well as people with mobility problems (see para. 1.2.3 of the Taxi Licensing Policy). Additionally, this duty should be included in para. 26 of the Driver Code of Conduct (Appendix B), which relates to the assistance of passengers.

Disability equality training

Drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. A Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality (as opposed to disability awareness) training for all taxi and PHV drivers.

Therefore, to help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog.

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022[2] amends the Equality Act 2010 to place duties on taxi drivers and PHV drivers and operators, so any disabled person has specific rights and protections to be transported and receive assistance when using a taxi or PHV without being charged extra. As part of the amendments, taxi and PHV drivers could face fines of up to £1,000 if they fail to provide reasonable mobility assistance to disabled passengers taking a pre-booked vehicle.

We recommend that this training, as well as highlighting a driver's legal obligations and disabled people's rights, should focus on the concept of people being disabled by society's barriers and attitudes. It should highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette, and appropriate communication.

Many of the positive experiences disabled people report when using taxis and PHVs come about following disability equality training. Councils that have introduced disability equality training report very positive results with fewer refusals and drivers feeling more confident in assisting passengers with disabilities.

We welcome the requirement for drivers and operators to undergo Disability Equality training prior to receiving a licence. However, we note that this will now be a combined module also covering Safeguarding and Child Sexual Exploitation training. Additionally, the removal of the word 'Pass' indicates drivers and operators will no longer have to undertake an assessment of their knowledge on these topics. The licensing authority should take steps to reassure passengers that this will not reduce the intensity or coverage of the training modules, nor the expected level of understanding by drivers of their legal obligations. Additionally, to further reassure assistance dog owners and disabled people more broadly, the licensing authority should set out in the policy, or elsewhere, what material is covered within the Disability Equality Training module.

Medical exemption certificates

Guide Dogs supports the inclusion of a detailed process to obtain a medical exemption certificate for taxi and PHV drivers who are medically unable to carry an assistance dog (Para 37, Appendix C).

Such policies should specify that in order to apply for a medical exemption certificate from carrying assistance dogs, this must be authorised by a medical practitioner and accompanied by medical evidence which demonstrates the driver's genuine medical condition that is aggravated by exposure to dogs, such as a blood test, a skin prick test or clinical history.

Further, it is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate's prescribed form and render it invalid. We therefore welcome that the licensing authority will

issue exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E' and a braille marker to accommodate both braille readers and non-braille readers.

Enforcement

Guide Dogs welcomes the specific reference to complaints relating to discrimination and breaches of the Equality Act 2010 (Para 4.2.10 of the Taxi Licensing Policy). However, we believe that the policy should go further.

While our most recent survey shows that a substantial percentage of assistance dog owners have been refused access, many of these incidents are not reported. Indeed, research in 2019 found that only 8% of owners who had been refused access had taken legal action which resulted in prosecution. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued.

Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated.

We recommend a zero-tolerance approach to enforcement of the Equality Act 2010 in seeking prosecutions and therefore recommend that the Taxi Licensing Policy states Newcastle-under-Lyme Borough Council will use its best endeavours to investigate all reported violations of the Equality Act 2010 in a timely manner, with a view to pursuing a conviction.

We also recommend that Newcastle-under-Lyme Borough Council works together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases.

[2]. <https://www.legislation.gov.uk/ukpga/2022/29/section/1/enacted>

For further information or clarification, please contact
adam.marsh@guidedogs.org.uk

End of document

Matthew Burton

From: [REDACTED] (E,I&S) <[REDACTED]@staffordshire.gov.uk>
Sent: 24 January 2025 14:39
To: Matthew Burton; [REDACTED] (E,I&S); [REDACTED] (E,I&S)
Cc: [REDACTED] (E,I&S); [REDACTED] (E,I&S)
Subject: FW: ***confidential*** livery NUL
Attachments: Livery Example.png

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.

Good Afternoon Matt

Please see below re Newcastle Under Lymes Taxi Licencing Consultation and SCC's response.

Kind regards

[REDACTED]
[REDACTED]@staffordshire.gov.uk
01785 [REDACTED]
Compliance Officer
School Transport
SP1 Tipping Street Stafford ST16 2DH

Newcastle Borough Council Taxi / Private Hire Licensing Policy Consultation Staffordshire County Council Response – January 2025

The County Council is a significant buyer of taxi and private hire services across the County. Taxi/Private Hire operators provide the majority of the County Council's Special Educational Needs home to school transport and a small, but nevertheless significant, proportion of mainstream home to school transport (i.e. primary, middle and secondary schools). These services are provided under contract using a Dynamic Purchasing System. The County Council's conditions of contract require that all contractors adhere to a high standard of delivery, which fits closely with raising standards through revision to licensing policy. We are keen to continue working with all licensing authority partners to maintain and improve standards of service delivery.

We welcome the opportunity to respond to the Consultation Draft of the proposed policy and seek to work in partnership with Licensing Authorities to develop common standards, reduce duplication and costs where possible.

Staffordshire County Council (SCC) has a number of comments and observations. These are detailed below, in order that they appear in the policy.

SCC – Staffordshire County Council
I/we – myself/ the team

Just for reference SCC Contracts start with 0 points and are terminated at 25 points:

Section 3.4 24 – 3.4 26 PH & 3.3 25 – 27 HC of the Summary, removal of door signs PH.

- **Livery and route numbers to remain on SCC Contracts:** This is in our contractual terms and agreements which operators sign up too for operating a school contract with SCC. We also need a route number to identify our vehicles, so we know what route they are on for spot checks.
- The livery shows to parents/school/SCC that it is the actual company operating the contract they hold with us and that this has not been illegally sub contracted (which also forms part of our special conditions). **Vehicle used without livery or displaying that of another operator - 5 points. No Route Number – 3 points.**
- Having been to schools where traffic needs to move fast (for example due to it having a dangerous road entrance) checks need to be done quickly and timely and with other taxis (up to 60) coming in from other areas, identifying a vehicle should be made as effective and easy as possible, signage and route number allow the team to easily distinguish our vehicles ensuring the check can be done quickly & effectively.
- This is beneficial to the school as it helps identify our vehicles their end, please see attached signage which has been agreed with Wolverhampton regarding their recent changes regarding livery, to be used on SCC school contracts and one we would hope you will allow on your PH taxis doing SCC contracts, which helps our positive working relationship.

From our special conditions for your reference:

- 1.1.3** *Clearly display the contracted Route Number in the windscreen of the vehicle or on any electronic destination display equipment fitted to the vehicle.;*
- 1.1.4** *Display the Provider's standard livery, which must be in a prominent position and which must include the trading name of the company. This is in addition to the legal lettering of a PSV Vehicle.*

The attached is an example, Wolverhampton operators are using, if you need a discussion around this please contact us. If you are happy for this to be used on SCC contracts, please let us know.

CCTV

3.4.25 **CCTV as per our special conditions:**

1.1.21 The Provider must notify the Council in writing if any Vehicle is fitted with a dashcam or CCTV system.

1.1.22 Any CCTV system or "Dashcam" fitted to vehicles used on the contracted service must be operated in full compliance with GDPR and the Information Commissioner's Office (ICO) Code of Conduct on CCTV (including any updates or new guidance issued by any successor body to the ICO). If a CCTV system is fitted but cannot for any reason the Code of Conduct cannot be complied with, the system must not be used until such time as full compliance can be achieved.

1.1.23 Sound recording capability fitted to any CCTV system or Dashcam shall not be used without the express written permission of the Council. Such permission will only be granted where there are compelling circumstances for recording sound; for example, there is a demonstrable risk to Passenger or Personnel safety that cannot be reasonably addressed by other means.

1.1.24 The Provider must supply within 5 (five) working days on request from the Council written details of its policies and procedures that are in place for the operation of CCTV and/or Dashcams in full compliance with Data Protection Legislation and Information Commissioners Office Guidance.

3.3.16 A valid MOT/Current fitness vehicle test (**We still require these on our system checks as per the contract the provider has with us**)

3.5.22 Complaints policy – **we still require this as part of our SCC School contracts and this is checked at our systems checks, in case of complaints received on SCC Contracts.**

3.21 FIT AND PROPER PERSON For School Transport our SCC Blue Badge covers this which also covers they have completed safeguarding training.

16. Spare tyre/puncture repair kit is welcomed, and we would expect operators to have one of these in place.

17. As per our terms and conditions all operators who have vehicles on a school contract must have a first aid kit and fire extinguisher.

Appendix J RE vulnerable passengers being transported in front seat and that this is ok if the booking is carried out by SCC. We require all operators to abide by our terms and conditions of contract and not breach the law regarding children's age etc, unless they are able to provide the correct seat so that they can sit in the front.

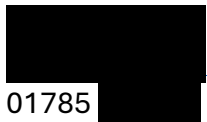
Taken from our Drivers guide:

Child Seats & Seat Belts It is a condition of contract that all vehicles used for home to school transport are equipped with one seat belt per passenger. Use of a car seat may also be necessary. This section provides a brief guide to the legal requirements based upon information taken from the .gov.uk website.

Ordinarily, children must normally use a child car seat until they're 12 years old or 135 centimetres tall, whichever comes first. Children over 12 or more than 135cm tall must wear a seat belt.

A child car seat can be based on the child's height or weight. However, a child can travel in a PHV, HC, or PSV without a child car seat in some circumstances. These are summarised below. PHV / HC If the correct child car seat is not available, children can travel without one - but only if they travel on a rear seat: • and wear an adult seat belt if they're 3 or older • without a seat belt if they're under 3. PHV and HC drivers should also be aware of any requirements set by their licensing authority for provision of child seats.

Kind regards



[\[redacted\]@staffordshire.gov.uk](mailto:[redacted]@staffordshire.gov.uk)

01785 [redacted]

Compliance Officer

School Transport

SP1 Tipping Street Stafford ST16 2DH

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PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 7th May, 2025
Time of Commencement: 2.30 pm

[View the agenda here](#)

Present: Deputy Mayor Councillor Joan Whieldon (Chair)

Councillors: Sweeney G Williams

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

Also in attendance: Ms Harriet Tighe Legal Representative on behalf of the
Council – Deans Court Chambers

1. APOLOGIES

Two members were absent resulting in the meeting starting one hour later than originally scheduled.

Cllr Whieldon kindly agreed to attend and chair the meeting on short notice.

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 due to 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 had been informed of a relevant matter which fell outside of Council Policy.

In the absence of the licence holder the Sub-Committee agreed as follows.

Resolved: That the decision be deferred to the June meeting.

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

The Sub-Committee considered a relevant matter which fell outside of Council Policy. The applicant and their legal representative were in attendance.

Public Protection Sub-Committee - 07/05/25

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 re-instated.

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 3

The Sub-Committee considered a relevant matter which fell outside of Council Policy. The licence holder was in attendance.

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 and Private Hire Vehicle Licences be revoked.

7. URGENT BUSINESS

There was no urgent business.

**Deputy Mayor Councillor Joan Whieldon
Chair**

Meeting concluded at 3.45 pm

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 11th June, 2025
Time of Commencement: 6.10 pm

[View the agenda here](#)

Present: Deputy Mayor. Councillor Joan Whieldon (Chair)

Councillors: Whitmore J Williams

Apologies: Councillor(s) Skelding

Substitutes: Councillor David Hutchison

Officers: Anne-Marie Pollard Solicitor
Melanie Steadman Licensing Enforcement Officer

1. **APOLOGIES**

Apologies were shared as listed above.

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 due to 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. The applicant and their legal representative were in attendance.

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. The applicant was in attendance.

Public Protection Sub-Committee - 11/06/25

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 suspended for 4 weeks.

6. **URGENT BUSINESS**

There was no urgent business.

Deputy Mayor. Councillor Joan Whieldon
Chair

Meeting concluded at 8.00 pm