



Licensing Committee

at 6.30pm on Tuesday, 11 June 2019

in the Belle Vue Suite at the Belle Vue Square Offices, Skipton

Committee Members: The Chairman (Councillor Myers) and Councillors Handley, Heseltine, Ireton, Jaquin, Madeley, Moorby, Metcalfe, Mulligan, Pighills, Solloway and Whitaker.

AGENDA

1. **Apologies for absence**
2. **Confirmation of Minutes** of meeting held on 22nd January 2019.
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. **Licensing Committee Work Programme 2019-2020** – Report of the Licensing Manager. Attached.

Purpose of Report – To provide Members with an overview of projected agenda items and working programme for June 2019 – April 2020.

6. **Licensing Enforcement and Compliance Monitoring** – Report of the Licensing Manager. Attached.

Purpose of Report – To provide Members with an overview of enforcement and compliance monitoring that has been carried out from 1st April 2018 – 31st March 2019. Members are

also asked to consider the draft licensing compliance monitoring and enforcement plan for 2019/20.

7. Private Hire Operators' Licences – Report of the Licensing Manager. Attached.

Purpose of Report – To review the conditions attached to the Private Hire Operator's (PHO) licence. In relation to the use of drivers and vehicles not licensed by this authority Members are asked to determine how the conditions to PHO's should be implemented.

8. National Licensing Matters: Update – Report by the Legal Services Manager. Attached.

Purpose of Report – To provide Members with a general update on national licensing matters.

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

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

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E-mail: committees@cravencdc.gov.uk

3 June 2019

If you would like this agenda or any of the reports listed in a way which is better for you, please telephone (01756) 706494.

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- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

LICENSING COMMITTEE

22nd January 2019

Present – Councillors Myers (Chairman), Baxandall, Heseltine, Ireton, Jaquin, Madeley, Moorby, Solloway, Thompson and Welch.

Officers – Solicitor to the Council, Legal Services Manager, Licensing Manager, Assistant Licensing Officer, Information Governance Manager and Committee Administrator.

An apology for absence was received from Councillor Mulligan.

Start: 6.30pm

Finish: 8:40pm

The minutes of the Committee's meeting held on 13th November 2018 were confirmed and signed by the Chairman.

The Chairman announced that, the Licensing Manager, Deborah Bragg, was leaving the Authority to take up a new position with Leicester City Council. This would be her last Licensing Committee and the Chairman thanked her for all her hard work and commitment and wished her well on behalf of the Committee.

In response, Mrs Bragg stated that she had enjoyed working with all Members and officers and whilst sad to be leaving she was looking forward to her new role. She informed the Committee that Tim Chadwick, Licensing Assistant, had been offered the Licensing Manager's position and she wished him well for the future.

Minutes for Report

LIC.218

INTRODUCTION OF SAFETY CAMERAS (CCTV) IN LICENSED VEHICLES IN CRAVEN

The Licensing Manager submitted a report seeking Committee approval of a specification for taxi cameras (CCTV) in licensed vehicles in Craven. As part of her report, Members listened to a presentation from a CCTV company whose systems were already operating in taxis in several local authorities. The presentation was purely to inform Members of the benefits a camera, from whichever manufacturer, could offer in protecting both passengers and drivers. In addition, the camera footage could provide essential evidence to the police as part of an investigation/prosecution.

The Licensing Manager circulated to Members at the meeting an amended specification which provided greater clarity and took account of Data Protection requirements.

During the ensuing debate Members requested that the Licensing Manager seek out and establish a list of approved CCTV suppliers that met the Council's specification and that this list be published on the Council's website. This would give the taxi trade some choice in supplier and confidence that, once installed, their system met all the Council's criteria. Members also asked that publicity be given to the introduction of CCTV in licenced vehicles.

Members noted that although CCTV in vehicles would not become mandatory until 1st April 2020, this did not preclude taxi drivers and operators from installing cameras in their vehicles at an earlier date.

Resolved – (1) That, the specification as submitted, is approved, save that the Council shall carry out a Data Protection Impact Assessment in accordance with the General Data Protection Regulation (GDPR) and a self-assessment in accordance with the Surveillance Camera Commissioner’s Code of Practice, before the systems become operational in vehicles.

(2) That, all licensed vehicles must comply with the requirement that safety cameras must be installed and operational by 1st April 2020.

LIC.219 **TAXI LICENSING POLICY – DAILY VEHICLE INSPECTION CHECK SHEET**

The Licensing Manager submitted a report which sought approval for the introduction of a daily vehicle inspection check sheet, to be completed by drivers and vehicle proprietors of licensed vehicles. The condition to undertake daily checks was incorporated into the new Taxi Licensing Policy which came into effect on 1st June 2018. However, the condition had not been applied as Members asked the Licensing Manager to devise a standardised check sheet which would be used by Craven’s licensed drivers and vehicle proprietors.

The daily vehicle inspection check sheet submitted with the report was examined by Members and they suggested that the sheet also included checks that airbags and CCTV were working and that, if possible the sheet be modified so as to have one doubled sided sheet of paper for a full week.

Resolved – That, the daily vehicle inspection check sheet as now submitted, subject to minor amendments outlined above is approved and licence holders are required to complete the said form before the commencement of every shift from 1st April 2019.

LIC.220 **TAXI LICENSING POLICY – INTRODUCTION OF PENALTY POINTS SCHEME**

The Licensing Manager submitted a report seeking Members’ approval for the introduction of a penalty points scheme for taxi drivers.

In approving the new Taxi Licensing Policy, Members determined that a penalty points scheme was introduced to deal with infringements of licensing conditions, licensing legislation or misconduct by taxi drivers. Members were advised that there was no mechanism (other than written warnings or referral to the Licensing and Appeals Sub-Committee on a case by case basis) for dealing with minor or repeat misconduct by taxi drivers. Additionally, licence holders could be prosecuted using relevant legislative powers.

Members were informed that many local authorities had introduced successful penalty points schemes which enabled a consistent approach to dealing with unsatisfactory conduct whilst providing a record of a licence holder’s pattern of behaviour and conduct.

The proposed scheme for Craven’s drivers would operate without prejudice to the Council’s ability to take other action it was entitled to take under legislation, byelaws and regulations. Penalty points would remain current for 12 months from the date of issue and where a licensee accumulated 12 or more points in any 12 month period the matter would be referred to the Licensing and Appeals Sub-Committee for determination as to whether the person was considered ‘fit and proper’ to hold a licence. There would also be a right of appeal by licence holders to the Sub-Committee if they felt that aggrieved at the officer’s decision to issue penalty points.

Resolved – (1) That, the Penalty Points Scheme for Taxi Drivers as now submitted is approved and introduced with effect from 1st April 2019, subject to the amendments that food

and drink not being allowed in the vehicle when passengers are present and that driving whilst using a mobile phone incur twelve penalty points rather than nine.

(2) That, a further report is submitted to the Licensing Committee in twelve months' time detailing the impact of the system on levels of compliance including details of the number of points recorded against licence holders and the reasons why.

LIC.221

TAXI LICENSING POLICY – BRANDING ON LICENSED VEHICLES

The Licensing Manager submitted a report following a consultation exercise in which the taxi trade were asked for their views on whether branding should be permitted on hackney carriage and private hire vehicles licensing by the Council.

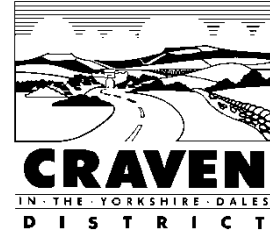
The revised taxi licensing policy restricted advertising on vehicles and as a result the Licensing and Appeals Sub-Committee were asked to determine requests from three applicants that the advertising condition was dis-applied. The Sub-Committee resolved to defer making a decision on whether the condition should be dis-applied and instructed the Licensing Manager to undertake a consultation exercise in order to gather the views of the taxi trade. Only one response had been received and that was from one of the applicants who had requested that the branding already on his vehicle was allowed to remain.

Members discussed the issue in detail and after careful consideration, it was

Resolved – (1) That, the proposed policy as set out in appendix A to the report now submitted in relation to branding on licensed Hackney Carriages or private hire businesses on licenced vehicles is approved.

Chairman.

Licensing Committee – 11th June 2019



Licensing Committee Work Programme

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – To provide members with an overview of projected agenda items & work programme for June 2019 – April 2020
2. **Recommendations** – Members are recommended to:
 - i. note the work programme
 - ii. review and endorse the work programme

3. **Report**

3.1 The Licensing Service is responsible for dealing with a variety of licences including taxis, Licensing Act 2005, gambling, and charitable collections. The draft plan focusses on the 2 main licensing functions namely taxis and Licensing Act 2003. The work programme (Appendix A) is a 'live' document so it is flexible and may be amended and updated accordingly subject to other emerging issues and priorities.

Implications

- 4.1 **Financial Implications** – There are no financial implications arising directly from this report. All resources referred to are from existing budgets.
- 4.2 **Legal Implications** – Compliance monitoring is an important function of the Licensing Authority, and public safety is of paramount importance when considering the licensing enforcement and compliance regime.
- 4.3 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities
- 4.4 **Risk Management** –. None
- 4.5 **Equality Impact Assessment** – The Council's Equality Impact Assessment has not been carried out.
5. **Consultations with Others** – Legal Services
6. **Access to Information : Background Documents** – None
7. **Author of the Report** – Tim Chadwick – Licensing Manager 01756 706257

	AGENDA ITEM 5
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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Licensing Committee June 1st 2019

Anticipated work for Licensing Committee – dates/items may change due to changes in legislation or other matters arising. Additional items will be added to the agenda as and when arising. Members can ask for matters to be added to the agenda.

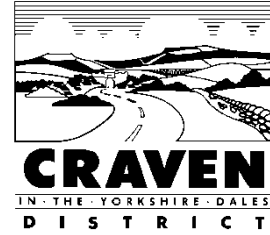
Approx Committee date	Item
June 2019	Licensing overview & Compliance & Enforcement Private Hire Operator Conditions Licensing Legal Update – CCTV Commissioner reply from Task and Finish Group Report & Vehicle Database AoB/Anything Members would like to see come to next Committee
October 2019	Garage Testing Tariff Card
January 2020	Standing items; TBC
April 2020	Review of Taxi Policy & Penalty Points Enforcement and Compliance Monitoring Licensing Policy for implementation 2021

Standing items:

- i. Update regarding applications (numbers of licences etc)
- ii. Sub-Committee hearings
- iii. Licensing/legal updates
- iv. Consultations

Other matters likely but date subject to legislation/regulations:

Licensing Committee – 11th June 2019

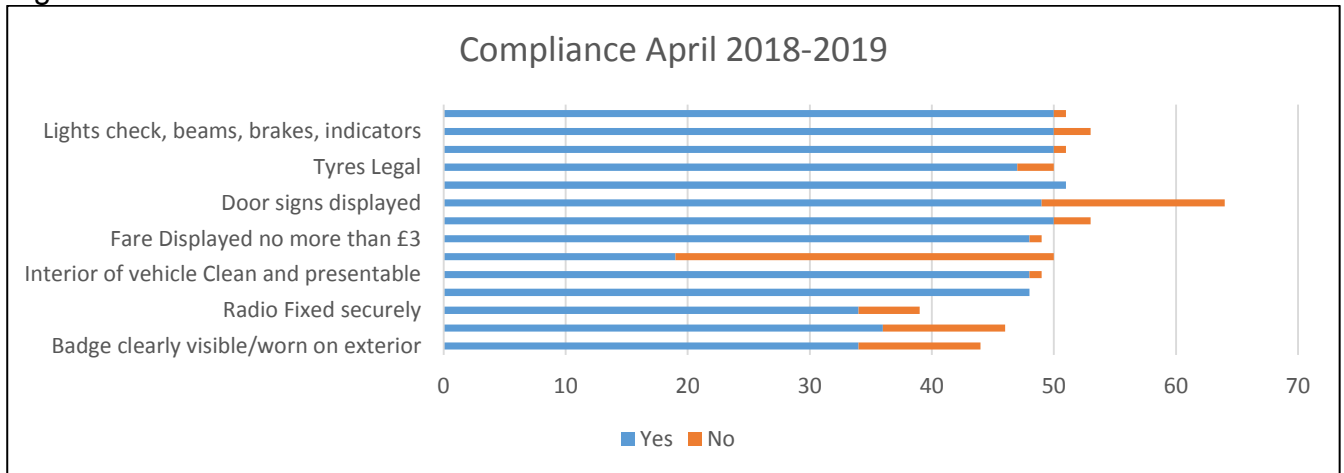


Licensing Enforcement and Compliance Monitoring

Report of the Licensing Manager
Ward(s) affected: All

1. **Purpose of Report** – To provide members with an overview of enforcement and compliance monitoring that has been carried out from 1st April 2018 – 31st March 2019. Members are also asked to consider the draft licensing compliance monitoring and enforcement plan for 2019/20.
2. **Recommendations** – Members are recommended to:
 - i. note the report
 - ii. review and endorse the draft licensing compliance monitoring and enforcement plan for 2019/20
3. **Report**
 - 3.1 The Licensing Service is responsible for dealing with a variety of licences including taxis, Licensing Act 2005, gambling, and charitable collections. The draft plan focusses on the 2 main licensing functions namely taxis and Licensing Act 2003 although other types of licences are subject to compliance monitoring. The plan is a 'live' document so it is flexible and may be amended and updated accordingly subject to other emerging issues and priorities. Reports on compliance monitoring activities will be provided to Members on a regular basis.
 - 3.2 Detailed in this report is the enforcement and compliance monitoring that has taken place for the period April 2018- March 2019. Members are asked to review it and endorse an enforcement plan for the period April 2019- March 2020
 - 4.0 **Taxi & Private Hire overview**
 - 4.1 Currently there is 176 licensed Hackney Carriage Vehicles, 18 Private Hire Vehicles and 13 Private Hire Operators.
 - 4.2 To ensure ongoing compliance the team have carried out alongside routine rank inspections, 4 joint operations with North Yorkshire Road Traffic Police. An additional two operations have also been carried out alongside the North Yorkshire School integrated passenger team. As a result, 83 inspections of vehicles and 10 out of town vehicles have been stopped and inspected. Figure 1 highlights the level of compliance found for the period.

Figure 1.



4.3 The introduction of the penalty point system which commenced on 15th April 2019 will look to help provide a stepped enforcement process for the minor issues such as the displaying of door signs.

4.4 Checks have also been made during the period, on out of District Licensed vehicles. This is with the assistance of North Yorkshire Police; these checks are listed in Figure 2. At each stop where passengers are present checks are made to ensure the fare is a pre-booked fare. All stops for out of district vehicles are reported back to the issuing authority to ensure there were no compliance issues under the Districts in which the vehicle is licenced.

Figure 2.

Driver Number	Location	Plate	District	Operator	Issues
	Brooks School	199797	BMD		
288	Brooks School	5242	Pendle		
621	Brooks School	3540	Rosendale	Airecabs	
	Skipton Road	1021			
	Between tempest and bull at Broughton	785	BMD		
	Thornton in Craven	394	Pendle		
	Morrison	246	Pendle		
288	Alexander court	5242	Pendle		
	High Street	760			
792	New Market Street	31	Pendle		NO MOT

4.5 For the period 2019-20 out of district taxis will be continued to be monitored. Due to a lack of legal powers it is not appropriate to set a target for checks. However, working

closely with partner agencies out of district taxis will be continually be monitored to ensure there remain compliant and safe for passengers.

4.6 During the 2018-2019 period there has been an increase in applications. This has primarily been due to the 3-year cycle of driver renewals and also due to the switch to a 4-month vehicle testing regime for vehicles over 6 years this was in operation from June-October 2018. Until it reverted back to annual testing for vehicles under 3 years and 6 monthly for those over 3 years of age.

Hackney Carriage Vehicle	Private Hire Vehicle	Hackney Carriage Driver	Private Hire Driver	Combined Driver	Private Hire Operator	Total
319	27	76	3	4	6	431

4.7 Applications and renewals are a vital part of compliance monitoring. The department will continue to work with partner agencies to ensure the new policy is implemented and checks are made where required with partner agencies. This is not limited to but includes local police, boarding authorities and departments within Craven District Council. In doing this we can ascertain whether there are any anomalies in applications and discover where information has been disclosed.

4.8 During the period a total 19 complaints were received from members of the public - 8 regarding standard of driving, 4 regarding an issue with the fare, 2 regarding alleged using a mobile phone and 5 regarding conduct of the driver.

4.9 All complaints are followed up. we aim to respond to complainants by the next working day. Drivers are invited to the offices to discuss the complaint and a decision is made either to take no action, place the complaint on file or refer the matter to members.

4.10 The penalty point scheme will help provided a stepped approach to some of the more common complaints which on first instance do not warrant a referral to members.

4.11 Further work is to be carried out to formalise the recording of complaints to highlight issues and trends and help focus future enforcement and help assist with policy decisions.

4.12 As a result of compliance monitoring there has been 20 licensing appeals;

- 8 Licence Reviews – 3 Resulting in revocations and 2 Suspensions
- 4 Licence application determinations
- 8 Applications to dis-apply conditions
- 3 Appeals to the magistrate’s court – of which all decisions where upheld & full cost awarded.

5.0 Licensing Act 2003 (LA 2003)

5.1 There are currently 530 licensed premises this includes those licensed for the sale of alcohol, late night refreshment and member’s clubs. To date compliance monitoring has been limited to reactive enforcement and often a result of complaints received by the department.

5.2 It is important to continually check compliance to ensure details held for licences remains current and that conditions attached to licences are adhered to. Carrying out checks also builds working relationships with licensees and raises the profile of the licensing department.

5.3 Routine checks are made as part of the process of new applications to inspect premises and ensure regulations regarding advertisements are adhered to as well as providing information for new licensees.

5.4 The department has been building on relationships with other departments within the authority primarily Environmental Health and Planning. Sharing information and providing a joined up approach with issues and complaints that arise. By understanding the roles and powers of other departments we are able to provide a better enforcement system and better prioritise our limited resources.

5.5 The department receives only a small number of complaints regarding licensed premises under 10 for this period. These are noise nuisance related complaints and early intervention by licensing and environmental health has ensured these issues have satisfactorily been resolved with no requirement for formal enforcement action.

5.6 The department receives a large number of applications under the LA 2003. Figure 3 shows the number received by the department.

Figure 3:

New Applications	Vary Designated Premise Supervisor	Transfer of Licence	Licence Variation	Temporary Event Notice	Personal Licence	Total
10	47	38	15	363	70	543

6.0 Gambling Act 2005 (GA 2005)

6.1 There are only 3 licensed gambling premises in the area which are betting premises (bookmakers) run by national chains.

6.2 In line with the Gambling Commissioner’s recommendation these were all checked for compliance in Q3 & Q4 of 2017. The next scheduled enforcement check will be in 2020.

- 6.3 Gaming machine notifications are regularly checked as part of premise license visits under the LA2003. This is to ensure the correct licenses are in place and the machines are operated in line with the GA 2005.
- 6.4 Societies that promote lotteries must be registered with the Council and they are required to submit regular financial returns showing the details of any administrative costs, expenses and the total proceeds and maintain an annual fee. Officers will continue to ensure compliance with this and highlight to all registered societies that they must submit these returns as required.

7.0 Proposed Enforcement / compliance Plans

7.1 The department proposes for April 2019-2020 to carry out;

- 4 joint operations with road traffic police. Subject to availability.
- 2 operations with North Yorkshire School compliance monitoring. Subject to availability
- Maintain and build upon partnerships to monitor out of District Taxis
- Attend two pub watch meetings annually
- Set up processes for a more formal recording of all complaints and outcomes
- Set up processes for recording of compliance monitoring and outcomes
- Provide an annual review of compliance and enforcement undertaken
- Carry out 50 licensed premise inspections

7.2 Enforcement is subject to staffing levels. The Licensing department consists of the Licensing Manager, Assistant Licensing Officer and a Licensing/Business support apprentice. The Assistant Licensing Officer post is currently filled on a temporary basis until the end of June. Proactive enforcement will be limited by resources once the temporary arrangements end. Reactive enforcement is not impacted.

Implications

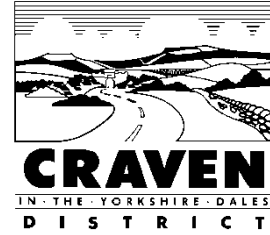
- 4.1 **Financial Implications** – There are no financial implications arising directly from this report. All resources referred to are from existing budgets.
- 4.2 **Legal Implications** – Compliance monitoring is an important function of the Licensing Authority, and public safety is of paramount importance when considering the licensing enforcement and compliance regime.

- 4.3 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven’s communities
- 4.4 **Risk Management** –. None
- 4.5 **Equality Impact Assessment** – The Council's Equality Impact Assessment has not been carried out.
- 5. **Consultations with Others** – Legal Services
- 6. **Access to Information : Background Documents** – None
- 7. **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 – 11th June 2019

Private Hire Operators' Licences



Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – To review the conditions attached to the Private Hire Operator's (PHO) licence. In relation to the use of drivers and vehicles not licensed by this authority. Members are asked to determine how the conditions to PHO's should be implemented.
2. **Recommendations** – Members are recommended to: Review the information in the report and either;
 - Make no exemptions for PHO licensed after 1st June 2018.
 - Set a date to enforce the condition and bring all operators forward on to the new PHO conditions from this determined date
 - Choose not to enforce the condition for PHO's regarding non Craven licenced vehicles/drivers until 1st October 2023.

3. **Background**

3.1 Following a lengthy consultation period, a new policy was introduced for Taxi licensing covering Hackney & Private hire Licences. This new policy came in to force on 1st June 2018. New and more rigorous conditions have been adopted to assist in promoting public safety.

3.2 It is at the point of first grant or renewal that a licence holder is brought on to the new conditions for the relevant licence. A PHO licence when issued is either for one year or five all licences issued in this district are operating under 5 year licences with some licences not due for renewal until September 2023.

4. **Report**

4.1 Following routine information sharing between North Yorkshire Country Council integrated passenger transport and the Craven Licensing team. It was brought to the attention of the Licensing Manager that one operator, who had a PHO's licence issued in October 2018, and therefore operating under the 'new' policy, was operating a vehicle licenced by another authority. The conditions attached to this PHO licence state under section 3 J of the policy (Appendix A) that;

"The Operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by Craven District Council. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity."

4.2 This condition means any PHO who is issued a licence after 1st June 2018 must only use drivers and vehicles licenced by this authority. The condition looks to bridge the gap in legislation that allows a hackney carriage vehicle to work anywhere in the country.

4.3 The ability to operate hackney carriages from neighbouring authorities seriously undermines the licensing regime.

4.4 This is because there is no control over the standard of vehicles or their appearance or display of required plates, either in setting these standards or enforcing them. No practical way of vehicle standards or licence conditions being monitored by licensing authority due to distances involved. The differences in standards and signage of vehicles confusing the public.

4.5 Due to resources of neighbouring authorities it is extremely difficulty to engage their enforcement teams to carry out joint enforcement checks.

4.6 However while operators are bound by different conditions it creates an unequal system as those under the older conditions may continue to use vehicles from other authorities. This may impact the ability for PHO's on new conditions to be competitive

4.7 It also makes it difficult to correctly advise members of public and partner agencies regarding the conditions of different operators while there are multiple conditions in place.

5.0 Consultation

5.1 Due to the potential impact any changes may have to school contract work. The North Yorkshire County Council School contracts team have been consulted regarding this issue. Their reply to the question regarding how and the frequency to which contracts are tendered and awarded is detailed below.

From: IPT Compliance <IPT.Compliance@northyorks.gov.uk>
Sent: 30 May 2019 09:08
To: Tim Chadwick <TChadwick@cravenc.gov.uk>
Subject: RE: Private hire operators

Hi Tim

I can confirm that most of our contracts are awarded during a rolling 4 year review programme, contracts going into Special Needs School we have a separate review programme and are usually reviewed every 2 years.

The next four year review for the Craven / Skipton area will be put out for tender this year with an implementation date for contracts being Easter 2020.

As expected due to the nature of the work, we are continually commencing new contracts during the year with various contract lengths.

I hope the above information helps, if you need any further information, then please do not hesitate to contact me.

Kind Regards
Contract Compliance and Complaints Officer
Tel: 01609 533133

Integrated Passenger Transport
County Hall
Northallerton
DL7 8AH

5.2 Due to the short time frame in which it has come to light that this issue has arisen it has not been possible to consult with any Private Hire Operators at this stage.

5.0 Implications

5.1 Financial Implications – There are no financial implications arising directly from this report.

5.2 Legal Implications –Public safety is of paramount importance when considering the licensing enforcement and compliance regime. Section 62 (d) Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to revoke a Private Hire Operators Licence for any other reasonable cause. There is a right of appeal to the Magistrates Court. Clear justification would be needed to support a decision to revoke and renew with new conditions

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.

5.6 Consultations with Others – Legal Services

5.7 Access to Information: Taxi Licensing Policy – Adopted June 1st 2018

7. 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.

Appendix A – Private Hire Conditions



Private Hire Operator Licence Conditions

CONDITIONS ATTACHED TO PRIVATE HIRE OPERATORS LICENCES PURSUANT TO SECTION 55 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PART II

1. OPERATOR LICENCE

- a) The operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- b) The operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Licensing Authority for amendment or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
- c) A separate licence will be issued in respect of each approved secondary booking office, if any.
- d) Application must be made in writing in relation to any intended change of business premises and approval obtained before being so used.
- e) The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.
- f) The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
- g) The operator must not at any time operate more private hire vehicles than are specified on his/her licence without the prior consent of the council and by

applying to increase the number of vehicles allowed to be operated on his/her licence.

- h) A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.
- i) Operators must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation and equalities legislation.

2. BUSINESS PREMISES

- a) The Operator must only conduct business from the Office at the address specified on the Licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's Licensing Office, and await approval from the Licensing Office before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.
- b) The Operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.
- c) The Operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council.
- d) The Operator must provide at the business premises an area to which the public have access for the purpose of making a booking for the services of a licensed private hire vehicle, and for the purpose of awaiting the arrival of such vehicle subsequent to any booking. This condition will not apply if the business premises is the residential address of the licensed operator.
- e) If the licensed operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006; the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations.
- f) Where an operator employs a person or persons to take bookings on behalf of the business then those persons are required to have a Basic Disclosure undertaken by Disclosure Scotland.

Upon request from an Authorised Officer of the Council or Police Officer the disclosure will be made available for inspection at any time. Where doubts as to a person's suitability to be employed in such a capacity on behalf of the operator (with access to personal information of customers as well as face to face contact), are found then the Operator will need to consider their future employment for the business. This will also bring into question the future validity of the operator licence.

3 RECORD OF BOOKINGS

- a) The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. Separate records must be kept at each premise from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.

All such records must be in English, permanent, legible and preserved for a period of not less than 12 months following the date of the last entry.

Records must be kept in one of the following forms:-

- i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
 - ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or
 - iii. a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.
 - iv. The removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.
- b) In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:-
 - i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking;

- ii. the name and address of the hirer;
- iii. the time of the journey, together with the journey date if different from the booking date; the address or name of the premises from which it is to commence (i.e. the point of pick-up of the passenger(s)) and the address or place of destination;
- iv. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable);
- v the badge number of the driver of the vehicle used;
- vi. remarks (including details of any sub-contracting to another licensed operator).
- c) Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub-contractor and contact information)
- d) No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- e) Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.
- f) The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises is so required.
- g) The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an ‘assistance dog’ when the reason for failure or refusal is that the disabled person will be accompanied by the ‘assistance dog’.
- h) The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the Operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

- i) The Operator must keep records of the particulars of all private hire vehicles and drivers operated by him/her. Such records must include details of the owners, registration numbers and drivers of such vehicles, together with any radio communications equipment fitted.

The Operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.

- j) The Operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by Craven District Council. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.

- k) The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers that is licensed to carry.

- l) The Operator must not operate a private hire vehicle / hackney carriage without the driver thereof being licensed by Craven District Council. The Operator must personally examine the drivers' licences issued by the Council and satisfy himself / herself as to their validity.

- m) The Operator must ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £2 million. Certification must be produced on demand to the Licensing Office or any Authorised Officer.

- n) The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to:

**Craven District Council, 1 Belle Vue Square, Broughton Road, Skipton
BD23 1FJ**

Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.

- o) The operator must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or

not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence.

- p) The Operator must notify the Council in writing within 7 days of any change of home address whether permanent or temporary.
- q) Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof. The Operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements and handed in as found property to the Police within 24 hours.
- r) The operator must not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.
- s) The operator must not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-
- Concealed from public view
 - Defaced
 - Disfigured

The operator must also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.

- t) All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

NOTES

In these Conditions "Operator" means the person who is the current holder of an Operator's Licence.

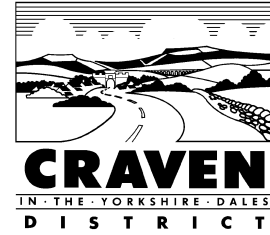
"Business premises" means the operating premises from which the Operator conducts the business.

- i These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

- ii Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
- iii The use of a licensed private hire vehicle to fulfil any private hire booking requires the driver to hold a currently valid private hire driver's licence even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable. Operators are reminded that the use of free fare cars/courtesy cars which are not licensed as private hire vehicles is not permitted for private hire journeys. Every contract for the hire of a licensed private hire vehicle is deemed to be made with the Operator who accepted the booking for the hire vehicle whether or not the Operator provided the vehicle.
- iv Any failure on the part of the operator to make appropriate enquiries as to the licensing status of drivers and/or vehicles for any purpose could be construed as reasonable cause to suspend or revoke the licence. The onus remains with the Operator to clarify any legal requirements which he or she may be required by law to observe.
- v Any applicant not currently licensed by the Council as an Operator or driver must submit to the Council a Basic Criminal Records Disclosure as to unspent convictions. Such Disclosure to be no more than 1 month old at the time of submission.
- vi Where an operator licence is revoked by the council, the name (or a similar name) of the private hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).
- vii ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OR REVOCATION OF THE LICENCE.
- viii ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.
- ix ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES COURT WITHIN 21 DAYS OF ISSUE.

Licensing Committee – 11 June 2019

NATIONAL LICENSING MATTERS: UPDATE



Report of Legal Services Manager

Ward(s) affected: All

1. **Purpose of Report** – To provide Members with a general update on national licensing matters.
2. **Recommendations** – Members are recommended to note the report.
3. **National Licensing Matters Updates**
 - A. Surveillance Camera Commissioner's response to Department for Transport consultation
 - B. The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019

Briefing notes attached

4. **Implications**
 - 4.1 **Financial and Value for Money (vfm) Implications**
None arising directly from this report
 - 4.2 **Legal Implications**
None arising directly from this report.
 - 4.3 **Contribution to Council Priorities**
Not applicable
 - 5.2 **Risk Management**
Not applicable
 - 4.4 **Equality Impact Assessment**
Not applicable.
5. **Consultations with Others**
None

6. **Access to Information : Background Documents**
None

7. **Author of the Report**
Lisa Lord, Legal Services Manager, Solicitor
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Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendix A

Surveillance Camera Commissioner's response to Department for Transport consultation

The Department for Transport recently consulted on core minimum standards to better regulate the taxi and PHV sector (Taxi and private hire vehicle licensing: protecting users). The expectation is that the core minimum standards are implemented by all Licensing Authorities unless there is compelling local reason not to. The Department for Transport is currently analysing all consultation responses.

The consultation version of the standards suggested that CCTV in taxis be made mandatory. The Surveillance Camera Commissioner has provided a response to the consultation which reiterates the view of the Commissioner that the blanket use of CCTV recording in taxis and private hire vehicles would be disproportionate and should be imposed only where a strong justification exists.

The Commissioner explained the blanket requirement for taxis in Rotherham to have CCTV installed had been on the basis of "persuasive evidence" but would not expect "widespread installation of CCTV in taxis without well evidenced justifications".

The Commission also made the following key comments;

- Local authorities must also complete a data protection impact assessment prior to requiring installation of CCTV in taxis
- There must be a facility to switch off recording when the vehicle is being used for the driver's private purposes
- Clear policies and procedures should in place regarding how the CCTV system is used and who can access the footage it records. Where connected to the internet they must also be cyber secure
- The Commissioner would not expect substandard systems to be installed to save money particularly if the justification of the system is passenger and driver safety

The Surveillance Camera Commissioner's consultation response and the Department for Transport's analysis of the consultation responses (once published) will be reviewed to consider whether there are any impacts on the Council's Taxi Licensing Policy and a report brought to a future Licensing Committee.

Lisa Lord

Solicitor

Appendix B

The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019

The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 came into force on 1 May 2019 and places a duty on the Licensing Authority to provide certain information on licensed taxis and private hire vehicles to a central database held by DEFRA.

The Licensing Authority is required to provide

- the Vehicle Registration Number,
- start and expiry date of the vehicle licence,
- whether the vehicle is a taxi or PHV and
- the name of the Licensing Authority.

This information is required to be provided on a weekly basis.

The database is to support the introduction of charging Clean Air Zones by some Local Authorities from 2020 as part of their local plans to ensure compliance with statutory nitrogen dioxide limits. In some cases, Local Authorities will implement Clean Air Zones that apply charges and may wish to set a different level of charge for taxis and PHVs and private cars.

A Leeds Clean Air Zone has been signed off by the Government and will be introduced from 6 January 2020 covering most of the City Centre. It is understood that Braford is required to submit plans to reduce nitrogen dioxide levels to the government by 31 October 2019.

The Licensing Department is in contact with DEFRA regarding the specific arrangements of the data collection/transfer.

Lisa Lord
Solicitor