



**East Suffolk House, Riduna Park, Station
Road, Melton, Woodbridge, IP12 1RT**

Licensing Committee

Members:

Councillor Colin Hedgley (Chairman)
Councillor Mark Newton (Vice-Chairman)
Councillor Paul Ashdown
Councillor Edward Back
Councillor Jocelyn Bond
Councillor Linda Coulam
Councillor Janet Craig
Councillor John Fisher
Councillor Tony Goldson
Councillor Frank Mortimer
Councillor Trish Mortimer
Councillor Keith Patience
Councillor Keith Robinson
Councillor Rachel Smith-Lyte
Councillor Steve Wiles

Members are invited to a **Meeting of the Licensing Committee**
to be held on **Monday 25 January 2021 at 6:30pm**

This Meeting will be conducted remotely, pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The Meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel
at <https://youtu.be/o7YNOCjSoig>

An Agenda is set out below.

Part One – Open to the Public

1	Apologies for Absence and Substitutions	
2	Declarations of Interest Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Minutes of the Licensing Committee held on 19 October 2020 To confirm as a correct record.	1 - 5
4	Hackney Carriage Fares in East Suffolk ES/0649 Report of the Legal and Licensing Services Manager	6 - 14
5	Department of Transport Statutory Taxi and Private Hire Vehicle Standards ES/0650 Report of the Legal and Licensing Services Manager	15 - 59
6	Issued Licenses in East Suffolk, an overview of the work of the Licensing Sub-Committee, and Licensing enforcement matters ES/0651 Report of the Legal and Licensing Services Manager	60 - 67
7	Exempt and Confidential Item It is recommended that under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.	

Part Two – Exempt/Confidential

8	License Appeal Report: Mr K v East Suffolk Council, Great Yarmouth Magistrates' Court (October 2020) <ul style="list-style-type: none"> • Information relating to any individual. • Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. 	
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Close



Stephen Baker, Chief Executive

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Minutes of a Meeting of the **Licensing Committee** held remotely via Zoom on **Monday 19 October 2020 at 6.30pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Edward Back, Councillor Jocelyn Bond, Councillor Linda Coulam, Councillor Janet Craig, Councillor John Fisher, Councillor Tony Goldson, Councillor Colin Hedgley, Councillor Frank Mortimer, Councillor Trish Mortimer, Councillor Mark Newton, Councillor Keith Patience, Councillor Steve Wiles

Other Members present:

Councillor Peter Byatt, Councillor Mary Rudd

Officers present:

Katherine Abbott (Democratic Services Officer), Teresa Bailey (Senior Licensing Officer), Chris Bing (Legal and Licensing Services Manager), Sarah Carter (Democratic Services Officer)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Keith Robinson.

2 Declarations of Interest

There were no Declarations of Interest.

3 Minutes of the Meeting held on 20 July 2020

It was proposed by Councillor Coulam, seconded by Councillor Newton, and by unanimous vote

RESOLVED

That the Minutes of the Meeting held on 20 July 2020 be confirmed as a correct record and signed by the Chairman.

4 Issued Licences in East Suffolk and an overview of the work of the Licensing Sub-Committees in 2020

The Licensing Committee received report **ES/0533** which provided an overview of the current number and type of licences issued by East Suffolk Council. The report also

summarised the applications received and the work of the Licensing Sub- Committee from July 2020 (when the previous report had been received).

The Legal and Licensing Services Manager, at the request of the Cabinet Member with responsibility for Community Health, summarised the report. The Committee was advised that, since the report had been published, the Licensing Sub-Committee had determined to grant a new premises licence for a Co-op in Rendlesham, subject to conditions, and, similarly, to grant a new premises licence to Chapel Barn, Heveningham, subject to conditions.

The Legal and Licensing Services Manager said the report identified trends, where possible. There had been a decrease of one in taxi licences held between July and October 2020; a reduction of two private hire licensed vehicles in the same period; and, a reduction of 13 private hire drivers. The Legal and Licensing Services said this was not necessarily wholly attributed to the on-going pandemic but this was certainly a contributing factor. The Committee was advised that there were no appeals pending to the Magistrates' Court on the Sub-Committee's Licensing Act 2003 decisions, but two appeals had been made to the Court on Sub-Committee taxi-related decisions.

The Chairman invited questions.

A member of the Committee asked if the grounds for the two appeals to the Magistrates' Court could be provided to the meeting. The Legal and Licensing Services Manager said *sub judice* rules applied as these matters awaited the Court's determination and therefore the grounds for appeal could not be discussed in an open forum. The member asked if there was any evidence that a taxi licence had been surrendered as a direct result of the pandemic. The Senior Licensing Officer said that Covid-19 was not solely responsible as the driver concerned had reached retirement age, but the reduced amount of work available had contributed to his decision. She added that applications for new or renewed licences were starting to be received and she felt the next few weeks or months would provide additional evidence of the impact. The member asked how many applications for new licences had been received. The Senior Licensing Officer said that, during lockdown, the Council had stopped taking new applications as it was not possible to meet applicants. Applications had been re-opened at the end of August with specific appointments for new applicants to meet with a Licensing Officer. To date, around 12 applications had been received and were being processed.

Another member of the Committee, with reference to the table within the report to indicate licensing applications determined, asked why Kesgrave Hall had surrendered its licence. The Legal and Licensing Services Manager explained that the original licence had been surrendered because a new Premises Licence had been granted by the Sub-Committee. The member also asked how many new taxi licences had been granted and, of those, how many were private hire and how many were hackney carriage. The Senior Licensing Officer said that new applications were still being processed so no new licences had yet been granted. The member asked if it was possible to put a sign on vehicles to indicate they were private hire; she suggested this was necessary to alleviate some issues with parking. The Senior Licensing Officer replied that the existing main means of identifying a vehicle as private hire were plates on the rear and on the screen; in addition, hackney carriage vehicles had an illuminated sign on the roof. The

Senior Licensing Officer added that any concerns be raised with the Licensing team so that specific information could be obtained and investigated. The member asked if it was mandatory for taxi drivers to wear a mask in the vehicle. The Senior Licensing Officer replied that it was and added that a driver could refuse to take a passenger who was unmasked. The member asked if the Licensing team had corresponded with Operators to confirm that masks were mandatory. The Senior Licensing Officer said the Licensing team had updated all Operators on Government guidance but most monitored this for themselves and were already fully aware. In response to another question about masks, the Senior Licensing Officer said that taxi drivers who were exempt from wearing masks for medical reasons could continue to work as long as they provided evidence of the exemption to the Licensing team.

A member of the Committee suggested that all members of the Licensing Committee should receive a regular update on the licensing and taxi applications that had been determined by the Licensing Sub-Committee. Another member suggested that the Licensing Committee should also receive copies of consultation letters sent out to the licensing or taxi trades. It was suggested that these updates might be provided by email, but the confidentiality of some contents was also noted.

It was proposed by Councillor F. Mortimer, seconded by Councillor Coulam and by unanimous vote

RESOLVED

1. That, having considered and commented upon the report presented, the Licensing Committee members would receive in the most appropriate format and means:
 - (a) A regular and rolling update on the progress of the licensing and taxi applications granted by the Sub-Committee, including the meeting (or otherwise) of any associated conditions;
 - (b) A regular update on all Licensing matters, such as consultations and correspondence; and
 - (c) The first updates, or the proposals for how these would be delivered, to be provided to the January 2021 meeting

5 Application for a taxi fare increase

The Licensing Committee received report **ES/0532** which advised the Committee of an application by Mr Stokell, on behalf of a number of drivers, for an increase in the hackney carriage fare tariffs in the south of the East Suffolk Council district and sought the Committee's consideration of that request.

The Legal and Licensing Services Manager, at the request of the Cabinet Member for Community Health, advised that the maximum scale of fares for hackney carriages had last been revised in 2012. The application by Mr Stokell sought

- a 20p increase in the minimum fare for the first 800 yards - this would result in a minimum fare of £3.60 (Tariff 1)
- a reduction in the subsequent distance from the current 251.4 yards to 220 yards - this would allow an increased charge from £1.40 to £1.60 per mile (Tariff 1)

- a 30p increase in the minimum fare for the first 800 yards - this would result in a minimum fare of £4.20 (Tariff 2)
- a reduction in the subsequent distance from 220 yards to 196 yards - this would allow an increase in charge from £1.60 per mile to £1.80 (Tariff 2)

The Chairman invited questions.

A member of the Committee asked when the last increase in tariffs had been approved. The Senior Licensing Officer said that the last increase had been in the, then, Suffolk Coastal district, now the south of the East Suffolk district, in May 2012. The Cabinet Member said that with the creation of the new Council in May 2019, all other aspects of work had been aligned, however taxi fare tariffs between the south and north (the previous Waveney district) remained different. The Legal and Licensing Services Manager said there was a discrepancy between the tariffs in the south and north and suggested this had been to allow the new Council to 'bed-in' and to minimise disruption to the trade. He added that there was now a need to look at how best to introduce one fare tariff system across the whole district in 2021. The Committee was informed that the application before the Committee was what needed to be determined at this meeting.

Another member of the Committee asked for further detail on the level of discrepancy. This information was provided by the Senior Licensing Officer. She added that aligning the two tariff systems would need to be consulted upon to seek the views of the taxi trade across the district.

A member of the Committee asked why this was only reviewed and considered when an application was made and queried whether the Council should be more proactive in this regard. The Legal and Licensing Services Manager replied that the practice prior to the creation of East Suffolk Council had been that a review would be triggered upon receipt of an application; the assumption being that the trade was content if they were not requesting an increase in tariffs. The member asked about the status of Mr Stokell and it was explained that he was a long-standing member of the taxi trade with approximately 25 hackney carriages under his operation; she added that, as indicated in the report, Mr Stokell had made the application on behalf of a number of drivers with whom he had consulted. The member asked why the Council did not regularly review tariffs. The Legal and Licensing Services Manager repeated that this had been the custom and practice to date; if the Committee wished more regular reviews to be undertaken, this could be done in accordance with statutory consultation requirements. It was suggested that a report be provided to the meeting of the Committee in January 2021 to explore this issue further.

There being no further questions, the Chairman invited debate.

A member of the Committee said she did not feel it was the right time for an increase but also referred to the fact that taxi drivers, in the current circumstances, did need more help. The member also felt that, if the Council decided to undertake proactive reviews, these should be every two years and that increases should be compulsory.

Another member of the Committee said the taxi drivers across the district were best placed to decide what the economic situation was and to apply for an increase if they felt that was appropriate and for the Council to consider that request. He said he was uneasy about the imbalance in tariffs and also acknowledged the significant impact of Covid-19 on the licensing trade generally.

A member of the Committee said that the last increases in tariffs had been small and eight years ago. He considered it the Council's responsibility to take action. The Senior Licensing Officer said any enquiries from taxi drivers about fare increases were always responded to with advice to submit a request for an increase in writing.

Another member of the Committee said he would like to see one tariff across the whole district to reconcile the current imbalance in prices.

There being no further matters raised for debate, the Chairman moved to the recommendation. This was proposed by Councillor Goldson, seconded by Councillor Wiles and by a majority vote it was

RESOLVED

1. That, having received and considered the report, the Licensing Committee approved the application for the fare increase;
2. That a report be received at the January meeting to provide the options for proactive Council reviews of tariffs in future, the requirements as a basis for a rise, the regularity of reviews, statutory consultation requirements etc., for consideration

The Meeting concluded at 7:30pm

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Chairman



LICENSING COMMITTEE

Monday 25 January 2021

HACKNEY CARRIAGE FARES IN EAST SUFFOLK

EXECUTIVE SUMMARY

1. This report provides an overview of current Hackney Carriage fares in East Suffolk. There are currently 2 tariff tables operating in East Suffolk; one in the North of the district (the former Waveney District Council area) and one in the South of the district (the former Suffolk Coastal District Council area).

Members are asked to agree to consult with the trade as to:

- i) whether to leave the existing 2 tariff table arrangement in place or to adopt one tariff table for the whole of the district;
- ii) if one tariff table is to be adopted, whether the one tariff table should be the current tariff table in the North, the current tariff table in the South or a new tariff table with tariffs possibly set at the mid-point between the 2 tariff tables where there is a difference; and
- iii) whether it should be left to the trade, which is the current custom and practice in East Suffolk, to trigger fare reviews when they consider that an increase is appropriate and that the market can sustain an increase without demand for taxis being adversely affected; or alternatively moving to a system whereby the licensing authority periodically reviews licensing fares and consults on revised fare tables with proposed fares increased in line with the Retail Price Index (RPI).

Is the report Open or Exempt?	Open
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Wards Affected:	All
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Cabinet Member:	Councillor Mary Rudd – Cabinet Member for Community Health
Supporting Officer:	<p>Chris Bing</p> <p>Legal and Licensing Services Manager</p> <p>01394 444408</p> <p>chris.bing@eastsuffolk.gov.uk</p>

1 INTRODUCTION

- 1.1 There are currently 2 hackney carriage tariff tables in operation in the East Suffolk Council district. This is a legacy of the East Suffolk Council district area, prior to the creation of East Suffolk Council on 1 April 2019, being split between Waveney District Council in the North of the district and Suffolk Coastal District Council in the South of the district; with each council having its own hackney carriage tariff table.
- 1.2 The existing arrangement with the 2 tariff tables is lawful and was provided for in the transitional Orders creating the new East Suffolk Council.
- 1.3 To date Licensing Services has conducted tariff/fares reviews when these have been triggered by the trade.
- 1.4 Members are asked to consider consulting the trade as to:
 - 1.4.1 whether the existing 2 hackney carriage tariff tables in East Suffolk arrangement is appropriate/desirable;
 - 1.4.2 whether it would be preferable to have a single tariff table for the whole of East Suffolk and, if so, whether one or other of the existing tariff tables should be adopted for the whole of East Suffolk or whether to create and consult on a new third tariff table which could, for example, sets the tariff at the mid-point between the 2 tariff tables where the existing tariffs, North and South, are not the same; and
 - 1.4.3 whether the licensing authority should introduce fixed periodic reviews of hackney carriage tariffs or whether to leave it to the trade to trigger reviews when they consider that drivers need, and the market/travelling public can withstand, a fare increase.

2 THE EXISTING ARRANGEMENTS

- 2.1 East Suffolk Council currently has two tariff tables in operation in the district; one in the North of the district and one in the South of the district.

The North of the district

- 2.1.1 The current tariff table for the North of the district is at Appendix 1 of this report.
- 2.1.2 The tariff table in the North of the district was last revised in September 2012,

The South of the district

- 2.1.3 The current tariff table for the South of the district is at Appendix 2 of this report.
- 2.1.4 The tariff table in the South of the district was last revised, after statutory consultation, in November 2020, after Licensing Committee agreed the trade's request for a fare increase in October 2020. Prior to this revision, the tariffs had last been increased in June 2012.

Comparison of the fares in the North and South of the district

- 2.2 The table below provides a comparison in the tariff tables in North and South of the district over distance from half a mile to 15 miles.

<i>Distance</i>	<i>North</i>	<i>South</i>	<i>Difference</i>
1/2 mile	£3.00	£3.60	North £0.60 cheaper
1 mile	£4.20	£4.60	North £0.40 cheaper
2 miles	£6.60	£6.20	North £0.40 more expensive

5 miles	£13.80	£11.00	North £2.80 more expensive
10 miles	£25.80	£19.00	North £6.80 more expensive
15 miles	£37.80	£27.00	North £10.80 more expensive

2.2.1 The fare table sets out the maximum fares that can be charged for a journey. Hackney Carriage operators and drivers, both North and South, have the discretion to charge less than the maximum fare, and the licensing authority is aware that some do. However, they cannot charge more than the maximum fare.

2.2.2 For journeys of 1 mile or less, the maximum fare is cheaper in the North. Whereas, for journeys of 2 miles or more, the maximum fare is more expensive in the North.

Triggers for a tariff/fares review

2.3 At East Suffolk Council, a custom and practice adopted from the previous Waveney District Council and Suffolk Coastal District Council, has been for the licensing authority to await the trade exercising its statutory right to trigger a review of fares and propose a revised fare table for the licensing authority to approve and impose, if no objections are received after carrying out a statutory consultation exercise.

2.3.1 An alternative approach would be for the licensing authority to timetable periodic reviews of fares every year, every 2 years, every 3 years or after any other fixed number of years.

2.3.2 The setting of fares is not an exact science. However, it is to be expected that, in common with other goods and services, there will be a price point at which demand for taxis will fall if maximum fares are set at a higher level than a significant number of people who use, or rely on, taxis can afford, or are prepared to pay.

2.3.3 To date, the licensing authority has considered that the trade is best placed to consider both when a fare increase is needed to maintain or increase operators' and drivers' income and the level of fare increase the public/market can withstand without significantly reducing the level of demand for taxis. Arbitrary fare increases by the licensing authority every year or so may not be welcomed by the trade, or the travelling public, if the fare increase has the effect of decreasing demand for taxis and so reducing income for operators and drivers by making taxis unaffordable for a significant element of the travelling public. If Licensing Committee wishes there to be fixed reviews of fares, it is suggested that the Retail Price Index (RPI) be used as the basis for any revised fares table, which is the principle adopted in setting the Council's fees and charges each year.

2.4 COMPLAINTS

2.4.1 The licensing authority has received no complaints from the trade or the travelling public about the existing 2 tariff table structure in East Suffolk. There appears to be an acceptance that what you pay for a taxi journey depends on where you live, how far you are travelling and when you are travelling.

2.5 ADMINISTRATION FOLLOWING FARE/TARIFF INCREASE

2.5.1 Each time fares/tariffs change, drivers/operators have to pay a meter agent to recalibrate the taximeter(s) in their vehicle(s), at a cost of around £60 per vehicle.

2.5.2 Once the taximeter in a vehicle has been recalibrated, a Licensing Officer has to be transported in the vehicle for a measured mile to ensure the meter clicks over at the correct spot/distance throughout the mile. If the meter has been recalibrated incorrectly, the vehicle has to be recalibrated again by the meter agent and then tested again by the Licensing

Officer. Once the Licensing Officer is satisfied that the meter has been recalibrated correctly, the officer seals the meter.

- 2.5.3 There are Recently, the calibration of 23 taximeters in hackney carriage vehicles took 3 Licensing Officers nearly a day to complete. The last time we calibrated all the hackney carriage taximeters in Lowestoft it took 3 officers over 3 days to test and seal the taximeters.

3 TARIFF/FARE COMPARATORS

- 3.1 The Private Hire and Taxi Monthly magazine publishes a monthly table of the cost of a 2 miles hackney carriage journey on Tariff 1 in all 363 local authority areas in the UK. The results for East Suffolk (North) and East Suffolk (South) have been extracted and listed in the table below together with neighbouring and nearby authorities to provide comparators. The full local authorities table for December 2020 can be viewed here - [Hackney Taxi Fare Tables \(phtm.co.uk\)](http://phtm.co.uk).

Ranking	Authority	Tariff/fare for 2 miles journey
39	Colchester	£6.80
63	Cambridge City	£6.60
65	East Suffolk (North)	£6.60
72	Norwich	£6.60
92	Ipswich	£6.40
96	Mid Suffolk	£6.40
106	Tendring	£6.40
128	East Cambridgeshire	£6.20
129	East Suffolk (South)	£6.20
173	Great Yarmouth	£6.00
198	Babergh	£5.90
233	West Suffolk	£5.80

4 HOW DOES THIS RELATE TO THE EAST SUFFOLK STRATEGIC PLAN 2020-2024?

- 4.1 Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our communities. Hackney carriage vehicles are a key part of the public transport system, enabling people without their own private transport or without easy access to other means of public transport to travel for education,

employment, and entertainment, to shop and to attend medical appointments or deliver/receive care.

5 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 5.1 Section 65 of Local Government (Miscellaneous Provisions) Act 1976 gives Local Authorities the power to set and vary fares for hackney carriages.
- 5.2 Section 55 of the Town Police Clauses Act 1847 prohibits a driver from charging more than the set fare, but they can charge less.
- 5.3 If the Council proposes to make any changes to existing fares, it must publish a notice in a local newspaper setting out the proposed variation. The notice must specify a date (not less than 14 days from publication), and manner by which any objections should be made and if no objections are received then the new fares will come into force on the date specified. Licensing Committee must consider any objections that have been made and which have not been withdrawn.

6 CONSULTATION

- 6.1 The trade would need to be formally consulted on any proposal to change tariffs or to introduce one tariff table. Any objections to a change in tariffs would need to be considered by Licensing Committee before the new tariff/fares table(s) could come into force.

7 REASON FOR RECOMMENDATIONS

- 7.1 To ensure the licensing authority's tariffs/fares structure and process for triggering reviews of taxi tariffs/fares in East Suffolk is appropriate and practical.


RECOMMENDATIONS

Members are asked to agree to Licensing Services consulting with the hackney carriage trade as to:

- 1. whether to leave the existing 2 tariff table arrangement in place or to adopt one tariff table for the whole of the district in East Suffolk;
- 2. if one tariff table is to be adopted, whether the one tariff table should be the current tariff table in the North, the current tariff table in the South or a new tariff table with tariffs possibly set at the mid-point between the 2 tariff tables where there is a difference; and
- 3. whether it should be left to the trade, which is the current custom and practice in East Suffolk, to trigger fare reviews when they consider that an increase is appropriate and that the market can sustain an increase without demand for taxis being adversely affected; or alternatively moving to a system whereby the licensing authority periodically reviews licensing fares and consults on revised fare tables with proposed fares increased in line with the Retail Price Index (RPI).

APPENDICES	
Appendix A	The tariff/fares table in the North of the district
Appendix B	The tariff/fares tables in the South of the district

BACKGROUND PAPERS Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.		
Date	Type	Available From
	None	

FARE TABLE NORTH ZONE		 EASTSUFFOLK <small>COUNCIL</small>
300p	TARIFF 1 (7am – 11pm) For the first 987 yards (902.5m) or 5 minutes 2.9 seconds or part thereof or a combination of parts of such distance and time.	
20p	For each subsequent 146.66 yards (134.1m) or 45 seconds or part thereof or a combination of parts of such distance and time.	
320p	TARIFF 2 (11pm – 7am) For the first 789 yards (721.4m) or 3 minutes 8.6 seconds or part thereof or a combination of parts of such distance and time.	
20p	For each subsequent 121.37 yards (110.9m) or 29 seconds or part thereof or a combination of parts of such distance and time.	
560p	TARIFF 3 (CHRISTMAS AND NEW YEAR) For the first 1,440 yards (1316.7m) or 4 minutes 02 seconds or part thereof or a combination of parts of such distance and time.	
20p	For each subsequent 107 yards (97.8m) or 18 seconds or part thereof or a or a combination of parts of such distance and time	
30p	EXTRA CHARGES Additional passengers – each additional passenger in excess of two (excluding infants in arms).	
90p	Additional passengers – each additional passenger in excess of the first 2 additional passengers incurring 30p, in vehicles licensed to carry more than 4 passengers.	
30p	Luggage – for the use of the luggage compartment (no restriction on the number of items).	
Tariff 2	NIGHTS, SUNDAYS & PUBLIC HOLIDAYS * For any hiring commenced between the following periods: Monday to Friday 11pm to 7am and between 11pm Saturday to 7am Monday, Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday, August Bank Holiday, and after 6am New Years Day.	
Tariff 3	CHRISTMAS AND NEW YEAR For hiring's between 6pm 24 th December and 6am 27 th December. For hiring's between 6pm 31 st December and 6am 1 st January.	

*NOTE: ONLY ONE OF THESE CHARGES IS PAYABLE IN RESPECT OF ONE HIRING VEHICLE SOILING: A CHARGE OF £40 MAY BE MADE FOR SOILING THE VEHICLE.

When Boxing Day falls on a day other than 26 December, Tariff 3 will apply on that day from 6pm to 6am the following day. The interval between 6am on the day following Christmas day and 6pm on the evening preceding the day designated as Boxing Day bank holiday will revert to Tariff 2.

Complaints: Complaints regarding the conduct of the driver or the condition of the vehicle should be addressed to: Licensing, Riverside, 4 Canning Road, Lowestoft NR33 0EQ together with the driver's badge number or the number of the vehicle.

FARE TABLE**SOUTH ZONE**

3.60p	TARIFF 1 (05:30 – 22:30)
	For the first 800 yards (731.5m) or 4 minutes or part thereof or a combination of parts of such distance and time
20p	For each subsequent 220 yards (201.1m) or 32 seconds or a combination of parts of such distance and time
4.20p	TARIFF 2 (22:30 – 05:30)
	For the first 800 yards (731.5m) or 4 minutes or part thereof or a combination of parts of such distance and time
20p	For each subsequent 196 yards (179.2m) or 30 seconds or a combination of parts of such distance and time
20p	EXTRA CHARGES
	Additional Passengers - each additional passenger in excess of three (excluding infants in arms)
20p	Luggage - for use of the luggage compartment (no restriction on number of items)
	VEHICLE SOILING: a charge up to a maximum of £75.00 may be made for the soiling of a vehicle.
+50%	BANK HOLIDAYS
	For any hiring commenced between: <ul style="list-style-type: none"> • 04:00hrs on a Bank Holiday and 04:00hrs the next day • 14:00hrs and 24:00hrs on Christmas Eve and New Year's Eve • 00:01hrs and 24:00hrs on Bank Holidays in lieu of 25th December, 26th December and 1st January
+100%	CHRISTMAS DAY, BOXING DAY & NEW YEARS DAY
	For any hiring commenced between: <ul style="list-style-type: none"> 00:01hrs Christmas Day and 04:00hrs on the 27th December and 00:01 New Years Day and 04:00 on the 2nd January.

Proposed Fare Table October 2020



LICENSING COMMITTEE

Monday 25 January 2021

DEPARTMENT FOR TRANSPORT STATUTORY TAXI & PRIVATE HIRE VEHICLE STANDARDS

EXECUTIVE SUMMARY

To inform the Committee of the Departments for Transports (DfT) new 'Statutory Taxi and Private Hire Vehicle Standards' and seek approval for a full review of current policy and procedure to determine the necessary amendments required by the new standards.

Is the report Open or Exempt?	Open
Wards Affected:	All
Cabinet Member:	Councillor Mary Rudd – Cabinet Member for Community Health
Supporting Officer:	Chris Bing Legal and Licensing Services Manager 01394 444408 chris.bing@eastssuffolk.gov.uk

1 INTRODUCTION

- 1.1 The Council is responsible for licensing hackney carriage and private hire drivers and vehicles, and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
- 1.2 On 21 July 2020, the DfT published 'Statutory Taxi and Private Hire Vehicle Standards'. The Standards are applied to local authorities having regard to the Policing and Crime Act 2017 which enables the Secretary of State for Transport to issue statutory guidance to local authorities as to how taxi (hackney carriage) and private hire licensing should be undertaken to protect children and vulnerable adults when using taxis and private hire vehicles.
- 1.3 A copy of the DfT standards are attached at Appendix A. The Council will need to review its taxi licensing policies, standards and guidance so that they meet the standards outlined in the DfT document but should ensure any standards adopted must be appropriate for East Suffolk Council's local needs. The Council will need to be transparent in explaining the reasons for the standards it adopts.

2 BACKGROUND AND INFORMATION

- 2.1 The standards recommend that local authorities provide a "taxi licensing policy", a single point of reference which includes all information relevant to private hire and taxi licensing. East Suffolk Council currently has a taxi licensing guidance document containing several policies and procedures and therefore a single policy document will need to be created.
- 2.2 A review of the authority's licensing policies and procedures will be undertaken to align the new policy with the statutory guidance. However, much of what is proposed in the guidance has already been adopted by East Suffolk Council.
- 2.3 To make the statutory guidance most effective, the Suffolk Licensing Officer's Group (SLOG) is working on adopting a common licensing approach based on the statutory guidance. This will ensure that there is a basic and common approach to safeguarding throughout the county. Individual authorities will retain the discretion to set their own policies to ensure that local standards are not lost.
- 2.4 A review of the Hackney Carriage and Private Hire licensing policies and procedures will require Member input and oversight. Initial work by officers will align the licensing policy with the statutory guidance and Members will be engaged prior to any formal consultation on policy changes.
- 2.5 This report provides a summary of the DfT document, full details are in the document attached at **Appendix A**. The intention of this report is to introduce the document to the Committee.

3 OVERVIEW OF STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

- 3.2 The Standards cover a wide range of issues, including driver, vehicle, and operator standards. The main areas of the statutory standards cover the following;
- 3.3 Licensing Policies - Local authorities should provide a 'taxi licensing policy', a single point of reference which includes all information relevant to private hire and taxi licensing.

East Suffolk Council currently has a taxi licensing guidance document containing several policies and procedures.

- 3.4 Following production of a Taxi Licensing Policy, the Council would be expected to review existing licences against the content and standard of the new policy. It is also advocated that the Council's Taxi Licensing Policy should be reviewed every 5 years or sooner if appropriate.
- 3.5 Duration of licences - Issuing driver licences for more than a year. Risk can be mitigated for drivers by authorities undertaking regular interim checks (e.g. regular Disclosure and Barring Service checks). The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire operators.
- 3.6 Whistleblowing - Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. Licensing Authorities should have effective internal procedures in place for staff to raise concerns and for them to be dealt with openly and fairly.
- 3.7 Criminal records checks - Licensing Authorities should insist on licensed drivers signing up to the Disclosure and Barring Service's (DBS) On-Line Update Service. This allows the Licensing Authority to make checks at any time and at least every six months.
- 3.8 Common Law Police Disclosures - Licensing Authorities should maintain close links with the police to ensure effective and efficient information-sharing procedures and protocols are in place and are being used (previously the Notifiable Occupation Scheme).
- 3.9 Licensee self-reporting - Licence holders should be required to notify the issuing authority within 48 hours (currently drivers have to report within 72 hours) of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of any of the offences within this scope should result in a review of their licence.
- 3.10 Referrals to the DBS - A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.
- 3.11 Sharing licensing information with other Licensing Authorities - An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other Licensing Authority (already requested as part of the application procedure). The National Anti-Fraud Network have developed a national register of taxi and private hire vehicle driver licence refusals and revocations (known as NR 3). Tools such as NR 3 should be used by Licensing Authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.
- 3.12 Overseas convictions - Licensing Authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process.
- 3.13 Vehicle proprietors - Licensing Authorities should require a basic disclosure from the DBS and that a check is undertaken annually.
- 3.14 Multi-Agency Safeguarding Hub (MASH) - All Licensing Authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and

relevant information between stakeholders). Obstacles in sharing information can be a barrier to effective safeguarding.

- 3.15 Criminal convictions and rehabilitation - Annexed to the statutory guidance document is the Department's recommendations on the assessment of previous convictions. This is largely based on the Institute of Licensing's Guide.
- 3.16 Safeguarding awareness training – All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.
- 3.17 Language proficiency - All licence holders to demonstrate proficiency in English language. All drivers should be able to converse with passengers to understand destination, estimates of time along with other common passenger requests. A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation.
- 3.18 Joint authorisation of enforcement officers - Licensing Authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.
- 3.19 Stretched Limousines - Consideration should be given to their licensing.

4 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 4.1 Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our communities. Hackney carriage and private hire vehicles are a key part of the public transport system, enabling people without their own private transport or without easy access to other means of public transport to travel for education, employment, and entertainment, to shop and to attend medical appointments or deliver/receive care.

5 CONSULTATION

- 5.1 Members will be engaged prior to any formal consultation on policy changes.

6 REASON FOR RECOMMENDATION

- 6.1 The report introduces the DfT recently published Statutory Taxi and Private Hire Standards. The Council will need to review licensing procedures to ensure compliance with the standards.

RECOMMENDATION

That the Committee, having noted the report including Appendix A - the DfT 'Statutory Taxi and Private Hire Vehicle Standards', approves a full review of current policy and procedure to determine the necessary amendments required by the new standards.

APPENDICES

Appendix A	Statutory Taxi and Private Hire Vehicle Standards
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Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
	None	



Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

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

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

Terminology

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

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

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

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

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

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

3. Administering the Licensing Regime

Licensing policies

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

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

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

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

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

Duration of licences

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

Whistleblowing

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

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

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

Consultation at the local level

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

Changing licensing policy and requirements

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

4. Gathering and Sharing Information

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

The Disclosure and Barring Service

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

The Disclosure and Barring Service Update Service

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

Common Law Police Disclosure

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

Licensee self-reporting

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

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

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

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

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

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

Working with the Police

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

Sharing licensing information with other licensing authorities

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

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

Multi-agency Safeguarding Hub (MASH)

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

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

Complaints against licensees

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

Overseas convictions

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

5. Decision Making

Administration of the licensing framework

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

Training decision makers

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

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

The regulatory structure

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

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

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

Fit and proper test

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

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

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

Criminal convictions and rehabilitation

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

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

6. Driver Licensing

Criminality checks for drivers

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

Safeguarding awareness

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

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

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

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

‘County lines’ exploitation

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

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

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

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

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

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

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

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

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

Language proficiency

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

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

7. Vehicle Licensing

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

Criminality checks for vehicle proprietors

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

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

In-vehicle visual and audio recording – CCTV

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

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

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

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

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

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

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

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

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

Stretched Limousines

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

8. Private Hire Vehicle Operator Licensing

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

Criminality checks for private hire vehicle operators

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

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

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

Booking and dispatch staff

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

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

Record keeping

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

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

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

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

Use of passenger carrying vehicles (PCV) licensed drivers

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

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

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

9. Enforcing the Licensing Regime

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

Joint authorisation of enforcement officers

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

Setting expectations and monitoring

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

Suspension and revocation of driver licences

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

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

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

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

Annex – Assessment of Previous Convictions

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

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

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

Exploitation

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

Offences involving violence against the person

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

Possession of a weapon

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

Sexual offences

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

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

Dishonesty

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

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

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

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

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

Using a hand-held device whilst driving

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

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

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

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

Annex – CCTV Guidance

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

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

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

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

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

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

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

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

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

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

Annex - Staying Safe: Guidance for Passengers

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

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

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

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

When using a private hire vehicle, passengers should always:

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

When using a taxi, passengers should where possible:

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



LICENSING COMMITTEE

Monday 25 January 2021

ISSUED LICENCES IN EAST SUFFOLK AND AN OVERVIEW OF THE WORK OF THE LICENSING SUB-COMMITTEES AND LICENSING ENFORCEMENT MATTERS (OCTOBER – DECEMBER 2020)

EXECUTIVE SUMMARY

This report provides an overview of the current number and type of licences issued by East Suffolk Council. The report also summarises the applications received and the work of the Licensing Sub-Committees from October to December 2020.

Is the report Open or Exempt?	<p>Open</p> <p>Appendix A to the report is Exempt under Section 100(a) (4) of the Local Government Act 1972 (as amended) on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 of Part 1 of Schedule 12A of the Act.</p> <p>1. Information relating to any individual 2. Information which is likely to reveal the identity of an individual 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p> <p>Subject to a vote to so resolve, Members of the public will be excluded from the Meeting if there is discussion of the contents of Appendix A</p>
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Wards Affected:	All
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Cabinet Member:	Councillor Mary Rudd, Cabinet Member for Community Health
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Supporting Officer:	Chris Bing Legal and Licensing Services Manager 01394 444408 chris.bing@eastsoffolk.gov.uk
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1 SUMMARY OF LICENSING ACT 2003 APPLICATIONS RECEIVED

1.1 The following is a summary of the outcome of Licensing Act 2003 Sub-Committee hearings and applications mediated or determined under the delegated authority since 1 October 2020.

1.2 Applications determined

Premises and type of application	Address	Hearing / Mediated	Date of Hearing	Outcome and date of issue
Fen View NEW WPREM2552	Flixton Road, Bungay, NR35 1PD	No	N/A	Cons end 17.8.20 Issued 10.12.20
Fred Reed Pavilion NEW WPREM2546	Dairy Hill, Halesworth, IP19 8JS	Yes	2/10/20 Hearing not required	Cons end 10.9.20 Issued 1.10.20
Chapel Barn NEW WPREM2202	Wilderness Reserve, Halesworth Road, Heveningham, IP19 0EJ	Yes	12/10/20	Cons end 15.9.20 Granted at hearing Issued 21.10.20
Co-operative NEW PREM2199	Sycamore Drive, Rendlesham, IP12 2BF	Yes	7/10/20	Cons end 15.9.20 Granted at hearing Issued 14.10.20
Beccles Brew Co. NEW	Unit 2a, The Studios, London Road, Brampton, Beccles, NR34 8DQ	No	N/A	Cons end 21.9.20 Need DPS information before issue
Morrisons Filling Station NEW PREM2200	Grange Farm Avenue, Felixstowe, IP11 2XD	Yes	20/10/20	Cons end 23.9.20 Granted at hearing Issued 21.10.20
Common Room Café NEW PREM2198	10 Church Street, Framlingham, IP13 9BH	N/A	N/A	Cons end 30.9.20 Issued 8.10.20
The Crown SURRENDER PREM0126	King Georges Avenue, Leiston, IP16 4JX	N/A	N/A	Surrendered 8.9.20 Completed 7.10.20

Skydive Café & Coffee Shop NEW WPREM2547	Beccles Heliport, Benacre Road, Ellough, NR34 7XD	None	N/A	Cons end 16.10.20 Issued 19.10.20
Broadview Bar & Grill SURRENDER WPREM2014	116-122 Bridge Road, Oulton Broad, NR33 9JT	N/A	N/A	Surrendered 22.9.20 Completed 21.10.20
Burger & Beers Felixstowe NEW PREM2201	Unit 8 & 9 Beach Street, Micklegate Road, Felixstowe, IP11 2GN	None	N/A	Cons end 20.10.20 Issued 21.10.20
4 Nunns Mills Terrace SURRENDER PREM2161	Crown Place, Woodbridge, IP12 1FQ	N/A	N/A	Surrendered 23.9.20 Completed 21.10.20
Mrs T's Fish & Chips NEW WPREM2548	Blackshore, Southwold Harbour, Southwold, IP18 6TA	None	N/A	Cons end 21.10.20 Issued 22.10.20
Ninedeli VARIATION WPREM2542	9 Pinkneys Lane, Southwold, IP18 6EW	None	N/A	Cons end 23.10.20 Issued 26.10.20
T & D's (Tapas & Drinks) NEW WPREM2549	Newgate, Beccles, NR34 9QB	None	N/A	Cons end 29.10.20 Issued 3.11.20
Magic Wok SURRENDER WPREM2233 (No alcohol)	150 Bridge Road, Oulton Broad, Lowestoft, NR88 9JT	N/A	N/A	Surrendered 11.10.20 Completed 9.11.20
2 Convenient SURRENDER WPREM2523	168 Bridge Road, Oulton Broad, Lowestoft, NR33 9JT	N/A	N/A	Surrendered 11.10.20 Completed 9.11.20
Tesco Stores Limited NEW WPREM2550	105 London Road North, Lowestoft, NR32 1LX	None	N/A	Cons end 19.11.20 Issued 23.11.20
Halesworth Sports & Leisure SURRENDER WCLUB0010	Dairy Hill, Halesworth, IP19 8JS	N/A	N/A	Surrendered 23.10.20 Completed 23.11.20
The Tiny Tipple Company Ltd SURRENDER WPREM2492	Ivy Cottage, 29 The Street, Blundeston, NR32 5AA	N/A	N/A	Surrendered 26.10.20 Completed 23.11.20
New Beijing Chinese T/A SURRENDER PREM0079 (No Alcohol)	150 Hamilton Road, Felixstowe, IP17 7DS	N/A	N/A	Surrendered 27.10.20 Completed 25.11.20
Glemham Hall LAPSED PREM0570	Little Glemham, Woodbridge, IP13 0BT	N/A	N/A	Lapsed 27.10.20

Easton NEW WPREM2551	51 High Street, Southwold, IP18 6AB	Yes, withdrawn	N/A	Cons end 30.11.20 Issued 4.12.20
Rouge Fourmi SURRENDER WPREM2536	9 Pinkneys Lane, Southwold, IP18 6EW	N/A	N/A	Surrendered 7.11.20 Completed 5.12.20
Harris & James NEW PREM2203	159 High Street, Aldeburgh, IP15 5AN	N/A	N/A	Cons end 10.12.20 Issued 11.12.20
Harris & James NEW WPREM2553	11 East Street, Southwold, IP18 6EH	N/A	N/A	Cons end 10.12.20 Issued 11.12.20
Railway Inn VARIATION PREM0477	Westerfield Road, Westerfield, IP6 9AA	N/A	N/A	Cons end 10.12.20 Issued 11.12.20
Glemham Hall NEW	Little Glemham, Woodbridge, IP13 0BT	Yes	22.1.21	Cons end 15.12.20
Seahawks LAPSED PREM0389	44 Sizewell Road, Leiston, IP16 4AB	N/A	N/A	LAPSED 19.11.20
Leiston & District Ex Service Club SURRENDER CLUB0027	Victory Road, Leiston, IP16 4DQ	N/A	N/A	Surrendered 30.11.20 Completed 31.12.20
Area 25 SURRENDER PREM2035	25 Betts Avenue, Martlesham, IP5 3RH	N/A	N/A	Surrendered 30.11.20 Completed 30.12.20
Capital Chinese Takeaway SURRENDER WPREM2055 (No Alcohol)	63 Westwood Avenue, Lowestoft, NR33 9RW	N/A	N/A	Surrendered 3.12.20 Wait 28 days to complete
The Open Kitchen NEW	6 Naunton Road, Woodbridge, IP12 4HP			Cons end 1.1.21
Queens Head SURRENDER WPREM2306	High Street, Kessingland, NR33 7QQ	N/A	N/A	Surrendered 4.12.20 Wait 28 days to complete
Felixstowe Beach Holiday Park VARIATION GAM0071 – Bingo Prem	Walton Road, Felixstowe, IP11 2HA			Cons end 17.01.21
Felixstowe Beach Holiday Park VARIATION PREM0089	Walton Road, Felixstowe, IP11 2HA			Cons end 18.01.21
East of England Co-op NEW	Station Road, Framlingham, IP13 9EE			Cons end 19.01.21
Coral SURRENDER GAM0048	39 The Thoroughfare, Woodbridge, IP12 1AH	N/A	N/A	Surrendered 23.12.20

Ladbrokes SURRENDER GAM0022	4 Undercliff Road, Felixstowe, IP11 2AW	N/A	N/A	Surrendered 23.12.20
Ladbrokes SURRENDER WGAM0077	26 London Road Pakefield, Lowestoft, NR33 7AG	N/A	N/A	Surrendered 23.12.20
Golden House Chinese Takeaway SURRENDER WPREM2142 (No Alcohol)	4 Market Place, Halesworth, IP19 8BA	N/A	N/A	Surrendered 30.12.20 Wait 28 days to complete

2.3 Current applications

Appeals to Magistrates' Court:

There are currently no appeals to Magistrates' Court.

28-day consultation period has passed and application is still to be determined:

There is currently one application that cannot be granted as the Designated Premises Supervisor (DPS) is yet to be confirmed and one application waiting to be considered by the Licensing Sub-committee:

New Premises Licence application for Beccles Brew Co, Brampton – cannot issue as details of the Personal Licence for the proposed DPS have not yet been received.

New Premises Licence application for Glemham Hall, Little Glemham – one current objection and the hearing is to be held on the 22 January 2021

In consultation:

New Premises Licence – The Open Kitchen, 6 Naunton Road, Woodbridge, IP12 4HP. Consultation period ended on the 1 January 2021

Variation of Bingo Premises Licence – Felixstowe Beach Holiday Park, Walton Road, Felixstowe, IP11 2HA. Consultation Period ends on the 17 January 2021

Variation of Premises Licence - Felixstowe Beach Holiday Park, Walton Road, Felixstowe, IP11 2HA. Consultation Period ends on the 18 January 2021

New Premises Licence - East of England Co-op, Station Road, Framlingham, IP13 9EE. Consultation period ends 19 January 2021

3. NUMBER OF PREMISES LICENCES WITHIN EAST SUFFOLK

3.1 On **1 October 2020** there were 1004 Premises Licences and 855 of these included alcohol on the licence.

3.2 There were 68 Club Premises Licences.

3.3 14 new Premises Licences were granted between 1 October 2020 and 31 December 2020.

3.4 9 Premises Licences and 2 Club Premises Certificates were surrendered.

3.5 On **1 January 2021** there were 1007 Premises Licences and 860 of these include alcohol on the licence.

3.6 There were 66 Club Premises Licences.

3.7 In summary, on 1 October 2020 there were 1072 Premises Licences and Club Premises Certificates and on 1 January 2021 there were 1073.

4. GAMBLING PREMISES LICENCES FOR EAST SUFFOLK

4.1 No applications for a new Gambling Premises Licence have been received since 1 October 2020.

4.2 1 application to vary an existing Bingo Premises Licence was received on 21 December 2020. The consultation period ends on 17 January 2021.

4.3 3 Betting Premises Licences (in respect of a premises other than a track) were surrendered on 23 December 2020.

4.4 On **1 January 2021** there were 37 Gambling Premises Licences in total.

4.5 There were 9 Bingo Premises Licences

4.6 There were 11 Adult Gaming Centre Premises Licences.

4.7 There was 1 Family Entertainment Centre Premises Licence.

4.8 There was 1 Betting Premises Licence (in respect of a track)

4.9 There were 15 Betting Premises Licences (in respect of a premises other than a track).

5. TAXI LICENCES

5.1 On **1 January 2021**, East Suffolk Council licensed:

5.2 95 hackney carriage vehicles and 203 hackney carriage/private drivers

5.3 289 private hire vehicles and 315 private hire drivers

5.4 75 private hire operators

5.5. Since the last Licensing Committee in October 2020, the taxi and private hire licence activity is as follows:

Taxi and Private Hire Licence Activity, October to December 2020			
<u>Type of Licence</u>	<u>Renewed</u>	<u>Did not renew</u>	<u>New</u>
Private Hire Vehicle	88	11	9
Hackney Carriage	34	5	0
Private Hire Driver	25	5	2

Hackney Carriage Driver	26	1	0
Private Hire Operator	None due	1 cancelled	1

5.6 There have been no Sub-Committee hearings regarding a taxi/private hire licence so far in 2021.

6. LICENSING ENFORCEMENT UPDATES

6.1 The Licensing Enforcement Updates for October 2020, November 2020 and December 2020 are in Appendix A **which is exempt**.

7 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 7.1 Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our communities.

8 REASON FOR RECOMMENDATION

- 8.1 To provide an overview of the current state of licensing and licensing enforcement in East Suffolk.

RECOMMENDATION

1. That, having received the report and considered its contents, it be noted

APPENDICES

EXEMPT Appendix A

Licensing Enforcement Updates for October, November and December 2020

BACKGROUND PAPERS Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
	None	