



LICENSING COMMITTEE

Tuesday, 5 October 2021 at 6.30pm

Meeting to be held at Belle Vue Square Offices, Belle Vue Suite, Skipton

Committee Members: The Chairman (Councillor Myers) and Councillors Harbron, Heseltine, Ireton, Jaquin, Madeley, Moorby, Mulligan, Ogden, Solloway and Whitaker. Plus one vacancy (Independent).

Please note the following advice in advance of the meeting:

The Government temporarily removed the legal requirement for local authorities to hold meetings in person during the Covid-19 pandemic. All local authorities were given new powers to enable meetings to take place virtually. The Council's powers to hold remote meetings expired on 7 May 2021.

Whilst the return to face to face meetings provides significant challenges, the Council has undertaken a great deal of work to ensure that face to face meetings are delivered in a COVID safe environment.

Due to social distancing measures, spaces for public attendance are limited and so registration is essential to secure a place.

Everyone who attends this meeting will be required to wear a face covering, unless exempt.

Council staff, elected members and members of the public are urged to take advantage of the national 'next step safely' campaign and access a free, rapid lateral flow test in advance of the meeting:

<https://www.nhs.uk/conditions/coronavirus-covid-19/testing/> Please note that whilst this is advised, it is not a requirement for entry to the meeting.

Anyone displaying Covid-19 symptoms is asked not to attend.

For more information email committees@cravendc.gov.uk

Thank you,
Democratic Services

AGENDA

1. **Apologies for Absence** – To receive any apologies for absence.
2. **Minutes** – To approve the minutes of meeting held on 13 July 2021.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “**disclosable pecuniary interest**” under Appendix A to the Council’s Code of Conduct, or “**other interests**” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Statutory Taxi and Private Hire Vehicle Standards** – Report of the Licensing Manager. Attached.

Purpose of Report – To update Members on the consultation carried out on the Taxi and Vehicle Standards issued by the Department of Transport and seek approval of action proposed in response to its recommendations.

6. **CCTV (Taxi Cameras) and Hardship Scheme of Delegation** – Report of the Licensing Manager. Attached.

Purpose of Report – To present to Members a report regarding the implementation of taxi cameras, a hardship policy and scheme of delegation.

7. **Review of Holiday Caravan Site Regulation** – Report of the Licensing Solicitor. Attached.

Purpose of Report – To present a briefing report following an internal review and a public consultation on new standards to be introduced.

8. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

9. **Date and Time of Next Meeting** – Tuesday, 11 January 2022 at 6.30pm.

Agenda Contact Officer:

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27 September 2021

LICENSING COMMITTEE

13 July 2021

Present – Councillors Myers (Chairman), Harbron, Heseltine, Ireton, Jaquin, Madeley, Ogden and Whitaker.

Officers – Solicitor to the Council (Monitoring Officer), Licensing Manager and Senior Democratic Services Officer.

Apologies for absence were received from Councillors Moorby, Mulligan and Solloway.

Start: 6.32pm

Finish: 7.12pm

The minutes of the Committee's meeting held on 6 April 2021 were confirmed subject to Councillor Ireton being recorded as present at that meeting.

The Chairman and the Committee welcomed Councillor Ogden to his first meeting.

Minutes for Report

LIC.241

Statutory Taxi Hire and Private Hire Vehicle Standards

The Licensing Manager submitted a report informing Members of the Taxi and Private Hire Vehicle Standards issued by the Department for Transport and seeking Members' approval of the action proposed in response to its recommendations. The Department for Transport expected those standards to be implemented by Licensing Authorities unless there were local compelling reasons not to do so.

Craven's Taxi Policy met most, but not all, of the Department for Transport's standards, and the Licensing Manager's report recommended that all the new standards were adopted and to achieve this, a period of public consultation would be required.

Resolved – (1) That, the contents of the report now submitted, are noted.

(2) That, the Private Hire Operator Licence Conditions as set out Appendix Q of the Council's Hackney Carriage and Private Hire Licensing Policy is agreed and that the Solicitor to the Council (Monitoring Officer) is authorised to carry out a public consultation and present responses received to this Committee for further consideration.

(3) That, the Council subscribes to the National Register of Taxi and Private Hire Licence Revocations and Refusals and that a further report be submitted to this Committee on the options available to pay for the annual subscription.

Minutes for Decision

LIC.242

Review of Statement of Licensing Policy

The Licensing Manager submitted a report presenting an amended Statement of Licensing Policy, following a six weeks' public consultation exercise. The Licensing Authority was required to

prepare and publish a statement of its Licensing Policy at least every five years. The current statement expired on 2nd August 2021.

Two responses as set out in the Licensing Manager's report were received and considered by officers and it was recommended that the proposals from North Yorkshire County Council were incorporated into the Licensing Policy.

No amendments were proposed in relation to the individual response regarding licensing and planning applications as these were two distinct separate regimes dealt with under different legislation and Council committees.

RECOMMENDED – That, Statement of Licensing Policy appended to the report now submitted, is approved.

LIC.243

Any Other Business

The Chairman referred to a report on the review of caravan park licence conditions which should have been considered at this meeting. Due to staff shortages, the report had not been completed as previously anticipated but the Committee was assured that the report would be presented to the October meeting. The Solicitor to the Council (Monitoring Officer) was pleased to report that a new Licensing Solicitor had been appointed and she would be responsible for finalising the caravan park licence conditions report.

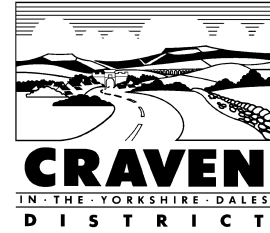
The Licensing Manager updated the Committee on two positive accounts from members of the public with regard to the help they received from taxi drivers. In addition, a recent night time taxi enforcement operation had been a success with only a few minor issues found.

Chairman.

LICENSING COMMITTEE

5th October 2021

Statutory Taxi and Private Hire Vehicle Standards



Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – to update Members on the consultation carried out on the Taxi and Private Hire Vehicle Standards issued by the Department for Transport and seek approval of action proposed in response to its recommendations.
2. **Recommendations** – Members are recommended to:
 - 2.1 Note the content of the report;
 - 2.2 Agree to add the Private Hire Operator Licence Conditions detailed in the Council's Hackney Carriage and Private Hire Licensing Policy at Appendix Q and authorise the conditions for use on all current licences and new grants. The Council has 13 licensed operators whose licences would need to be reissued.
 - 2.3 Consider whether the Council should subscribe to the National Register of Taxi and Private Hire Licence Revocations and Refusals.
 - 2.4 Agree to increase the period of time from three years to seven for Possession of a Weapon offences: 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.
 - 2.5 Agree to increase the period of time from five years to seven for Dishonesty offences: 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
 - 2.6 Agree to include the DfT recommendation within the Councils policy for offences involving handheld devices while 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.

3. **Report**

Background

- 3.1 In July 2020 the Department of Transport (DfT) published revised Taxi and Private Hire Vehicle Standards (Taxi Standards). A copy is attached at Appendix A. The purpose of the Taxi Standards is to create a core minimum set of national standards to better regulate the taxi and private hire sector better with the aim of protecting the public.
- 3.2 The DfT expects the recommendations set out in the Taxi Standards to be implemented by Licensing Authorities unless there are compelling local reasons not to.
- 3.3 A report on the DfT standards was presented to the Licensing Committee on 13th July 2021. A request was made to carry out consultation on the proposals and obtain further information on funding the National Taxi Register - NR3.

Report

- 3.4 Officers have carried out consultation on the DfT Standards. All trade licence holders were notified directly of the consultation. Key stakeholders have been asked to complete the survey and members of the public invited to complete the survey via the Councils Social Media. Results of the Consultation will be circulated with members prior to the Licensing Committee meeting.
- 3.5 It has been agreed the funding for the National Taxi Database will be covered by the Council.

4. **Financial and Value for money Implications**

The costs associated with carrying out the consultation proposed will be met from existing budgets.

If Members are minded to approve subscribing to the National Register of Taxi and Private Hire Licence Revocations and Refusals, the associated costs can be recovered via taxi licensing fees.

5. **Legal Implications**

The Statutory Taxi and Private Hire Vehicle Standards are published by the Department for Transport under section 177 of the Policing and Crime Act 2017. The Council has a legal duty to have regard to these Statutory Standards and should implement the recommendations set out in these Standards unless there is compelling local reason not to do so.

6. **Contribution to Corporate Priorities**

The Hackney Carriage and Private Hire Licensing Policy contributes towards the priority of supporting the wellbeing of our communities.

7. **Impact on the declared Climate Emergency**

No implications for the declared Climate Emergency.

8. **Risk Management**

Failure to have regard to the Taxi and Private Hire Vehicle Standards issued under section 177 of the Policing and Crime Act 2017 would leave the Council in breach of a legal duty to do so.

9. **Chief Finance Officer (s151 Officer) Statement**

No additional comments.

10. **Monitoring Officer Statement**

The recommendations within the report are lawful and within the powers of the Council.

11. **Equality Analysis**

An Equality Impact Assessment was completed at the time the Hackney Carriage and Private Hire Licensing Policy was adopted. It has been reviewed in view of the recommendations contained in this report. The proposed changes would continue to help improve public safety and provide a benefit to all communities within Craven.

12. **Consultation with Others**

None at this stage.

13. **Access to Information: Background Documents**

The Hackney Carriage and Private Hire Licensing Policy (2018) is available on the Council website.

14. **Appendices**

Appendix A – Department for Transport Statutory Taxi and Private Hire Vehicle Standards

15. **Author of the Report**

Tim Chadwick, Licensing Manager
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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

July 2020

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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 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.

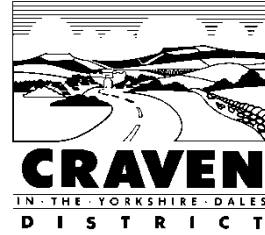
When using a private hire vehicle, passengers should always:

- 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 – 5th October 2021



CCTV (Taxi Camera) & Hardship Scheme of Delegation

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – To present to Members a report regarding the implementation of taxi cameras, a hardship policy and the scheme of delegation.
2. **Recommendations** – Members are recommended to:
 - i. Consider the report; and
 - ii. Confirm the implementation date for Taxi Cameras in vehicles currently licensed
 - iii. Confirm whether the hardship policy should be adopted
 - iv Confirm continuation of the scheme of delegation agreed 19/07/2021

3. **Background**

3.1 In June 2018 a new Taxi Policy was approved; , members decided to include in the Taxi Policy, a new condition to make Taxi Cameras in Licensed Vehicles mandatory. Initially this was to be effective from 1st April 2020. However, following further consultation with the licensed trade in 2019, with members of the public and key stakeholders, a decision was made on 27th January 2020 (Minute LIC.233) to delay the implementation date of the mandatory condition from 1st April 2020 to 1st September 2020. Members took into account a number of concerns raised by the taxi trade about the cost of purchasing the required Taxi Camera systems.

3.2 On the 16th June 2020 the Licensing Committee decided to further delay the implementation date of 1st of September 2020, for Taxi Cameras in light of the Coronavirus (COVID-19) pandemic. This decision was made due to the uncertain economic impact of the virus. (Minute LIC.236)

3.3 On the 6th October 2020 the Licensing Committee, decided to implement mandatory Taxi Cameras from the 1st of April 2021 for all currently licensed vehicles. With all new applications requiring Taxi Cameras from the 1st January 2021.

3.4 On 5th January 2021 members reconfirmed the implementation date of the 1st April 2021. As part of this decision , it was also confirmed that any licence holder suffering adverse hardship due to COVID19 could make a request for an exception to be made for them in respect of the implementation date.

3.5 On the 19th February a petition was received, lodged by the ‘Craven Taxi Association’ to be heard at the Licensing Committee on the 6th April 2021. The petition lodged is to request a delay to the introduction of mandatory Taxi Cameras due to financial hardship.

3.6 On 6 April 2021 Members determined to delay the introduction of cameras in vehicles currently licensed. This was due to the continued uncertainty of the COVID19 pandemic (Minute Lic. 238) with a further report to be presented at the Licensing Committee in October.

3.7 On 6 April 2021 Members determined to revisit the Taxi Camera Hardship Policy. (Minute Lic.239)

4. Report

4.1 The cost of obtaining and fitting CCTV units has always been an important consideration by Members of the Committee. This was a deciding factor, when the date for implementation (which was originally set for April 2020) was moved to 1st September 2020. Concerns about costs was the reason it was brought before members in January 2021 and cost was the reason for the delay in implementation in April 2021. The importance of this issue is due to the fact that the cost of installation of camera units, is to be paid by the vehicle proprietor. Cost considerations needs to be balanced against promoting public and driver safety which is a key factor in the implementation of Taxi Cameras. Current known suppliers charge £450 - £630.

4.2 Following the decision to the require new vehicles to have cameras installed from 1st January 2021, 12 vehicles have obtained and installed Cameras.

4.3 Members will be aware the Department for Transport [DFT] published in July 2020 new and updated guidance for Licensing Authorities– Statutory Taxi & Private Hire Vehicle Standards. The view is that taxi cameras can provide an additional deterrence to prevent risks to passengers and drivers and can add investigative value when required. The use of taxi cameras can provide a safer environment for the benefit of drivers and the public. The DFT Guidance does not state that Taxi cameras should be mandated. The matter remains for the Licensing Authority to determine based on local circumstances.

4.4 A summary of relevant Complaints received since October 2020 may indicate that Taxi Cameras & audio could have been beneficial in the following circumstances:

Driver making a right turn where not permissible
Complaint from Integrated Passenger Transport regarding Driver Conduct
Driver blocking and not moving for public to access disabled bays – Waller hill car park
Driver asking passengers why they were wearing masks. Passenger concerned with Drivers view and behavior regarding COVID19 Pandemic and fears driver is not sanitising the vehicle between passengers. Meter not used and slight overcharge made.
Refused fare – swore at passenger

Abuse to another Licensed Driver
Attitude of driver and not assisting a passenger
Accident in which driver is unable to provide clear explanation drivers version of events differ to that of the passenger.
Unknown - member of the public - complaint about driver, swearing at them after the driver blocked the walkway across the bus station.
Dangerous driving and using rude hand gestures
Driver using a mobile phone
Verbal and threatening behavior to member of public
Refusing to pick up passenger with guide dog
Dangerous Driving
Driver using a mobile phone

4.5 The government's plan for Local Government Reorganisation will take effect from 1st April 2023 merging the 8 district councils of North Yorkshire to form one Unitary Authority. As part of this change, it is likely that a new Taxi Policy will be introduced to cover North Yorkshire. It is currently not known if that policy will mandate Taxi Cameras. Currently no other authority in North Yorkshire mandates Taxi Cameras.

Scheme of Delegation – Hardship Policy

4.6 Members will note that some licence holders may have been unable to qualify for various schemes that have been in place during the COVID19 pandemic and could be suffering severe hardship. To allow for a consistent approach in dealing with any requests from individuals to delay the installation of Taxi Cameras, it is proposed to amend the scheme of delegation to officers. This will allow any such request to be dealt with fairly and consistently, and reduce the need to hold Licensing Sub-Committee hearings.

4.7 The proposed scheme of delegation would be, to allow the Licensing Manager in Consultation with the Solicitor to the Council and the Chair of the Licensing Committee to consider and agree any application to defer the installation of Taxi Cameras, on a case by case basis.

4.8 To ensure a consistent approach, licence holders would have to complete an application form and supply supporting documentation in order for any request to be considered.

Delegated Decision Update

4.9 On 19th July 2021 under the Councils Emergency Delegation, it was agreed following consultation with the Leader of the Council, Chair of the Licensing Committee, Chief Executive, S151 Officer and the Solicitor to the Council that where an applicant can provide evidence that they will be subject to delays installing a Taxi Camera, the Licensing Manager may issue the licence subject to the system being installed within an appropriate timescale. This agreement was made to assist licence holders and prevent financial hardship where matters are beyond an applicant's control; for example, delays in the supply chain. Members are asked to confirm this delegated decision continues.

5.0 Implications

5.1 Financial Implications – Costs for the installation of taxi camera systems would be covered by licence holders. There would be administrative costs to maintain suggested suppliers lists. If the implementation date was a set date, then there would be the cost to issue new licences.

5.2 Legal Implications – Any vehicle licence holder aggrieved by the imposition of a condition relating to CCTV can appeal to the Magistrates Court within 28 days of the condition being imposed.

The Council must be able to show that any mandatory Taxi Camera (CCTV) policy is proportionate and justified by a local evidence base. The Council Solicitor is satisfied that the condition introduced under the Taxi Policy can reasonably be defended should any appeal be lodged.

5.3 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities

5.4 **Risk Management** –. None

5.5 **Equality Impact Assessment** – The Council's Equality Impact Assessment has not been carried out – but the requirements shall apply to all vehicle licence holders..

6 **Consultations with Others** – Council Solicitor

7 **Access to Information : Background Documents** – Department for Transport
Statutory Taxi & Private Hire Vehicle Standards

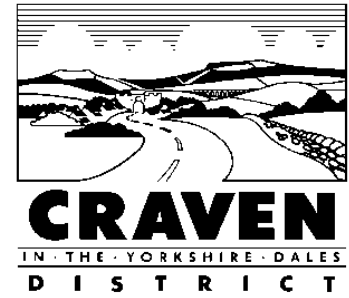
8. **Author of the Report** – Tim Chadwick – Licensing Manager 01756 706257

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

LICENSING COMMITTEE

5 October 2021

Review of Holiday Caravan Site Regulation



Report of the Legal Manager

Ward(s) affected: All

1. **Purpose of Report** - To present a briefing report following an internal review and a public consultation on new standards to be introduced.
2. **Recommendations** – Members are asked to note the content of the report, note the new working arrangements and enforcement strategy and approve the draft standards.

3. Report

Background

- 3.1 An inter department review has been undertaken by the Corporate Safety & Environmental Health Team Leader, the Environmental Health Team Leader, Planning and Legal Services. It is envisaged that by carrying out a review of the standards for Caravan sites and revising those standards, together with a more joined up approach to enforcement and communication, it will enable the services responsible for respective enforcement to deal with the issues more expediently and effectively.
- 3.2 Draft standards relating to Static & Touring Holiday Use Caravan & Lodge Standards were agreed and can be found at **Appendix A**.
- 3.3 Draft standards relating to Pods, Tents & Yurts etc., Site Standards can be found at **Appendix B**.
- 3.4 A public consultation on the draft standards was carried out with Site Owners and Members; the consultation was posted on the Council's website for the wider audience of interested members of the public. Responses were collated by the Environmental Health Team Leader and can be found at **Appendix C**.
- 3.5 As a result of the consultation, some revisions were made to the standards and these are now incorporated into the draft standards mentioned above.

- 3.6 A table of Functions & Responsibilities sets out the agreed responsibilities within the Council and can be found at **Appendix D**. Members are asked to note that each of the enforcing bodies have separate protocols and compliance levels so all future concerns raised will be forwarded directly to the appropriate enforcing service. In addition, there will be a central filing system that ALL parties have access to for information and consideration, especially on areas that overlap and there will be consultation and collaboration between officers on all enforcement if required.
- 3.7 It is anticipated that the platform for shared information will be the Intranet with Password access for security and confidentiality.
- 3.8 When the standards were put together, officers took on board both historical issues and current issues along with changes in legislation to include changes or new legislation. It is envisaged that the new format will stop a great deal of confusion with site owners, Members and enforcement if necessary, as often service requests were sent to the wrong service and each did not know about other enforcement action being undertaken. The Public will be able to raise concerns and moving forward those concerns should be addressed in a more constructive and expedient way.
- 3.9 Members are referred to the information on Caravan regulation written by the Corporate Safety and Environment Team Leader which can be found at Background Documents.
- 4. Financial and Value for Money Implications**
 - 4.1 Any costs associated with this policy review will be met within existing budgets.
- 5. Legal Implications**
 - 5.1 When preparing and determining its policy, the Council is exercising a licensing function and as such must have regard to the legislation, regulations and Government Guidance.
- 6. Contribution to Council Priorities**
 - 6.1 The regulation of caravan sites contributes towards the priority of supporting the wellbeing of our communities.
 - 6.2 **Impact on the declared Climate Emergency** - no implications for the declared Climate Emergency.

7. Risk Management

7.1 There is a legal requirement to regulate the operation of caravan sites.

7.2 **Chief Finance Officer (s151 Officer) Statement** – no additional comments.

7.3 **Monitoring Officer Statement** - the recommendations within the report are lawful and within the powers of the Council.

8. Equality Impact Analysis

8.1 The Council's Equality Impact Assessment procedure does not apply to this report as there are no changes to any policy at this time.

9. Consultations with Others

9.1 Outlined in the Report.

10. Background Documents

10.1 Caravan Sites – Craven District Council – Richard Abdoollah

11. Appendices

Appendix A – Static & Touring Holiday Use Caravan & Lodge Standards
Appendix B – Pod, Tents & Yurts, etc., Site Standards
Appendix C – Consultation responses
Appendix D – Table of Functions and Responsibilities

12. Author of the Report

Name Judith Bramhall
Telephone: 40600
E-mail: jbramhall@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Craven District Council

Static & Touring Holiday Use Caravan & Lodge standards

1) Introduction

- a) Under section 5(6) of the Caravan Sites and Control of Development Act 1960 (the Act) the Secretary of State may from time to time specify model standards with respect to the lay-out and the provision of facilities, services and equipment for caravan sites or particular types of caravan site; and that, in deciding what (if any) conditions to attach to a site licence, the local authority shall have regard to any standards so specified.
- b) These standards are only for those sites which contain caravans that are used for **Holiday use only** this includes static or touring caravans and holiday lodges. The standards do not apply to sites occupied by gypsies or travelers or caravan sites which house agricultural workers or residential caravan's.

2) Holiday occupancy

- a) The caravans and lodges on the site shall be used for holiday accommodation only and shall not be used for any other purpose.
- b) In particular, the accommodation shall not be used as the sole or principal residence by any of the occupants.
- c) The caravan site licence holder must undertake on an annual basis, an audit to confirm that each caravan unit owner has a permanent off-site address and that they are not occupying the caravan unit as their main place of residence. The audit must comprise of two stages:
 - i) The inspection by the caravan site licence holder or his nominated person, of a proof of identification as defined below and a proof of residence as defined below.
 - ii) The caravan site licence holder or his nominated person, must then maintain a register of this audit either in written format or electronically recording the following details:
 - (1) Pitch identification number;
 - (2) Full name of the caravan unit owner;
 - (3) Address of sole permanent residence;
 - (4) Proof of identity document type presented;
 - (5) Proof of residence document type present;
 - (6) Date of transfer or sale of caravan unit;
 - (7) Full name and address of new owner.
 - iii) Although there is no need to keep a copy of the documents presented, the caravan unit owners must be aware that they may be required to represent

the documents at a reasonable time if required by the site owner in case of an inspection by an authorised officer of the council.

d) Proof of Identity

e) In all cases evidence of identify must be one of the following:

- i) Current signed passport;
- ii) Current and valid UK driving licence;

f) Proof of Residence

- i) In all cases evidence of residence must comprise of either one item from Group A
- ii) or two from Group B.
- iii) Should the caravan unit owner normally live abroad, items such as utility bills from the overseas property can be accepted providing they are in the name of the caravan unit owner.

g) Group A

- i) A Council Tax invoice;

h) Group B

- i) Any utility bill less than three months old;
- ii) Valid insurance document;
- iii) Benefits payment book;
- iv) Bank or building society statement or pass book, which includes address and evidence of transactions within the last three months;
- v) Credit or debit card bill which shows evidence of transactions within the last three months;
- vi) A tenancy agreement from a housing association;
- vii) An entry in the electoral roll;
- viii) Land Registry confirmation of address;
- ix) Current UK driving licence;
- x) Original letter from Inland Revenue;
- xi) Benefit book;
- xii) Original letter from Benefits Agency confirming rights to benefits.

3) Holiday Use means

- a) For occupation as an extended period of recreation away from the sole permanent place of residence.
- b) This condition does not apply to those caravan units owned by the caravan site licence holder and available for a limited hire period only or caravan units on a mixed site with a planning permission or lawful development certificate for full time permanent residential occupation.

4) The Boundaries and Plan of the Site

- a) The boundaries of the site from any adjoining land shall be clearly marked by

a man made or natural feature.

- b) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- c) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.
- d) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

5) Density, Spacing and Parking Between Caravans and Lodges

- a) Every caravan/lodge must where suitable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan.
- b) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- c) A porch attached to the static holiday use only caravan or lodge may protrude one meter into the separation distance and should be of the open type.
- d) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
- e) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- f) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- g) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments. – relates to 'static holiday lets' only!!

6) Roads, Gateways and Overhead Cables

- a) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.

7) Footpaths and Pavements

- a) Every caravan shall be connected to a road by a footpath with a suitable

surface which shall be maintained in good condition.

8) Lighting

9) Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

10) Lights must be low level and downward facing so as not to create a nuisance to others.

11) Bases

a) Every static use only unit must stand on a concrete base or hard standing. Touring bases must support the Caravan in a safe and secure manner in adverse weather conditions and have regard to site gradients and other relevant factors.

b) The base must extend over the whole area occupied by the unit and must project a suitable and sufficient distance outward from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, considering local conditions.

12) Maintenance of Common Areas, including Grass, Vegetation and Trees

a) Every part of the site to which the public have access shall be kept in a clean and tidy condition.

b) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.

c) Grass and vegetation shall be cut and removed at frequent and regular intervals.

d) Trees within the site shall (subject to the necessary consents) be maintained.

13) Supply & Storage of Gas etc. (where applicable)

a) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.

b) Liquefied Petroleum Gas cylinders must be stored in line with the Gas safety (Installation and use) Regulations and must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

14) Electrical and (where applicable) gas Installations

a) On the site there shall be installed a network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.

- b) The network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- c) Any work on installations and appliances shall be carried out only by persons who are competent to do the work being undertaken, in accordance with current relevant statutory requirements.
- d) Any work on the network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

15)Water Supply

- a) All static only pitches on the site shall be provided with a water supply suitable and sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- b) All new water supplies shall be in accordance with all current legislation, regulations and relevant British Standards.
- c) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British Standards.
- d) Work on water supplies and installations shall be carried out only by persons who are qualified in the work being undertaken and in accordance with current relevant legislation and British Standards.
- e) The site owners must have in place an emergency action plan to enable the provision of water in the event of any water supply being stopped or in the case of Private water supply it not being available.
- f) Private water supplies must be tested, and results made available to the Local Authority on request in accordance with the Private Water Supplies (England) Regulations.

16)Drainage and Sanitation

- a) Surface water drainage shall be provided where appropriate to avoid standing pools of water and flooding.
- b) There shall be satisfactory provision for foul and wastewater drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority/Environment Agency.
- c) All drainage and sanitation provision shall be in accordance with all current legislation and British Standards.

- d) Work on drains and sewers shall be carried out only by persons who are qualified in the work being undertaken and in accordance with current legislation and British standards.

17) Refuse Storage & Disposal

- a) Where communal refuse bins are provided these shall be non-combustible and in a properly constructed bin store.
- b) All refuse disposals shall be in accordance with all current legislation and regulations.

18) Communal Vehicular Parking (where applicable)

- a) Suitably surfaced parking spaces shall be provided to meet the requirements of Users of the site and their visitors.

19) Notices and Information

- a) The name of the site shall be displayed on a sign in a prominent position at the entrance(s) to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this requirement can be viewed and between which times (if not displayed on the notice board).
- b) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- c) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- d) In addition, at the prominent place the following information shall also be available for inspection at the prominent place:
 - i) A copy of the most recent periodic electrical inspection report.
 - ii) A copy of the site owner's certificate of public liability insurance.
 - iii) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - iv) A copy of the fire risk assessment made for the site and annual test certs for all fire equipment and alarms.
- e) All notices shall be suitably protected from the weather and from direct sunlight.

20) Flooding

- (1) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (2) Where there is risk from flooding the site owner shall consult the

Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

21) Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

- a) The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 or relevant succeeding legislation for inspection by customers and when demanded, a copy of the risk assessment shall be made available to the local authority.

22) Legal background

- a) The use of land as caravan sites is controlled by relevant planning legislation, whereas the physical standards and layout, amenities and other standards are controlled by a site licence issued under the Caravan Sites and Control of Development Act 1960 ("the Act"). Section 5 of the Act enables local authorities to set licence conditions.
- b) Under the Act, most privately owned sites must be licensed by the local authority, unless exempted under the Act¹. A licence will be granted unless the applicant does not have relevant planning permission to operate the site or has had a licence revoked in the last three years.
- c) The local authority may attach conditions to the licence, but these can only relate to the physical use of the site and its management². The Secretary of State may issue Model Standards which the local authority must have regard to in deciding what conditions to attach to a licence³. The authority may from time to time alter a site licence condition (either of its own volition or upon the application of the licence holder).

23) The local authority is required to maintain an accurate register of the site licenses in their area. Given the number of different types of sites that local authorities may deal with, it is recommended that the register shows what type of site each is, be it holiday, residential, mixed use or gypsy and traveler. It is recommended as a minimum the information the site register has is:

- a) Name and address of site (if available the Geographic Information Service mapping code should also be logged)
- b) Name of the licence holder, the site owner (if different) and any person managing the site on behalf of either of those persons
- c) Type of site
- d) The number of pitches
- e) The licence conditions (if any)

¹ Section 2 and Schedule 1 to the Act set out in which circumstances a site licence is not required.

² Section 5 (1) to (5). For restriction see *Mixnam's Properties v Chertsey UDC* A.C. 735.

³ Section 5 (6).

24)Other Considerations:

- Disabled access and facilities

DRAFT

Craven District Council

Pods, Tents & Yurts, etc. site standards

These standards are taken from the 2008 Model standards adopted by Craven District Council. The elements below relate to: pods, tents, yurts, shepherd's huts, tipis, wigwams, gypsy caravans, gers and safari tents.

1) The Boundaries and Plan of the Site

- a) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.

2) Density, Spacing and Parking Between pods, tents, yurts, etc.

- a) The density of pods, tents, yurts, etc. on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3) Roads, Gateways and Overhead Cables

- a) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.

4) Footpaths and Pavements

- a) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

5) Lighting

- a) Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.
- b) Lights must be low level and downward facing so as not to create a nuisance to others.

6) Maintenance of Common Areas, including Grass, Vegetation and Trees

- a) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- b) Every road, communal footpath and pavement on the site shall be maintained in a good condition; good repair and clear of rubbish.

- c) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- d) Trees within the site shall (subject to the necessary consents) be maintained.

7) Supply & Storage of Gas etc. (where applicable)

- a) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- b) Liquefied Petroleum Gas cylinders must be stored in line with the Gas safety (Installation and use) Regulations and must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

8) Electrical Installations (where applicable)

- a) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- b) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- c) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- d) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

9) Water Supply

- a) All new water supplies shall be in accordance with all current legislation, regulations and relevant British Standards.
- b) All repairs and improvements to water supplies and installations shall be carried out to conform to current legislation and British Standards.
- c) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British Standards.
- d) The site owners must have in place an emergency action plan to enable the provision of water in the event of any water supply being stopped or in the case of Private water supply it not being available.
- e) Private water supplies must be tested, and results made available to the Local

Authority on request in accordance with the Private Water Supplies (England) Regulations.

10) Drainage and Sanitation

- a) Surface water drainage shall be provided where appropriate to avoid standing pools of water and flooding.
- b) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority/Environment Agency.
- c) All drainage and sanitation provision shall be in accordance with all current legislation and British Standards.
- d) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British standards.

11) Domestic Refuse Storage & Disposal

- a) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- b) All refuse disposals shall be in accordance with all current legislation and regulations.

12) Communal Vehicular parking (where applicable)

- a) Suitably surfaced parking spaces shall be provided to meet the requirements of users and their visitors.

13) Notices and Information

- a) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).
- b) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- c) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- a) In addition, at the prominent place the following information shall also be

available for inspection at the prominent place:

- i) A copy of the most recent periodic electrical inspection report.
 - ii) A copy of the site owner's certificate of public liability insurance.
 - iii) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - iv) A copy of the fire risk assessment made for the site and annual test certs for all fire equipment and alarms.
- b) All notices shall be suitably protected from the weather and from direct sunlight.

14) Fire

- a) Where the Regulatory Reform (Fire Safety) Order 2005 applies the site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 or relevant succeeding legislation for inspection by customers and when demanded, a copy of the risk assessment shall be made available to the local authority
- b) Where the Regulatory Reform (Fire Safety) Order 2005 does not apply the following will apply:
 - i) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.
 - ii) All alarm and firefighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.
 - iii) A record shall be kept of all testing and remedial action taken.
 - iv) All equipment susceptible to damage by frost shall be suitably protected

Comment

Condition 2 – may need to just review wording – it was not clear (to me at least!!). I think it means they apply to those sites that have some holiday use caravans but not to a site that has JUST those type of caravans (to which different standards apply) – but may wish to clarify.

Thank you for the work that you are doing on this. I note Guy has passed the buck to you re involving the PC who initiated this drive. If in doubt I would be tempted to involve them because they do talk a lot of sense.

I must admit that the detail of the documents is for others to study. It is the underlying principles that I feel need addressing. That said para 2 in the second document doesn't seem to make any sense to me !! Is it not a contradiction in terms ??

Surely the key to this is that we need to establish which sites (or portions of sites) are currently allowed to be used 'permanently' and which are for holiday use only. The position seems to be a real mess with some people basically using holiday parks as their sole residence (albeit that they may leave for a few weeks each year). If I understand the issue correctly what we are trying to achieve is to regularise the position across Craven and differentiate between Lodges (and possibly Static Caravans) that are or could be used as 'permanent residences' and those that are used as holiday homes (presumably by many different families in a season).

I think the fundamental principle is that if people are going to use these sites (or part of them) as a permanent residence, we as a Council need to be happy that we are ok with that. In effect they are creating a housing estate (albeit of log cabins and possibly static caravans) in what is often open countryside. So there is a planning issue. And then there is the Council tax issue to address. If there is effectively a housing estate, why shouldn't the Council benefit from Council tax income. As an outsider it seems that currently the site owners perhaps benefit from charging the equivalent of this tax by way of ground rent whilst only passing on a limited amount to us by way of business rates. I may be wrong !! as an aside, I have a 'pal' who is currently being charged nearly £600 a month rent (for a Log Cabin that he bought several years ago) by one Park owner despite the fact that he and his neighbours were kicked off the site at the start of the current lockdown. How bad is that.

As a layman I think there is probably a distinction to be drawn between quality log cabins, which are often as good as houses in terms of insulation etc, and mobile homes (ie static caravans). Whilst I am sure that some mobile homes will be 'up to standard' I guess that others might not be suitable for all year round occupation. As a Council, my gut feeling (from what

other Members have said in various debates) is that we do not want to allow permanent residency in anything that is not fit for purpose going forward.

I am not sure if my thoughts reflect yours, or if they are encompassed in the drafts that you have sent us. It seems that your drafts do not refer to permanent sites. But please bear in mind that presumably many sites are split. Part permanent and part holiday accommodation. But either way, if I can be of further help, please feel free to contact me.

To me these standards look very clear and helpful. In particular I would love the 6 metre separation rule to be applied at the Cononley campsite in peak season.
In an ideal world I'd love to ask for each site to provide an electric vehicle charging point but I'm pretty sure we wouldn't be allowed to do that
It would be useful to put in there a reminder of the numbers of pitches allowed under particular licences and the number of caravan club "events" permitted each year. My perception is that limits on numbers are frequently abused

I notice that it only mentions static caravans in the report, but should it not also encompass lodges as most of these are holiday lets?
Most static caravans and lodges have decking installed around, at the side or in front of them. Should this not be considered?

Questions

1/ I would be interested to know which, if any other teams within Craven Council or third parties have been consulted and contributed to this proposal e.g. licensing, enforcement, a park owner? Would it be possible to confirm that please?

2/ I would also like to know whether "best practice" from other local councils (particularly Harrogate and Richmond areas) has been sought and incorporated in the proposed draft? A common approach across North Yorkshire would seem sensible as some of the larger companies operate across different councils, this also "future proofs" standards for future authority changes.

General Comments

The documents are referred to as "site licence conditions" in your email. As is set out in the documents, pursuant to S5 of the Caravan Sites and Control of Development Act 1960, LAs have the power to attach conditions to a site licence and that a breach of a condition constitutes

a criminal offence.

The document relating to statics and tourers for which you are seeking comment appears to include both a licence condition (Para 4) and Model Standards; I believe Model Standards are not legislative but an indication of “standards normally expected as a matter of good practice on sites”.

The two quite different concepts have been mixed in this document. In order to achieve the stated objective of reducing confusion, I believe conditions and standards should be dealt with separately as appropriate for their purpose i.e. as legally enforceable or as standards of good practice.

Static and touring holiday use caravan park standard

PARAS 1 & 2

What is the difference between **holiday use only sites** and **sites used exclusively for holidays or touring caravans**? This is very confusing.

PARA 3 Previous Standards

In Para 3 “Previous Standards” reference is made to 2008 standards replacing the 1989 Standards. According to the title of the document, the standards in this document relate solely to

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static and touring holiday use caravan parks, the 2008 standards do not therefore apply and have not replaced the 1989 Standards (unless a park is mixed residential / holiday use in which

case this should be made clear). I do not believe this paragraph is either correct or relevant and

does not therefore achieve the objective of reducing confusion.

Para 4 (Site Condition)

As a parish and as residents of Craven, we strongly believe it would benefit all of Craven for the

site licence conditions relating to holiday use to be updated and brought in line with recent changes nationally and to ensure that holiday accommodation is not used for unauthorised permanent residential occupation in the interests of sustainable development and reducing pressure on local services.

We don't believe paragraph 4 is sufficiently clear to achieve its purpose of reducing confusion, it

places a burden of evidence on the Local Authority and it does not go far enough to be as

effective at ensuring adherence to current regulations.

I would like to refer Environmental Health to the Harrogate Licensing Committee findings at this link as a good start towards much more effective wording of this condition:

<https://democracy.harrogate.gov.uk/Data/Licensing%20Committee/200806051730/Agenda/15326.pdf>

The condition Harrogate applies for their 34 sites is set out on page 5, Appendix One via the above link. We would like to see this condition or something very similar adopted in Craven.

What has Harrogate learned from its adoption? Has it improved their situation?

The Standards

Density, Spacing Parking

P2(i) using the term **where practicable** gives an excuse for overcrowding. It should be one rule

for everyone to avoid confusion. Can this be removed?

P2(iii) Will the cladding mentioned will still be acceptable in the light of current problems with building cladding.

P2 (v) What are these regulations, are they to be attached in an appendix?

Roads Gateways and Overhead Cables P(vii) The required width of a gateway may not be feasible on access roads where the site owner has no control as at the park in our parish.

5. **Lighting** Will this standard be applied retrospectively? We would like this to be the case even if there is a grace period allowing owners time to change inappropriate lighting.

6. **Maintenance of Common Area** P(iv) This is ambiguous, *shall be maintained* can mean well looked after or kept. It has been our experience that trees have been removed / severely

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hacked back and we would like the LA to pre-authorise the “maintenance” of any trees providing

screening. Could there be a clause included that any trees that are removed for any purpose (whether with a TPO or not) be replaced by a new one. It goes without saying that the trees should be well looked after.

7. **Notices and Information** (i) In our experience, the sign is not always on the site owner's land, this should be specified so that it is.

Fire Safety

Many of the standards applied appear to relate to safety and fire risk, I don't propose to be able to add anything to the standard paragraphs relating to this but this link to Park Safety has useful

and upto date information that I believe would be useful for consideration particularly in relation

to cladding

<https://www.parkfiresafety.co.uk/post/model-standards>

Legal Background

In this section, para 4 there is a typo and the sentence doesn't make sense - "The local authority is required, under to maintain an"

In this section, the recommended minimum information is shown but CDC does not currently provide this minimum in their public register. Is there a plan to upgrade Craven's public register with this minimal information?

Other Considerations For Inclusion:

- Disabled access and facilities
- British standards for caravans of residential standard on sites open all year
- Entrance barriers on larger parks to monitor who is on site and for added security
- Electric charging points for green cars

3

CDC - Pods, Yurts, Tents Standards

This document seems hastily put together as if lifted from existing standards rather than specific

to pods, yurts etc.

There are other types of similar accommodation in this category e.g. Shepherd huts, tipis, wigwams, gypsy caravans, gers, safari tents, do these standards apply? What is the general definition of accommodation to which these standards apply for the sake of clarity?

The lack of sub paragraphs and use of stars instead is not conducive to communicating this info

clearly and is inconsistent with Model Standards.

The title gives several types of accommodation, the introductory paragraph then refers to "tent sites only", the lack of consistency should be resolved for the sake of clarity.

I'd like to add to the consultation that a key aspect of the licence condition is "for holiday use only" . To avoid the widespread current misunderstanding and abuse of park use, the LA should set out a clear definition of "holiday use" for all parties and publish this.

Similarly it should be made clear for all parties exactly how the LA will ensure a holiday home is not used as a "main residence". Just collecting council tax documents etc does not address what length of time is spent in a holiday home so that it becomes a "main" residence and nor does a short closed period mean a holiday park is only used for holidays.

The LA already has evidence for example that a number of owners rent out their “main” residence long term. In these cases, the address for which documents are provided cannot be used as a main residence. How will the LA establish for how long a holiday home is actually used in any season?

Very many other LAs publish clear guidance for owners of holiday homes on their websites. To meet a true objective of reducing confusion for all, CDC should look at some of the good examples of published guidance and make this available in Craven too. This may help avoid a future situation where the LA is faced with the reality of the consequences of misunderstandings and threatened with rehousing those who are found not to have been following the licence conditions.

This is an important and growing issue and will be discussed at the next Ribble Banks Parish Council (RBPC) meeting on 23rd March.

Sadly, we are unable to respond within the tight deadlines that you suggest but we may well send you our collective response shortly after this meeting.

Also CDC need to look at the so called Pop Up Parks that will appear this summer and how the council are going to police the activities of these.
Craven can also expect an increase in Wild camping in the main honey pot areas due to the large increase in motor homes / camper vans that are ready to go once lockdown has eased and several of the touring parks will not run at capacity until the main facilities such as the toilet/ shower blocks are permitted /allowed to open, This could also lead to a large amount of fly tipping in these beauty spots
? What is the CDC policy on Pubs permitting motor homes to park on these car parks overnight?

I welcome the council's desire to work closely with responsible park operators to maintain and improve the high standards to which we work.

I have spoken and discussed with our BH&HPA trade associations legal advisors Tozers, which noted your reliance on the 2008 model standards for residential caravan parks. I take this opportunity to attach a copy of the 1989 standards for holiday static caravan sites, which remain in effect.

I am also sure you agree it will be important not to make changes wholesale. Current site licence conditions should be amended only where they are no longer appropriate for the particular park.

In future, I would welcome additional time for any consultation and we all are more than happy to work with you.

Whilst I appreciate the need to move forward at pace, I think that seven days is insufficient for meaningful consultation on any question of substance.

There may be some park operators for whom your proposed new standards have significant implications.

Please keep me upto date and if you require any more information please do not hesitate to contact me

Please take into account that the old caravan parks do struggle with spacing nowadays Back in the sixtys caravans were 18 to 20 feet long and 8feet wide, now the norm that people want as caravans are 30 + feet and 12 feet wide, we have had to replace statics with touring caravans to not loose numbers.

Just hope if someone gets it passed for pods etc. they do not in time replace them with caravans.

T/C requested hard copy, may respond late.

Did not receive letter, sent late, may comment late.

Caravan Sites – Functions and Responsibilities
Who deals with what?

	CDC Env. Health	CDC Planning	NY Fire & Rescue	Environment Agency
The Site boundaries & site Plan		✓		
Density, Spacing & parking between caravans		✓		
Roads, Gateways & Overhead Cables		✓		
Footpaths & Pavements		✓		
Lighting	✓			
Hard Standings		✓		
Maintenance of common areas		✓		
Firefighting appliances Fire points Firefighting equipment Fire warning Maintenance Fire Notices Fire Hazard			✓	
Supply & storage of LPG	✓			
Electrical installations	✓			
Water supply	✓			
Drainage & sanitation	✓			
Refuse storage & disposal	✓			
Parking		✓		
Notices & Information	✓			
Flooding				✓
Noise	✓			
Waste – storage - Fly tipping	✓			