

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Wednesday, 17 January 2018 at 18:00

The Licensing Committee deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here: <http://www.colchester.gov.uk/haveyoursay>.

Audio Recording, Mobile phones and other devices

The Council audio records public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Library and Community Hub, Colchester Central Library, 21 Trinity Square,
Colchester, CO1 1JB

telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

COLCHESTER BOROUGH COUNCIL
Licensing Committee
Wednesday, 17 January 2018 at 18:00

Member:

Councillor Julie Young
Councillor Nick Cope
Councillor Roger Buston
Councillor John Elliott
Councillor Dave Harris
Councillor Pauline Hazell
Councillor Mike Hogg
Councillor Darius Laws
Councillor Patricia Moore
Councillor Philip Oxford

Chairman
Deputy Chairman

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes are a correct record of the meetings held on 19 July and 29 November 2017.

Minutes - 19 July 2017 7 - 8

Minutes - 29 November 2017 9 - 10

6 Have Your Say!

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

7 Taxi Policy and Report January 2018 11 - 138
see report from Assistant Director of Environment

8 HMRC Report 139 - 184
see report from Assistant Director of Environment

9 Licensing Policy Changes January 2018 185 - 188
see report from Assistant Director of Environment

10 Royal Wedding Consultation 189 - 204
see report from Assistant Director of Environment

Part B

(not open to the public including the press)

11 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Licensing Committee

Wednesday, 19 July 2017

Attendees: Councillor Roger Buston, Councillor Nick Cope, Councillor Dave Harris, Councillor Mike Hogg, Councillor Darius Laws, Councillor Julie Young
Substitutes: No substitutes were recorded at the meeting
Also Present:

25 Appointment of Chairman

RESOLVED that Councillor J Young be appointed as Chairman for the 2017-18 municipal year.

26 Appointment of Deputy Chairman

RESOLVED that Councillor Cope be appointed as Deputy Chairman for the 2017-18 municipal year.

27 Minutes

RESOLVED that the minutes of the meeting held on 8 March 2017 be approved as a correct record.

28 Police Licensing Officer visit

Councillor Hogg (in respect of the fact that he was the premises licence holder of the Oak Tree Centre) declared his non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure 7(5).

Mr Alan Beckett, Licensing Officer at Essex Police, introduced himself to the Committee. He informed them of his role and how he works with the licensing team. Mr Beckett explained to the Committee the positive relationship between himself and the Licensing Officers which is strengthened by the fact that he works at Rowan House one day a week with the team.

The Committee asked Mr Beckett questions with regard to how they could help the Police. Mr Beckett said all he could ask of the Committee was that it continued to give due consideration to the evidence provided in relation to applications and made decisions accordingly.

The Committee also asked Mr Beckett questions with regard to the consumption and sale of very strong alcohol. Mrs Harrington informed the Committee that it was not possible to impose conditions on a licence unless problems were identified and in one of the difficulties in this area was that the Police were the only party able to legally say a person is drunk. Mr Beckett then went on to say that it was very difficult to persuade established premises not to sell strong alcohol but that this dialogue did take place with new premises licence holders.

29 Licensing Committee Work Plan 2017-2018

Mr Ruder gave a brief description of the Work Plan that has been arranged with regard to future Licensing Committee meetings. He informed the Committee that the work scheduled for 30 August had been postponed by Cassandra Clements. As the taxi policy was a large and complicated document it wasn't possible to bring this forward to the August meeting.

The Committee confirmed it was happy with the current work plan.

LICENSING COMMITTEE

29 November 2017

Present: - Councillors Julie Young (Chairman), Nick Cope, John Elliott, Dave Harris, Pauline Hazell, Darius Laws and Patricia Moore

Substitute Member: - Councillor Theresa Higgins for Councillor Mike Hogg

34. Minutes

RESOLVED that the minutes of the meeting held on 13 September 2017 be approved as a correct record.

35. Hackney Carriage and Private Hire Licensing Policy / Results of Consultation

The Committee considered a report by the Assistant Director of Environment on the results of the consultation on the draft Hackney Carriage and Private Hire Licensing Policy. The comments and proposed changes were noted. It had become apparent however that the impending changes in data protection and a number of other minor matters that had arisen in the course of the consultation process meant that further work on the Policy was required. It was determined to bring the matter to the Committee on 17 January 2018 with the recommendation that it be approved at the next full Council meeting.

RESOLVED that a report on the Policy be brought back to the Committee's next meeting in January 2018.

36. Site Management Agreement// Face to face collection of direct debit details

The Committee considered a report by the Assistant Direct of Environment on Colchester's Site Management Agreement/ Collection of Direct Debit were asked to determine whether charities could continue to use market and street trading pitches to carry out promotional work including the collection of direct debit details (commonly called chugging).

The Committee had previously determined to restrict chugging activities in the town centre under an agreement signed with the Public Fundraising Regulatory Authority however it had come to the Council's attention that this agreement, which restricted collectors to Mondays, Tuesdays and Wednesdays, was being undermined by the booking of market and street trading pitches. The Committee was asked to determine whether this practise was acceptable and if not how such activities could be curtailed without unduly damaging the market's income and still allowing charities the opportunity to promote their work.

RESOLVED that applications by charities who wish to carry out promotional activities using a market stall/street trading licence, must erect and maintain for the duration of the booking, a physical structure from which to carry out their activities and must remain within the

confines of this pitch to carry out their activities.

37. Amendments to the Licensing Policy Report

The Committee considered a report on amendments to be made to the Statement of Licensing Policy to include a paragraph with regards to the Public Space Protection Order.

RESOLVED that the additional paragraph be approved and to be included into the policy.

38. Consultation / Proposals for changes to Gaming Machines and Social Responsibility Measures

The Committee were asked to consider and respond to a Government Consultation on Proposals for Changes to Gaming Machine and Social Responsibility Measures. The survey had to be completed online and the Committee were asked at the meeting, following discussion, to agree on the responses to be made.

Jon Ruder gave a brief introduction to the report and the Committee then took part in answering all questions that were required.

17 January 2018

Report of	Assistant Director (Environment)	Author	Jon Ruder
Title	Hackney Carriage and Private Hire Licensing Policy		☎ 282840
Wards affected	All		

1. Executive Summary

- 1.1 The Committee is asked to consider further changes to the Hackney Carriage and Private Hire Licensing Policy prior to a further period of consultation.

2. Recommended Decision

- 2.1 To consider and approve the proposed amendments to the Policy.

3. Reason for Recommended Decision

- 3.1 The Policy has been amended following the Committee's consideration, in November 2017, of the points raised during the public consultation.

4. Alternative Options

- 4.1 To leave the policy unchanged but this would leave it unfit for purpose.

5. Background Information

- 5.1 On 29 November 2017 the Licensing Committee considered the outcome of a consultation exercise, in the form of a table of responses and proposed amendments, on the draft Hackney Carriage and Private Hire Licensing Policy. These amendments and further suggestions for improvement have now been considered and changes made to the Policy. The draft Policy is brought to the Committee for approval prior to a further shorter period of consultation and its consideration by full Council.
- 5.2 A further shorter period of consultation is considered necessary because a small number of key changes have been made to the Policy. The changes are printed in bold black type in the Policy attached at Appendix 1. The key points include –
- Specific paragraphs dealing with the issue of probationary licences
 - The inclusion of examples in relation to the penalty point and convictions policy.
 - Suspension of drivers who don't complete the required Mandatory training.
 - Introduction of annual medical for drivers after the age of 65 irrespective of their renewal date.
 - Revocation of a licence if the driver is not found to be fit to drive.
 - The awarding of 4 points for failing to tell the Council of a conviction etc. together with the addition of the points for the offence committed.
- 5.3 Whilst the Policy contains details of the Council's stance on CCTV this is a matter that is the subject of ongoing work and this element will be reported back to the Committee when this work is complete. It is intended to implement the Policy without this element in place and to introduce this at a slightly later date following further consultation. Work is also ongoing to identify suppliers in relation to safeguarding training and driver assessments. These elements of the policy will be introduced when this work has been completed.
- 5.4 The outcome of the consultation will be reported back to the Committee where appropriate prior to the matter being reported to full Council in February 2018.

6. Equality, Diversity and Human Rights implications

- 6.1 The draft Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies.

7. Strategic Plan References

- 7.1 The Policy aims to contribute to the Council's vision of the Borough by ensuring that the licensed trade plays a significant role not only in the Borough's transport strategy but also in helping to promote Colchester and thereby enhancing our reputation as a destination and encouraging further investment.

8. Publicity Considerations

- 8.1 The draft revised policy was the subject of an extensive consultation process. However, as the proposed changes include a number of small amendments to key pieces of the Council Policy such as the introduction of an annual medical after the age of 65, it is considered necessary to carry out a further consultation process for approximately 4 weeks. A copy of the draft revised policy will be placed on the Council's website.

9. Financial Implications

- 9.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the policy. However, having consulted extensively it is thought such a challenge is unlikely.

10. Community Safety Implications

- 10.1 The policy deals with the protection of children and vulnerable adults.

11. Health and Safety Implications

- 11.1 There is no known direct public health and safety issues which might arise from the adoption of the revised Policy.

12. Risk Management Implications

- 12.1 A flexible yet robust revised Policy will continue to provide both the Council with a sound basis for decision making.



Hackney Carriage & Private Hire Licensing Policy

Colchester Borough Council

1 January 2018

Foreword

Welcome to the latest edition of Colchester's Hackney Carriage and Private Hire Licensing Policy and Conditions.

Colchester is seeking to promote and enhance its reputation as a safe and vibrant, welcoming and prosperous borough and it recognises the importance of the licensed trade in helping to achieve this. Licensed drivers are both front line ambassadors in promoting Colchester to residents and visitors alike and a vital and integral part of Colchester's integrated transport strategy.

We recognise that drivers and operators need a licensing service which is dynamic and responsive, capable of adapting to changes in the economy in which they operate and with this in mind we have made a number of significant changes to the policy.

The policy sets out the relevant information on how applications will be determined and how drivers and operators are expected to operate to pursue and promote the following licensing objectives:

- Protection of the public, safeguarding children and vulnerable persons; and the prevention of crime and disorder
- The safety and health of drivers
- Establishment of professional and respected hackney carriage and private hire trades
- Vehicle safety, comfort and access
- Encouraging environmental sustainability

We hope that this revised Licensing Policy is clear and easily understood and reflects the needs of both the trade and the travelling public.

We commend it to you and sincerely believe that it will make a positive difference to all parties.

Contents

1 Introduction and Guide to the policy	4
The Strategic Plan and Aspirations for the Borough	5
Fees	6
Relevant Legislation and Definitions	6
Consultation on and Implementation of the Policy	6
2 Protection of the Public; Safeguarding Children and Vulnerable Persons; and the Prevention of Crime	7
Fit and Proper Test	7
Protection of the Public	9
Safeguarding Children and Vulnerable Persons	9
Probationary Licences	10
3 Safety and Health of Drivers	11
Driver Safety	11
Taxi Rank Marshalling	11
Driver Health	12
Age Limits	12
4 Establishment of Professional and Respected Hackney Carriage and Private Hire Trades	13
Knowledge Tests	13
Dress Code	13
Training	14
Enforcement	14
Complaints	15
Penalty Point Scheme	15
Cross Border Working	15
Driver Proficiency	15
Fares	16
Number of Vehicles	16
5 Vehicle Safety, Comfort and Access	17
Accessibility	17
6 Encouraging Environmental Sustainability	18
Air Pollution	18
7 Promoting Colchester as a vibrant, prosperous, thriving and welcoming place	19
Ambassadors for the Borough	19

Colchester is Britain's oldest recorded town with a unique history and heritage attracting in excess of 6 million visitors' trips a year; the evening and night time economy attracting 1.14 million visitors. It is also a vibrant, thriving, prosperous and welcoming town and home to more than 180,000 residents living in communities based not only in and around the town centre but in the coastal, rural and riverside areas of the Borough. The population is expected to rise to 233,400 by 2035 with the regeneration of key areas of the borough and the creation of new communities.

The unique geography of the town centre means that the vast majority of licensed venues and a number of visitor attractions are located within the area circled by the old roman wall whilst the town's main railway station is a mile to the north of the town centre and the bus station located to the south just outside the roman wall. Hackney carriage and private hire vehicles are an integral part in the town's integrated transportation system and in addition provide a vital service in rural areas, late at night, and for persons with specific mobility needs.

Introduction and Guide to the Policy

1.1 The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 provide the broad framework for the licensing of drivers, vehicles and operators but the detail relating to how this is done and the standards to be applied are matters for the Council to determine.

1.2 This Licensing Policy (hereafter referred to as 'the Policy'), states how the Council will exercise its functions in the determination of applications and issuing, reviewing, suspending or revoking licences; vehicle standards and limits on vehicle numbers; other relevant licensing matters; and how drivers and operators are expected to operate to pursue and promote the licensing objectives of:

- Protection of the public, safeguarding children and vulnerable persons; and the prevention of crime
- The safety and health of drivers
- The establishment of professional and respected hackney carriage and private hire trades
- Vehicle safety, comfort and access
- Encouraging environmental sustainability
- Promoting Colchester as a vibrant, prosperous, thriving and welcoming place

1.3 The aim of the Policy is to regulate and support the licensed trade as front line ambassadors in promoting Colchester to residents and visitors alike and to facilitate well operated and responsible businesses which form a vital and integral part of Colchester's integrated transport strategy. The Council will work with partner agencies in order to promote the policy objectives and aims.

1.4 Where exercising discretion in the carrying out of its functions the Council will have regard to the Policy.

1.5 The Policy applies to:

- **Hackney carriages** – a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means it may stand at ranks or can be hailed in the street by members of the public.
- **Private hire vehicles** – licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and may not ply for hire in the street.
- **Drivers** of hackney carriage and private hire vehicles
- **Private hire operators.**

1.6 The Policy comprises this document and the annexes and appendices set out below. The annexes and appendices contain detailed information on the Council's requirements and conditions and must be read in full alongside this document as they form part of the Policy.

- **Licensing Standards and Conditions for**
 - Drivers
 - Hackney Carriage Vehicles
 - Private Hire Vehicles
 - Operators
- **Convictions Policy**
- **Penalty Points Scheme**
- **CCTV Policy**
- **Policy for the exemption from the requirement to display an external vehicle identification plate**
- **Horse Drawn Carriage- Licensing and Conditions**
- **Stretched Limousines, Vintage/Classic Vehicles and Fire Engines – Licensing and Conditions**
- **Hackney Carriage Plate Allocation Policy and Process**
- **Horse Drawn Vehicles**

The Strategic Plan and Aspirations for the Borough

1.7 The Council's strategic plan is the overarching strategy for the Borough setting out the direction and potential for the Borough and integrating social, economic and environmental strategies to create a Borough that is -

Vibrant promoting our heritage and working hard to shape our future
Prosperous generating opportunities for growth and supporting infrastructure
Thriving attracting business and selling Colchester as a destination
Welcoming a place where people can grow and be proud to live

1.8 The Policy aims to contribute to this vision by ensuring that the licensed trade plays a significant role not only in the Borough's transport strategy but also in helping to promote Colchester and thereby enhancing our reputation as a destination and encouraging further investment.

Fees

1.9 The Council sets the fees in relation to the licensing of vehicles, drivers and operators, under sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976.

Relevant Legislation and Definitions

1.10 In writing the Policy and in exercising its functions the Council has had and will continue to have regard to all relevant legislation including, but not limited to, the Town Police Clauses Act 1847 and 1889; Local Government (Miscellaneous Provisions) Act 1976 (as amended); Transport Act 1985 and 2000; Crime and Disorder Act 1998; Environmental Protection Act 1990; Equality Act 2000; Road Traffic Acts; Health Act 2006; Human Rights Act 1998.

1.11 Any reference to “Committee” in this Policy is a reference to the Licensing Committee of Colchester Borough Council or any of its Sub-Committees as the context permits.

Consultations and Implementation of the Policy

1.12 In reviewing the Policy the Council has consulted its licence holders, Essex Police, relevant Council departments, groups representing customers and the public.

1.13 The comments received in response to the consultation were considered by the Licensing Committee at its meeting on 29 November 2017.

1.14 The Policy will take effect on ~~xxxxxx~~ 2018 and unless otherwise stated all the provisions contained within the Policy will come into immediate effect. The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Protection of the Public; Safeguarding Children and Vulnerable Persons; and the Prevention of Crime

2.1 The key consideration of the Council in licensing hackney carriage and private hire drivers, operators and proprietors is the safety of the travelling public. The protection of the public; safeguarding children and vulnerable persons; and the prevention of crime are therefore key factors in this Policy.

Fit and Proper Test

2.2 The application of the fit and proper test is essential to ensure that the Council's licensing scheme protects the public. The test requires that –

- The Council must not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold a licence.
- The Council is also entitled to suspend or revoke a licence **or may issue points under this Policy** if there is evidence to suggest that the individual is not a fit and proper person, and specifically
 - if they have been convicted, or there has been an out of court disposal, since the grant of the licence of an offence involving dishonesty, violence or indecency.
 - for non-compliance with the licensing requirements of the relevant and related legislation.
 - for any other reasonable cause.

2.3 There is no definition within the act of 'fit and proper'. The Council and authorised officers therefore use the following tests when deciding upon the suitability of an individual –

Drivers - Would you (as a member of the Licensing Committee or other person charged with the ability to grant a private hire or hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care to get into a vehicle with this person alone?

Private Hire Operators - Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?

Vehicle Proprietors – Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes.

and has regard to the following –

"Its purpose therefore is to prevent those being given to or being used by those who are not suitable people, taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers". (Leeds City Council v Hussain2002)

2.4 To assist in determining the question of whether a person is fit and proper the Council has drawn up a Convictions Policy to categorize and assess the risk to the public of a wide variety of criminal and motoring convictions. It should be noted that the convictions listed are by no means exhaustive; it is anticipated that any convictions not listed will have close enough themes to enable parallels to be drawn from other listed convictions. Also included within the Convictions Policy is the stance to be taken on other forms of intelligence which can be considered by the Committee as part of its fit and proper test.

2.5 The Convictions Policy works alongside the Council's Penalty Point Scheme and points can be given under both schemes. Where the total of these points exceeds 12 in any one year a licence holder should expect consideration to be given by authorised officers and the Committee to the suspension or revocation of their licence.

2.6 In determining whether an applicant is fit and proper, each case will be considered on its own merits and the Council will have regard to the applicant's -

- Right to Work in the United Kingdom
- Convictions, cautions and other formal action etc. in line with the Council's Convictions Policy
- **Police National Computer Check where appropriate**
- Penalty Points issued under the Council's Penalty Point Scheme
- Any complaints and allegations
- Any intelligence made available to the Council by the Police and other partner agencies
- Anything considered by the Courts which hasn't resulted in a conviction
- Motoring convictions and penalty notices in line with the Council's Convictions Policy
- Group 2 Medical
- Completion of the Knowledge Test
- Completion of the English language test
- Any other matter that might call into question the person's ability to meet the fit and proper person test.

2.7 The Council is empowered by law to carry out verification with the Disclosure and Barring Service to confirm the existence and content of any criminal record and any other intelligence held in the person's name. The Council may also contact other agencies such as **the Home Office and the Police to verify and request information held on a person.**

2.8 The evidential threshold that will be applied by the Licensing Committee is based on the balance of probabilities and not on proving 'beyond reasonable doubt' which is the criminal standard of proof.

Protection of the Public

2.10 The protection of the public has been interpreted in its widest sense encompassing not only issues of safe driving and vehicle safety but also such matters of domestic violence and other indicators of aggression which demonstrate on the part of the perpetrator an inability to control their behaviour.

2.11 Other matters that will be considered by the Council in relation to this objective include, but are not restricted to, the failure to adhere to the Council's licensing conditions and procedures; any indicator of dishonesty; and omitting to work with the Council, Police and any other relevant enforcement agency.

2.12 The Council has investigated a small number of complaints concerning drivers who have used details supplied to them for the purposes of their business to contact a passenger at a later date. Drivers must not engage in sexual conversations, make inappropriate comments or have sexual contact with passengers on or after their duty, even where there is consent. Any allegation of such behaviour will result in the Council carrying out a full investigation and may result in action being taken to prevent a person from driving even where evidence has not been tested in any other arena. Drivers and Operators must not use contact details obtained in the course of their business for any purpose other than business, neither should they respond to overtures from customers.

2.13 The matters will be considered and regulated through the Council's Application Procedures, enforcement activities, **Convictions Policy** and Penalty Point Scheme.

Safeguarding Children and Vulnerable Persons

2.14 Everyone who comes into contact with children and vulnerable persons has a responsibility to protect them from harm. Licensed drivers, who are often working at times when other agencies are not operating or are poorly represented, can act as the eyes and ears of the town and by working in partnership with the Police, Council and other agencies can help to make a positive difference.

2.15 To support this role and recognising the importance of licensed drivers in the local night time economy the Council has introduced mandatory safeguarding training as part of the application process for licensed drivers wishing to obtain or renew a driver's licence. This training will address a variety of safeguarding concerns including child sexual exploitation, gangs and trafficking. **Applicants who haven't completed the training will not be granted their licence and existing drivers who do not complete the training within the required timescale will be suspended unless they can prove exceptional circumstances that prevent them from complying.** The Council's Code of Conduct for Working with Vulnerable Passengers is also designed to promote good safeguarding practices for drivers and the Council expects these standards to be embedded into a driver's working practice.

2.16 The Council expects drivers and operators to report their concerns to the appropriate authority and has drawn up a referral guide to assist in this process.

2.17 The Council acknowledges that a small minority of licensed drivers across the

country have abused their position of trust to sexually exploit children. Therefore, where there are safeguarding concerns that arise from intelligence, the Council will carry out a full investigation; every decision will be made with the safety of the vulnerable person foremost. This may mean that action is taken to prevent a person from driving even where evidence has not been tested in any other arena.

Probationary Licences

2.9 On occasions it may be appropriate to grant a one year probationary licence and in such cases the following condition will be applied -

If during the period of this probationary licence you receive any criminal or motoring convictions or any fixed penalty notices or do not fully comply with the Council's Hackney Carriage and Private Hire Licensing Policy, Annexes and Appendices or where intelligence is received which following a full investigation leads the Council to consider that a licence should not have been granted then the process to revoke the licence will commence.

Safety and Health of Drivers

3.1 The Council recognises that licensed drivers are a valuable asset to the Borough and their safety and health is a key concern.

Driver Safety

3.2 The Council's mandatory safeguarding training and its Code of Conduct for working with Vulnerable Persons is designed not only to ensure that drivers are aware of the issues around safeguarding but also to ensure that they are aware of the steps they need to take to protect themselves from possible allegations of misconduct.

3.3 Licensed drivers provide a service to the public and there is a reciprocal aspect to this trade. In recognition of this the Council supports the use of a Driver and Passenger Charter which sets out the behaviour that drivers can expect of their passengers together with that expected of them. Drivers are encouraged to display this in their vehicles.

3.4 The Council supports the installation of security measures such as a screen between the driver and passengers however care must be taken to ensure such measures don't impede the ability of the driver and passenger to communicate.

3.5 The installation of CCTV has proved to be an essential tool for drivers in protecting themselves against allegations of misconduct and in helping to identify culprits in where problems have occurred. The Council has therefore determined that with effect from 1 January 2019 all newly licensed vehicles must be fitted with CCTV and existing vehicles must be fitted with CCTV within a year of the renewal of their licence.

3.6 The Council will continue to update the relevant parties on matters in relation to driver safety to ensure that they have the relevant information to make informed choices.

Taxi Rank Marshalling

3.7 The Council values greatly the work of the taxi marshals who operate at the High Street rank and are supplied by a licensed venue in the town. Their work helps to ensure the orderly management of queues, reducing the potential for conflict between drivers and passengers and helping to ensure the swift dispersal of patrons from town centre venues. The presence of an enforcement agency increases the public's perception of safety and contributes to the aim to make Colchester a vibrant and welcoming place.

3.8 The Council will seek to promote the other ranks in the town centre and in particular wishes to raise the profile and use of the rank in Head Street which is located close to a number of licensed venues and would be a valuable asset in the dispersal of patrons from this area. It is recognized that there are problems with the public parking illegally in this rank and will work with its partners to address this issue and in collaboration with the trade to increase the profile and use of this rank. The Council will

seek to utilise any opportunities presented by redevelopment in the Town Centre to address the need to increased rank space.

Driver Health

3.10 The Council requires drivers to meet Group 2 Standards of Medical Fitness; this is the same standard applied by the DVLA to the licensing of lorry and bus drivers.

Where a driver is not found fit to drive by a Doctor their licence will be revoked.

The Council has taken this view because drivers are on the road for longer hours than most car drivers; they may have to assist disabled passengers and handle luggage; and carry members of the public who have expectations of a safe journey.

Age Limits

3.12 The Council does not set maximum age limits for drivers beyond the statutory periods for holding a full driver licence. Applicants and licensed drivers seeking to renew their licence will be considered on an individual basis.

3.13 Drivers seeking to renew their licence after the age of 65 will be required to have an annual medical **irrespective of their renewal date.**

Establishment of Professional and Respected Hackney Carriage and Private Hire Trades

4.1 The Council supports the aim of regulating and supporting the licensed trade by setting clear and transparent standards and procedures and enforcing these in a consistent and fair manner.

4.2 These standards and procedures are set out in the following documents attached as annexes and appendices -

- Pre-Licensing Standards and Conditions for
 - Drivers
 - Hackney Carriage Vehicles
 - Private Hire Vehicles
 - Operators
- CCTV Policy
- Convictions Policy
- Penalty Points Scheme
- Exemption Policy
- Plate Allocation Policy
- Horse Drawn Vehicles
- Stretch Limousines

4.3 It is important that the Policy remains a responsive document capable of change to reflect an evolving business environment. The Council is therefore committed to continued engagement with the licensed trade through a variety of mediums.

Knowledge Tests

4.4 Effective communication with passengers is essential and therefore as part of the application process the Council requires drivers to take an English language/numeracy test.

4.5 Not knowing the way or taking customers on an indirect route to a location is a common cause of dispute therefore the Council requires that all drivers have a good working knowledge of the area. The Knowledge Test comprises questions on the topography of the area, driver conditions, and driving knowledge (similar to the theory test).

Dress Code

4.6 The Council regards its drivers as ambassadors for the Borough and therefore first impressions are important. All drivers are required to be clean and respectable in person, appearance and the way they dress to conform to the Council's dress code:

Permitted clothing

- Tops, shirts, blouses, t-shirts, polo shirts or sweat tops – These should cover the shoulders and be capable of being worn inside trousers/skirts and shorts. Shirts or blouses can be worn with a tie or open necked.

- Trousers, skirts, shorts - Trousers may either be full length or shorts, if tailored. Clothing should be of sufficient length when the driver is seated as to not offend against decency.
- Footwear – This should be smart and appropriate for driving; and must fit around the heel of the foot.
- Cultural dress – This is acceptable providing it meets similar standards of decency and smartness.

Clothing not permitted – unclean or damaged clothing, clothing bearing offensive or suggestive words, graphics or logos; vests or singlets; track suit or jogging bottoms; ripped jeans; sports shirts (e.g. football, rugby or cricket tops); clothing with studs or similar adornments; beach type footwear such as mules and flip flops; baseball caps; and any clothing that obscures the face.

Training

4.7 In addition to the requirement for new drivers to undertake mandatory safeguarding training, the Council, during the lifetime of a driver's licence, may require a licence holder to undertake reasonable and appropriate training to meet the needs and demands of the job. In requiring such training the Council will set a reasonable timeframe for its completion and these requirements will be notified to the driver in writing. If the driver refuses or fails to attend or does not meaningfully participate in the training or attain the training accreditation the driver's licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder. **In general it is expected that mandatory training must be completed. However, if a driver/applicant can provide evidence that they have received up to date training elsewhere, they may apply to be exempt from the training. Each case will be considered on its own merits.**

4.8 The driver of any wheelchair accessible vehicle must undertake appropriate training, approved by the Council, to ensure that passengers' needs are addressed appropriately and that they are conveyed safely.

Enforcement

4.9 It is essential for the safety of the public and the reputation of the trade that licensed drivers and operators; and their vehicles comply with the terms of their licence and the requirements of the Council's Policy.

4.10 Effective hackney carriage and private hire regulation depends on partnership working and in particular the relationship between the trade, Council departments, the Police, DVLA and VOSA. The Council has an intelligence sharing protocol in place with Essex Police that enables relevant information to be shared even before an arrest or conviction is made.

4.11 The principles of enforcement are:

- Taking firm action against those who flout the law or act irresponsibly
- Assisting the trade in meeting their legal obligations
- Promptly acting on complaints and issues of concern.

Complaints

4.12 Complaints can be reported online using the Taxi Complaint Form or via the Council's Customer Service Centre. All complaints will be assessed by the Licensing Team and those found to be genuine will be investigated.

Penalty Point Scheme

4.13 The Council's Penalty Point Scheme provides a stepped enforcement process for those licence holders who have contravened licence conditions or associated legal provisions. This scheme does not prejudice the Council's ability to take any other action it is entitled to take under conditions, bylaws or regulation. In relevant cases, where it is considered necessary, an existing licensed driver may also be required to take the Council's knowledge test and/or driving assessment at their own expense.

Cross Border Working

4.14 The Council recognises that cross border hiring, whereby private hire vehicles and/or drivers which have been licensed to operate by another Council work in the Borough, is a potential problem. The driver and/or vehicle may have been licensed by an authority which has lower standards than those that apply in the Borough. The Council has no powers to take direct action were any conditions of the licence are broken or the driver provides poor service to customers; the contraventions must be referred on to the relevant local authority. This matter is being kept under review by the Essex Licensing Officers Forum.

4.15 Drivers will be expected to be able to provide proper evidence of cross border working if requested by an authorized officer.

Driver Proficiency

4.16 In line with its duty to ensure the safety of the travelling public and in order to address the persistent complaints relating to driver standards the Council requires all new drivers to complete and pass a hackney carriage/private hire driver assessment test with a Council approved driving assessor.

4.17 If the Council receives a complaint in relation to your driving or has concerns in relation to the number of DVLA points on your licence, it may require you, at your own expense, to undertake a hackney carriage/ private hire driver's assessment with a Council approved driving assessor.

Fares

4.19 The hackney carriage tariff for fares is determined by the trade and implemented at its request by the Council. The Council takes the view that the fees scales are best determined by the trade itself as they have a direct relationship with the market and are also best placed to determine their costs.

4.20 The tariff is a maximum tariff and the Council welcomes competition, particularly in relation to telephone bookings, with firms offering a differentiation in services, for example off peak reductions.

4.21 The Council has no power to set fares for private hire vehicles.

Number of Vehicles

4.22 The Council restricts the number of hackney carriage vehicles licensed to 131. This figure has been established through unmet demand surveys commissioned by the Council. The most recent unmet demand survey carried out in 2015 indicated that there was no significant unmet demand.

4.23 Plate numbers 101 to 131 are for vehicles that must be fully wheelchair adapted; this means having the facility to load and unload wheelchairs directly into the vehicle. All new vehicles on these plates must be adapted; **this includes vehicles on renewal.**

4.24 In the event that application is made for a horse drawn hackney carriage vehicle a special identification hackney carriage plate specific to this use will be issued; **applications in respect of novelty vehicles will be considered on a case by case basis.**

4.25 The allocation or reallocation of a hackney carriage plate will be carried out in accordance with the Council's Hackney Carriage Plate Allocation Policy and Process.

Vehicle Safety, Comfort and Access

5.1 The Council has a duty of care to the public and central to this duty is the safety of licensed vehicles. To maintain standards of safety the Council has set out its requirements in terms of vehicle testing, accident reporting and the age of vehicles etc. in its Private Hire Vehicles - Pre-Licensing Standards and Conditions and Hackney Carriage - Pre-Licensing Standards and Conditions.

Accessibility

5.2 The Council is committed to social inclusion and therefore considers it a high priority that people with disabilities have access to all forms of public transportation.

5.3 The trade has a duty to provide a service to people with disabilities in the same way as it provides a service to any other passenger and therefore the Council is committed to work with operators and drivers to improve drivers' awareness of the needs of disabled people and to ensure best practice. New drivers will be required to undertake disability awareness training and where complaints have been made in relation to the carrying of a disabled passenger any driver may be required to undertake disability awareness training at their own expense.

5.4 Tactile medical exemption certificates will be introduced for licence holders with exemptions.

Encouraging Environmental Sustainability

Air Pollution

6.1 European wide emission limits are improving air quality and the Council is therefore committed to improving, as far as possible, the efficiency of vehicles licensed by the Council.

6.2 The Council supports measures to reduce the levels of carbon dioxide, nitrogen dioxide and particulate matter emitted. Liquid Petroleum Gas (LPG) conversions are therefore acceptable if carried out by an approved converter.

6.3 Objective 4 of the Colchester Low Emission Strategy is to develop and implement measures to encourage emission reductions in Colchester. In line with the Healthier Air for Colchester Air Quality Action Plan the Council has set the following compliance dates and standards for emissions from licensed vehicles –

- Euro 5 for diesel vehicles/Euro 4 for petrol from 2018
- Euro 6 for diesel vehicles / Euro 4 for petrol from 2020
- From 2025 all new registrations to meet an LPG, low emission or electric hybrid standard

6.4 The Council further requires that drivers of licensed vehicles turn off their engines when waiting in the Borough's Air Quality Management Areas as set out on the plan at Appendix 1. **There may be exceptional circumstances when divers are permitted to wait with their engines idling.**

Promoting Colchester as a vibrant, prosperous, thriving and welcoming place

7.1 Colchester is proud to be famous for being the oldest recorded town in the Country and receives visitors from all over the world. It is seeking to promote and enhance its reputation as a safe and vibrant, welcoming and prosperous borough and it recognises the importance of the licensed trade in helping to achieve this.

Ambassadors for the Borough

7.2 Licensed drivers are both front line ambassadors in promoting Colchester to residents and visitors alike. The Council therefore welcomes the support of its licensed drivers in fulfilling this role and has acknowledged the importance of this role by including general questions on Borough, tourism and entertainment within the Knowledge test.

7.3 To be such an ambassador could not be easier and quite simply comes down to the way in which passengers are treated. First impressions are generally lasting impressions and a negative attitude from a licensed driver towards visitors can have a detrimental effect on their stay and whether they return. Visitors support many local trades and businesses and therefore not only directly support many jobs, but also help in the creation of much needed employment for the Borough as a whole.

7.4 A positive, friendly and helpful manner when dealing with both residents and visitors alike promotes the trade, making it far more likely that the public will wish to use the service again in the future. Such an attitude therefore promotes both Colchester and the individual business.

Annex 1 - Driver Licensing Standards and Conditions

The Council issues a dual 3 year hackney carriage/private hire driver's licence; on occasions a licence may be issued for a shorter period of time.

These conditions are attached to the private hire driver element of the licence.

Any requirement of legislation, which affects the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

These conditions should be read in conjunction with the Council's Policy documents and in particular regard should be given to the Penalty Points Scheme and Convictions Policy.

If you fail to comply with any of these conditions enforcement action will be taken which may result in points being awarded on your hackney carriage/private hire driver's licence and in certain circumstances this may result in the suspension or revocation of your licence.

Pre-Licensing Standards

In order to be licensed as a hackney carriage/private hire driver you must –

1. Be over **21** years of age and have held a full UK Driving and Vehicle Licence Agency (DVLA) (or EU equivalent) driving licence for at least three years. You must supply a DVLA issued counterpart (until withdrawn by the DVLA) or your European Community/European Economic Area (EC/EEA) licence with the application.
2. Complete the application form and supply the required fee and documentation to support your application including evidence that you may legally work in the UK.

Please note - If circumstances come to light during the lifetime of the licence that you no longer have a right to work in the UK, the licence will be revoked.

3. Be vetted by the Disclosure and Barring Service (DBS) as part of the application process and then on renewal of your badge.

Please note – Applicants for Hackney Carriage/Private hire drivers' licences are exempt from the provisions of the Rehabilitation of Offenders Act 1974. You must therefore disclose all previous cautions and convictions whether they are “spent” or not. You should have regard to the Council's Convictions' Policy. Any conviction or caution that is relevant to the determination of whether you are a fit and proper person to hold a licence will be taken into consideration when determining the application.

4. Have completed, at your own expense, an independent medical examination to

Annex 1 - Driver Licensing Standards and Conditions

determine whether you meet the criteria set out in the 'Medical Aspects of Fitness to Drive' Group 2 standard and been found to be medically fit to hold a licence.

Exceptional arrangements may be made if you have insulin treated diabetes and are able to meet a series of medical criteria. The medical must be supplied to the Council before a licence can be granted and is required on initial application for a licence and then every 3 years to the age of 65 when a medical will then be required annually **irrespective of your renewal date.**

5. Be found to be a fit and proper person to hold a hackney carriage /private hire driver's licence by the Council having regard to its Hackney Carriage/Private Hire Licensing Policy, its relevant annexes and appendices.

6. Have completed a hackney carriage/private hire driver assessment test with a Council approved driving assessor. This assessment is to be completed at your own expense.

7. Have undertaken a Passenger Assisted Transport training course at your own expense; the certificate must be produced to the Council.

8. Have undertaken the Council's Mandatory Safeguarding Training.

9. Have passed the Council's English test and supplied proof of having done so to the Council.

10. Have passed the Council's knowledge test.

Please note – The test comprises questions picked at random from the Council's driver and vehicle conditions, place locations, shortest routes between two points, the Highway Code, tourism and basic arithmetic. The test paper will be marked immediately and you will be advised of the outcome; the Adjudicators decision is final and no discussion of individual questions will be entered into. If you don't pass the test you will be permitted two further attempts at a minimum of fortnightly intervals when a further fee per test will be payable; these re-tests must be completed within three months of the initial application being made/test being taken. A different question paper will be selected for each test re-sit. Failure to pass the knowledge tests after 3 attempts will deem the applicant unsuccessful and the application fee will be refunded minus the administration fee.

If you re-apply after failing 3 knowledge tests you will be treated as a new driver and will be required to undertake all the tests and other requirements applicable to a new driver.

11. If you have lived in a country, other than the UK, for one or more continuous periods of 6 months since the age of 10 years, you need to submit a 'Certificate of Good Conduct' issued by the relevant non-UK country. The certificate must be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. The certificate must document any convictions recorded against you or confirm 'good conduct'.

Annex 1 - Driver Licensing Standards and Conditions

12. Declare if you have previously held a hackney carriage and/or private hire drivers' licence whether with this authority or another local authority.

Please note – As an existing driver, if you allow your licence to lapse you will be treated as a new driver and will be required to undertake all the tests and other requirements applicable to a new driver.

.

Driver Conditions

As the holder of a private hire driver's licence you must comply with the following conditions:

1. Conditions of licence

- 1.1 The combined hackney carriage/private hire driver's licence (hereinafter referred to as 'driver's licence') is valid for three years from the date of its grant.
- 1.2 You must present your driver's licence or a copy thereof to the proprietor/operator at the beginning of your employment and immediately after any renewal of the licence.
- 1.3 On the request of an authorised officer of the Council or a Police officer, you must produce your licence for inspection.
- 1.4 You must keep a copy of these driver conditions in the licensed vehicle you are using.
- 1.5 You must not act as a driver without the consent of the licensed proprietor of the vehicle.
- 1.6 You must notify the Council in writing, within 7 days, of any change of name, or address.
- 1.7 At all times when your vehicle is available for hire, you must wear your driver's badge in a position where it can be seen. You must not wear your badge other than when carrying out work in connection with your business.
- 1.8 You must not allow your driver's badge to be used by any other person or cause or permit any other person to wear it. Nor permit any person to damage, deface, mutilate or obscure a driver's badge or any part of it.
- 1.9 Your licence and badge remains the property of the Authority at all times. They must be returned forthwith if your employment as a licensed driver ceases, or if the licence expires and is not renewed, or where the licence is suspended or revoked.

Annex 1 - Driver Licensing Standards and Conditions

- 1.10 If your immigration status changes, for example your permission to stay in the UK has been curtailed, you have been served a deportation notice or have been convicted of an immigration offence, you must return your licence and badge to the Council within 7 days.
- 1.11 You must complete mandatory or any other training that the Council deems necessary and appropriate; this may include training required because of convictions or penalty points awarded against you or as a result of a complaint.

2. Driver Conduct

You must -

- 2.1 Behave in a civil, polite and orderly manner at all times in the course of carrying out your duties as a licensed driver. You must not behave in a way that will-
 - Cause any person to take offence at your actions.
 - Cause any person to believe your actions are inappropriate.
 - Cause any person to fear for their physical safety.
 - Cause any person to doubt your integrity.
 - Bring into disrepute the integrity of the Council for having issued a licence to you.
- 2.2 Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 2.3 Drive with the utmost care and consideration to other road users and pedestrians
- 2.4 Convey a reasonable amount of luggage, including wheelchairs and children's pushchairs (provided they can be carried in a safe manner) and provide reasonable assistance in loading and unloading such luggage.
- 2.5 Give reasonable assistance to elderly, vulnerable or disabled persons entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey
- 2.6 Not drink or eat in the vehicle nor play any radio or sound equipment, which is not connected with the operation of the business, without the hirer's consent.
- 2.7 Ensure that the vehicle licence plates are not willfully or negligently concealed from public view.
- 2.8 If you have agreed or have been hired to be in attendance with the vehicle at an appointed time and place you must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and

Annex 1 - Driver Licensing Standards and Conditions

place.

- 2.9 Not smoke tobacco or any other like substance in a licensed vehicle nor use an electronic cigarette or similar device.
- 2.10 Not drive a vehicle while having use of illegal drugs or having used legal drugs, including alcohol.
- 2.11 Not use a handheld mobile phone nor any other handheld mobile device (including a PDA) which performs an interactive communication function by transmitting and receiving data, other than a two way radio.
- 2.12 Not drive a vehicle if you no longer hold, have had suspended, or are disqualified from holding a DVLA licence for that type of vehicle.
- 2.13 When hired to drive to a particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest route.
- 2.14 Not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
- 2.15 Not solicit, by calling out, or otherwise importuning any person to hire or be carried for hire. Neither is it permitted to accept an offer for the hire of the vehicle except where it is first communicated to you by the Operator.
- 2.16 Not permit the vehicle to be parked or ply for hire on a taxi rank.
- 2.17 Present the vehicle in a clean and tidy condition for each journey.
- 2.18 Have consent to drive a private hire vehicle from the proprietor of the vehicle.
- 2.19 Not use the horn as a means of signaling that the vehicle has arrived for a hire.
- 2.20 Not convey, nor permit to be conveyed, in the vehicle more than the number of persons specified in the licence and referred to on the vehicle licence plate.
- 2.21 Not carry other persons in the vehicle when hired, without the express consent of the person hiring the vehicle.
- 2.22 Turn off your engine when waiting in the Borough's Air Quality Management Areas as shown on the Plan attached at Appendix 6.
- 2.23 Obey all traffic regulations and directions at all times.
- 2.24 Fulfil your responsibility to ensure compliance with any legislation relating to the length of working hours.

3. Dress Code

Annex 1 - Driver Licensing Standards and Conditions

- 3.1 You must at all times be respectably dressed, clean and tidy in appearance and adhere to the Council's dress code -

Permitted clothing

- Tops, shirts, blouses, t-shirts, polo shirts or sweat tops – These should cover the shoulders and be capable of being worn inside trousers/skirts and shorts. Shirts or blouses can be worn with a tie or open necked.
- Trousers, skirts, shorts - Trousers may either be full length or shorts, if tailored. Clothing should be of sufficient length when the driver is seated as to not offend against decency.
- Footwear – This should be smart and appropriate for driving; and must fit around the heel of the foot.
- Cultural dress – This is acceptable providing it meets similar standards of decency and smartness.

Clothing not permitted – unclean or damaged clothing, clothing bearing offensive or suggestive words, graphics or logos; vests or singlets; track suit or jogging bottoms; ripped jeans; sports shirts (e.g. football, rugby or cricket tops); clothing with studs or similar adornments; beach type footwear such as mules and flip flops; baseball caps; and any clothing that obscures the face.

This list is not exhaustive and where you are unsure please contact the Licensing Team for further advice.

4. Fares and Journeys

You must

- 4.1 If requested by the hirer, provide a written receipt for the fare paid, **this may be by email**. Each receipt should show the date and destination of journey, driver badge number and amount paid.
- 4.2 At the start of a hired journey, where a meter is fitted, ensure the meter is turned to the correct tariff and running and that it remains in operation until the termination of the hiring. This applies to all bookings.
- 4.3 Not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- 4.4 Ensure the dial of the taximeter is kept properly illuminated throughout any part of a hiring which is during the hours of darkness and at any other time at the request of the hirer.
- 4.5 Not demand a fare in excess of any previously agreed for that hiring between

Annex 1 - Driver Licensing Standards and Conditions

the hirer and the operator or, if the vehicle is fitted with a meter, the fare shown on the face of the meter.

- 4.6 When driving a private hire vehicle, equipped with a meter, ensure that a table of fares as issued by the Private Hire Operator/Proprietor is kept within the vehicle, displayed in a clearly visible position, and made available to any passenger or authorised officer on request.
- 4.7 Not demand a fee for carrying a wheelchair or other mobility aids.

5. Convictions, Cautions, Criminal Investigations and Penalty Points

5.1 You must

- a. Notify the Authority, in writing, within a period of 7 days, of any conviction, caution or charge for a criminal offence, motoring offence, disqualification or fixed penalty notice imposed or being the subject of a criminal investigation whilst the licence is in force.
- b. Following conviction or the issue of a fixed penalty notice which results in points being given on your DVLA licence, produce your licence to the Council within 7 days of its return from the DVLA, court of fixed penalty office following the endorsement of the offence.
- c. In the event that you are disqualified from driving, immediately inform the Council and surrender your driver's badge and where appropriate the vehicle plate.
- d. Make application and pay for a further DBS check, if required to do so by the Council in order that it may fully investigate any complaints or matters in which you are involved.

5.5 The Convictions Policy and Penalty Points will be applied as appropriate.

6. Fitness to Drive and Medical Evidence

- 6.1 You must inform the Authority, in writing, immediately, of any deterioration in health or injury that would affect your ability to drive a licensed vehicle.
- 6.2 Up to the age of 65 you must undergo a medical examination to DVLA Group 2 standard every 3 years, to assess your fitness to drive. The certificate of examination must be submitted to the Council. This examination must be carried out at the Surgery with whom you are registered and will be at the driver's expense.
- 6.3 If you are suffering from a known and notifiable medical disorder or are over the age of 65, you will be required to undergo a medical examination to Group 2

Annex 1 - Driver Licensing Standards and Conditions

standard annually. The certificate of examination must be submitted to the Council. This examination must be carried out at the Surgery with whom you are registered and will be at the driver's expense.

- 6.4 The Council may refer you for a further medical, specifically where you suffer from a serious medical conditions which is diagnosed between your last Group 2 medical assessment and your next medical assessment. The certificate of examination must be submitted to the Council. Note – This examination is at the expense of the driver and may be at a clinic or hospital as directed by the Council.

7. Found Property

- 7.1 A driver shall, after the termination of each hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.
- 7.2 Items found in a licensed vehicle must be registered by the driver on [Essex Police's website](#). Items should be held for a minimum of 28 days.
- 7.3 The following found items must be surrendered to the Police and cannot be retained:
- Firearms / explosive material - These items are a threat to your safety. It is unlawful for you to retain them, please call 999 and Essex Police will arrange for collection.
 - Knives/offensive weapons/drugs/unidentified substances - This item is a threat to your safety. It is unlawful for you to retain this item, please call 101 and Essex Police will arrange for collection.
 - Offensive material/ items believed to be used in or in connection with a crime - It is unlawful for you to retain this item, please call 101 and Essex Police will arrange for collection.

Passports, driving licences or other government documents, for security reasons, must be sent back to the issuing authority as it is unlawful for you to retain these items.

8. The Carriage of Animals

- 8.1 You must not carry, in a private hire vehicle whilst being hired, any animal which belongs to or is being looked after by yourself, the proprietor or operator of the vehicle.
- 8.2 Animals in the custody of passengers may be carried, at your discretion, provided they are restrained in a safe manner.

Annex 1 - Driver Licensing Standards and Conditions

- 8.3 You must carry assistance dogs. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs which assist people with disabilities, and other assistance dogs.
- 8.4 If you have a medical condition, which may be exacerbated by such dogs, you may apply to the Authority for exemption from the condition 8.3 above. A certificate of exemption will be supplied on production of suitable medical evidence.
- 8.5 You cannot charge a fee for carrying an assistance dog when it is acting in its capacity as an assistance dog.

9. Wheelchair Accessible Vehicles

- 9.1 If you drive a wheelchair accessible vehicle you must be appropriately trained to secure and carry such passengers:
- be fully conversant with the correct method to operate ramps, lifts and wheelchair restraints that can be fitted to the vehicle.
 - ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off.
 - ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger, in accordance with the Road Vehicles (Construction & Use) Regulations 1986.

10. Certificate of Motor Insurance

- 10.1 You must ensure that the vehicle driven by you is insured as a licensed vehicle and that you are personally covered to drive the vehicle.

11. Condition of the Vehicle

- 11.1 You are responsible for ensuring that the licensed vehicle you drive is in a roadworthy condition and complies with the relevant legislation and with the Council's licensing conditions for that vehicle.
- 11.2 You must report an accident in a private hire vehicle within 72 hours of the occurrence, where damage materially affects the safety, performance and appearance of the licensed vehicle, or the comfort or convenience of persons carried.

Annex 1 - Driver Licensing Standards and Conditions

12. Seat Belts and Child Seats

- 12.1 You must wear your seat belt unless [exempt](#).
- 12.2 You have a responsibility to ensure that you are familiar and up to date with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts and any other relevant construction and use and safety legislation.
- 12.3 If the [correct child car seat](#) provisions are not available children can travel without a car seat but only if they travel on a rear seat and wear an adult seat belt if they are 3 years or older; or without a seat belt if they're under 3 years of age.

13. Rank Discipline

- 13.1 It is an offence to leave a Hackney Carriage unattended in a public place. Any Parking, outside of agreed parameters, on the rear of a Hackney Carriage rank will therefore be dealt with by way of a fixed penalty notice or penalty points.
- 13.2 You are expected to obey rank discipline; vehicles should immediately move forward when the vehicle at the front of the rank leaves.

14. Probationary Licences

- 14.1 If you are granted a Probationary Licence you must comply with the following condition in addition to those attached to the grant of the driver's licence.

If during the period of this probationary licence you receive any criminal or motoring convictions or any fixed penalty notices or do not fully comply with the Council's Hackney Carriage and Private Hire Licensing Policy, Annexes and Appendices or where intelligence is received which following a full investigation leads the Council to consider that a licence should not have been granted then the process to revoke the licence will commence.

- 14.2 **Any breach of the probationary condition will result in the Council taking action to revoke your licence.**

- 14.3 The revocation process is as follows –

- a. The licence holder will be notified of the offence in writing and that their probationary licence is revoked with immediate effect. You will have 28 days to appeal this decision during which you cannot drive.

Annex 1 - Driver Licensing Standards and Conditions

- b. In the first instance the applicant/licence holder has a right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 28 days from the date of notification of the revocation.
- c. If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
- d. There is a further right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

Application and Renewal Process

Details of the application and renewal process are available separately and on the Council's website.

Determination of Application

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.

Annex 1 - Driver Licensing Standards and Conditions

2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
4. In the first instance the applicant/licence holder has a right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of suspension/revocation.
5. If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
6. There is a further right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.
7. Where an appeal has been made in the case of the renewal of a licence the driver may continue to drive until the appeal has been determined.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

Only those vehicles which comply with the specifications set out below can be granted a hackney carriage vehicle licence by Colchester Borough Council.

Introduction

A hackney carriage vehicle licence remains in force for a year.

Any car to be used as a hackney carriage must be –

- Capable of carrying at least four passengers, but no more than eight including any passenger in a wheelchair.
- Side loading and of a type approved by the Council.
- Capable of carrying a wheelchair in the boot.
- Meet the European Whole Vehicle type approval or British National Type approval
- Meet all other pre-licensing standards set out below.

In addition –

- any vehicle to be used as a hackney carriage on plates 101 to 131 must, on replacement of the vehicle, be fully wheelchair adapted; this means having the facility to load and unload wheelchairs directly into the vehicle.

PLEASE NOTE:

Always make sure that any vehicle you intend to licence meets all the conditions before you pay for it or enter into any credit agreement.

The Council is not liable if you purchase a vehicle which cannot be licensed because it does not meet the pre-licensing conditions.

If you have any doubts about whether your particular vehicle is acceptable, contact the Licensing Team.

Once your vehicle has been licensed it cannot be driven by anyone else unless they hold a hackney carriage/private hire driver's licence and a valid PATS certificate. This means that your spouse, partner or children will be unable to drive the vehicle at any time, even on holiday, unless they hold a current hackney carriage/private hire driver's licence. Such use could invalidate your insurance cover.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

Pre Licensing Standards

Only those vehicles which comply with the specification detailed below can be granted a hackney carriage vehicle licence by Colchester Borough Council.

1. Vehicle Age and Condition

1.1 An application for a hackney carriage will not be accepted if the vehicle is five years or older. The age of the vehicle will be taken from the date of first registration on the log book and therefore this must be submitted with the application.

1.2 The vehicle will continue to be licensed until it reaches 12 years of age or 15 years of age for a purpose built taxi.

1.3 The vehicle must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

1.4 All vehicles licensed as hackney carriages and which are, from the date of first registration, over one year old must have a VOSA MOT test certificate.

2. General Specification

2.1 Where vehicles have not been manufactured in the UK or imported by the manufacturer, they must have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles must not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

2.2 No fittings, other than those approved in this Policy or required in the examination and test by the Council's authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

2.3 All newly registered or re-registered vehicles must run on unleaded fuel, diesel or an alternative environmentally friendly fuel such as LPG, (Liquid Petroleum Gas) or be hybrid or fully electric. Where petrol or diesel vehicles are used they must comply with the following compliance dates and standards for emissions from taxis -

- Euro 5 for diesel vehicles / Euro 4 for petrol from 2018
- Euro 6 for diesel vehicles / Euro 4 for petrol from 2020
- From 2025 all new registrations to meet an LPG, low emission or electric hybrid standard

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

2.4 The Council further requires that drivers of licensed vehicles turn off their engines when waiting in the Borough's Air Quality Management Areas as set out on the Plan at Appendix 1 to the Policy

2.5 All vehicles must be of a size to have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair, as luggage, in a reasonable manner.

3. Colour

3.1 Hackney Carriages must have a black full body livery.

4. Body of the Vehicle

4.1 The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard

4.2 The paintwork must be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

5. Wheels

5.1 The vehicle must have four road wheels unless agreed by the Licensing Committee.

5.2 Space-saver spare tyres, where supplied as standard equipment to the vehicle, will be accepted for use in an emergency. However, they may only be used to enable passengers to be taken, at an appropriate speed, to their destination. The vehicle may not then be used to convey passengers until the appropriate repairs have been made. Provision must be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. [Please note](#) - a vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.

5.3 Any spare wheel must conform to construction and use regulations.

5.4 A wheel brace and jack to enable the effective change of a tyre and wheel must be carried, except where Paragraph 5.5 applies.

5.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

5.6 If a vehicle is fitted with 'run flat' tyres, the vehicle must be fitted with a tyre pressure sensor / warning device.

6. Steering

6.1 The vehicle must be right hand drive.

7. Doors

7.1 The vehicle must have a minimum of 4 opening doors unless it is a minibus type vehicle (multi seat Vehicle) in which case the minimum opening of the side door must be at least 864mm.

7.2 All vehicles must have doors that open sufficiently wide to allow easy access and egress from the vehicle.

7.3 All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.4 The interior door handle must be clearly visible and easily accessible to passengers.

8. Seats

8.1 Each passenger must have a minimum of 432mm of personal sitting space, for the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

8.2 Each seat must be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

8.3 Where seat covers are used they must be properly affixed to the seat so as not to become loose during use. They must be clean and undamaged.

9. Windows

9.1 Opening windows must be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Factory fitted tinted windows are permitted in the rear of the vehicle only.

9.3 The vehicle must not be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

10. Heating and ventilation

10.1 Vehicles must have an efficient heating and ventilation system.

11. Wheelchair carrying facilities

11.1 Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers must comply with current equality act requirements and must be inspected by a Council approved garage to determine its suitability. It must -

- a. Have the facility to load and unload wheelchairs directly into the vehicle.
- b. Be fitted with approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers must be independent of each other. Anchorages must also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- c. Be fitted with appropriate equipment for the loading of a wheelchair and passenger. Provision must be made for any removable device used for loading to be stored safely in the vehicle when not in use.

11.2 The vehicle must be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations immediately prior to being first licensed and at each subsequent twice yearly test and be so certified. The certification must be submitted at the time of first license and on renewal.

12. CCTV Systems

12.1 CCTV surveillance systems, which must comply with the Council's CCTV Policy (see Appendix 1), must be installed in vehicles with effect from 1 January 2019 as follows

- On first licensing for new vehicles
- Within a year of the renewal of their licence for existing licensed vehicles

13. Tyres

13.1 All tyres, including the spare tyre, must comply with the vehicle manufacturer's

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

specification.

13.2 Re-cut tyres are not acceptable for vehicles that are internationally classified as M1 passenger vehicles and remould tyres must only be acceptable if they carry a recognised approval marking (BSAU144e) and display:

- Nominal size
- Construction type (e.g. radial ply)
- Load capacity
- Speed capability

14. Electrical Equipment

14.1 Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses.

15. Seat Belts

15.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts. This will however ordinarily exclude limousines and vintage cars.

15.2 If the [correct child car seat](#) provisions are not available children can travel without a car seat but only if they travel on a rear seat and wear an adult seat belt if they are 3 years or older; or without a seat belt if they're under 3 years of age.

As the holder of a hackney carriage vehicle licence you must comply with the following conditions. These conditions should be read in conjunction with the Policy. Any requirement of legislation, which affects the operations being carried out under the terms of this licence, should be regarded as if they are conditions of this licence.

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

Conditions of licence

1. Vehicle Testing

1.1 Once licensed, the vehicle must be presented for inspection as follows –

- Up to 5 years old - once during each 12 month licensing period
- 5 to 12 years old - twice during each 12 month period

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

1.2 Licensed vehicles that fail an authorised examination and test will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been repaired; undergone a further test at your expense; has been passed as fit for use by the approved testing station; and the Authority has received the appropriate notification.

1.3 If the defect is not repaired within 28 days from the date of the service of the suspension notice, the vehicle licence will be revoked by the Council. Where it is anticipated that repairs will take longer than 28 days you must apply to the Council to extend the period.

1.3 A vehicle must always be inspected after it has been involved in a road traffic accident or where damage has been caused to it, however minor or limited the damage appears to be. You must also present the vehicle for inspection after it has been repaired.

1.4 Any damage to a licensed vehicle must be reported to the Licensing Team in writing/by email within 72 hours.

1.5 The licence of any vehicle failing to attend a required inspection will be suspended until such time as the vehicle has been inspected and passed

2. Licence Identification Plates

2.1 You must fix to the vehicle licence identification plates of the size, colour, design and type supplied by the Council; these plates must relate to the vehicle on which they are displayed. No other vehicle licence identification plates should be displayed on the vehicle.

2.2 You must ensure that the licence identification plates are securely fixed to the outside exterior of the hackney carriage vehicle, adjacent as possible, to the number plate and in such a manner as to ensure that the vehicle registration plate is not obscured and the plate is clearly visible from the highway and by other road users. A plate must not be placed on the rear window of the vehicle.

2.3 You must ensure that a vehicle licence identification card, as supplied by the Authority, is displayed in a position for all passengers to clearly see.

2.4 The licence plates must remain the property of the Council and must be returned within seven days, following the service on you of an appropriate notice by the Authority and/or in the event of the hackney carriage vehicle licence ceasing to be in force in respect of the vehicle.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

3. Luggage

3.1 Luggage must be conveyed in such a way that ensures it is protected from damage and is properly secured.

4. Furnishing and maintenance of vehicle

4.1 You must ensure that the vehicle and all its fittings and equipment is, at all times when the vehicle is in use or available for hire as a hackney carriage, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements are complied with fully. **Please note** - It is not sufficient to wait until a compliance test to find out if the vehicle is still roadworthy.

4.2 Where a separate compartment is provided for passengers, you must provide sufficient means by which any person in the compartment may communicate with the driver.

4.3 You must at all times provide adequate lighting, heating and ventilation for the interior of the vehicle.

5. Auxiliary equipment

5.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus must be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use.

5.2 Any radio apparatus must be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

5.3 Any auxiliary equipment that is fitted to a vehicle must not impede the driver in any way or hinder his/her view, impede or cause hazard to passengers or other road users.

6. Notification of Changes affecting the Licence

6.1 You must notify the Council, in writing of any change in circumstances affecting the licence within 7 days of such a change taking place.

6.2 A copy of any new MOT certificate must be submitted to the Council within 7 days of the date of issue.

6.3 Any new insurance certificate/cover note must be submitted to the Council within 7 days of date of issue. Insurance Brokers may send a copy direct to eps.support@colchester.gov.uk but it is your responsibility to ensure that this has

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

been done. The full insurance certificate must be sent direct to eps.support@colchester.gov.uk within 28 days of its issue.

7. Signs, Notices, etc.

7.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or electronic advertising devices whatsoever can be displayed on, in, or from the vehicle, except as may be required by any statutory provision (including by-laws), or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a taximeter fitted to the vehicle.

7.2 You must cause to be fixed and maintained to the front of the roof of the vehicle a sign which reads "Taxi" and must be able to be lit when available for hire and turned off at other times. The illuminated roof sign must be **the standard size of 61cm and say Colchester**. This condition does not apply when the vehicle is a London style cab such as for example, a TX1, FX4, Metrocab or any other type of vehicle that has a built in 'Taxi' sign at roof level. All other livery conditions apply to London style cabs unless they are actively displaying promotional advertising on the vehicle, permission for which must have been sought from the Council **or other authorised supplier**. The roof sign will be supplied by the Council at cost price. **Roof signs indicating the tariff may be introduced at a later date.**

7.3 Door signs as supplied or authorised by the Council, must be affixed and maintained on the top of the nearside and offside front doors of the vehicle.

7.4 The use of the Borough Coat of Arms is exclusive to Colchester Borough Council only, therefore prior permission for the use of these signs or this symbol must be obtained in writing from the Licensing Manager. No other use of door signage or the Borough Coat of Arms will be considered or allowed.

7.5 You must fix and maintain the rear door signage on the inside of the vehicle facing outwards in such a position that it can be seen by any passenger opening the rear doors. These signs will be supplied by the Council and will show the plate number of the vehicle.

7.6 You must fix and maintain the appropriate no smoking signage required by the relevant regulations.

7.7 You must fix and maintain in the vehicle any signs or notices required by the Council.

7.8 You may display such signs etc., as may from time to time be approved by the Council in writing. Approval for use must be obtained prior to display. Any signage should be the same size as the front door signs supplied by the Council. Only the name of the business and a contact telephone or mobile telephone number is permitted.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

8. Taximeters

8.1 A licensed hackney carriage vehicle must be fitted with a taximeter, of a type approved by the Council and this must be fixed to the vehicle in such a way that it will not be practical for any person to tamper with it except by breaking, damaging or permanently displacing the seals or other appliances.

8.2 The taximeter must be positioned so that all letters and figures on its face must be at all times illuminated and plainly visible to any passenger.

8.3 The taximeter when standing at a rank or plying for hire must be kept locked in a position in which no fare is recorded on its face.

8.4 When the taximeter is operating there must be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that must be charged for a journey.

8.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle must forthwith make arrangements for resetting with the approved meter agent.

8.6 The vehicle taximeter must be used for every fare without exception and the fare demanded by the driver must not be greater than that shown on the meter. In the event of a hire ending outside the Authority's boundary, the fare that may be charged for the journey is the fare or rate of fare that was made at the start of the journey; the fare to be charged should be no greater than that that would have been shown on the taximeter. If a fixed fare is negotiated, the taximeter must be used in order to confirm that any negotiated fare is less than the metered fare.

9. Table of fares

9.1 The proprietor must ensure that the current table of fares for that vehicle is available on request at all times.

10. CCTV

10.1 CCTV provided within the vehicle must comply with the Council's CCTV Policy (see Appendix 1).

11. Lease of Vehicles

11.1 You are permitted to lease/rent your hackney carriage however you will continue to be responsible either individually, severally or jointly for compliance with the licence conditions, statutory requirements and byelaw provisions. You must

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

inform the Council of every person who becomes responsible for the keeping, letting for hire and employ of such vehicles.

11.2 You are responsible for insuring the vehicle with any additional driver being noted on the policy as a named driver. Upon application and renewal the insurance document, vehicle registration document, and application form must all show the same name.

Please note - Any lease / rental agreement between you and lessee will require very careful drafting, it cannot be of concern to the Council since the Council is not party to such an agreement. In the case of dispute, all parties are reminded that ownership of the licensing plate is retained by the Council and that the licence plate can never be leased or rented without a business, i.e. vehicle, and its goodwill. Similarly a licensing plate cannot be sold by the licence holder to a third party without a business, i.e. vehicle and its goodwill. In the event of this action being proven the licensing plate will be revoked and reallocated to another licensed driver using the Allocations Policy.

12. Livery

12.1 The vehicle must, at all times, conform to the livery requirements unless the vehicle is one that has been supplied to you by an insurance company or similar business as a result of an accident to your vehicle and it is supplied as a short term replacement only and while repairs are being carried out to your vehicle. Any such replacement vehicle must still display an approved roof light and door signs.

12.2 London style taxis must conform to the prescribed full body livery (except for the display of the uniform roof light) at all times except when they are actively displaying full body livery promotional advertising on the vehicle, permission for which has been obtained from the Council.

Please note - Any hackney carriage vehicle found not complying with the Council's livery is liable to immediate suspension.

13. Insurance

13.1 A fully paid up insurance policy in respect of the vehicle covering the carriage of passengers for hire or reward and complying with the requirements of Part VI of the Road Traffic Act 1988, must be in force during the vehicle licence period. The certificate of this policy must be produced to the Council, or any other authorised officer at all such times and places as may reasonably be required. Failure to provide a copy of a valid insurance certificate will result in the immediate suspension of the licence.

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

14. Temporary Replacement Vehicles

14.1 Where a vehicle cannot be used because it is being repaired, you may apply for a temporary plate for the replacement vehicle which will enable you to continue to operate. The temporary plate may be used for up to a month; this period may be extended in exceptional circumstances following the approval of the Council.

14.2 The temporary replacement vehicle, which can be any colour, must be under five years old. If the vehicle is over five years old it must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

15. Return of Plates

15.1 Hackney carriage vehicle licence plates remain at all times the property of the Council and must be returned to the Council or other authorised officer if you fail to renew the licence, the licence is revoked or on the death of a sole proprietor or upon their giving up the business.

15.2 On renewal of vehicle licence, the expired plate must be returned to the Council within 7 days of the expiry of that licence.

16. Carriage of Assistance Dogs

16.1 You must carry guide, hearing and other assistance dogs accompanying disabled people and to do so without additional charge. The dog must be allowed to remain with the passenger. **Passengers must be permitted to sit in the front seat so that the guide dog can sit in the front foot well.**

Assistance Dogs can be identified as follows –

- Guide Dogs – Fluorescent strips around a white harness
- Hearing Dogs – Burgundy
- Support Dogs – Blue
- Assistance Dogs – Purple, yellow or bright red
- Medical detection dogs – red
- Buddy Dogs – Bright blue
- Autism Dogs – Blue
- **Deaf Blind Guide Dogs – Red and White squared harness**

16.2 Where a notice of exemption has been issued to you on medical grounds, it must be exhibited in the vehicle by fixing it facing outwards either to the windscreen or in a prominent position on the dashboard. You must also at all time carry a tactile exemption certificate which must be made available in appropriate circumstances.

16.3 You must not forge or alter for use a Certificate or Notice of Exemption; lend a

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

Certificate or Notice of Exemption to any other person; allow it to be used by any other person; or make or have in your possession any document which closely resembles a Certificate or Notice of Exemption.

17. Additional specifications for wheelchair accessible vehicles.

17.1 The vehicle must have been manufactured or properly adapted to carry at least one person seated in their wheelchair (which includes electrically driven wheelchairs) and have an approved wheelchair clamping system installed. The system of clamping a wheelchair must be of a proprietary type and been installed to manufacturers specifications. A certificate of professional fitting by a competent person must be produced.

17.2 Each wheelchair user conveyed must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicle's adaptation or design and separate from the system holding the wheelchair. A certificate of professional fitting by a competent person must be produced. Belts attached to a wheelchair in order to assist a person to remain in it whilst the wheelchair is in use will not be sufficient.

17.3 If the vehicle is not fitted with a mechanical ramp, wheelchair ramps must be carried and be available for use. Storage of the ramps when not in use must not impede access or egress of passengers or otherwise compromise their safety. Ramps are to be clearly marked with the vehicles registration number.

17.4 When a designed or adapted vehicle is presented for testing, all seat configurations shall be made known and the interior layout of the seating will be noted. When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

17.5 Whilst available for hire, if such a vehicle is not being used for a passenger in a wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.

17.6 Any seats replacing the wheelchair space which have to be bolted or locked into place will not be accepted since these present problems of storage of the displaced seats when wheelchair passengers are being carried.

17.7 Any hackney carriage licence granted specially for the provision of a London style cab or Mini Bus type wheelchair converted vehicle, shall only remain valid and in force for as long as a vehicle of this type is provided.

17.8 Should any proprietor wish to dispose of a vehicle with the benefit of such a licence, this condition will continue to apply to any new proprietor.

17.9 All drivers, whether proprietor or lessee, who use a wheel chair accessible vehicle must attend a Passenger Assistance Training course and lodge the

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

attendance/pass certificate with the Licensing Team.

17.10 Refusal to accept a wheelchair user as a fare paying passenger, for any reason, will not be tolerated and a prosecution may follow. Any wheelchair accessible vehicle found to be not carrying the necessary equipment to facilitate access and egress or found to be carrying damaged equipment will be immediately suspended. On a second offence of this kind, the Council may refer the matter to the Licensing Committee with a view to revoking the vehicle and driver licence.

18. Trailers

18.1 A Council licensed Hackney Carriage/Private Hire driver be permitted to tow a trailer whilst driving a licensed vehicle provided that:

- a. The driver holds the appropriate category on his DVLA licence, which must be produced to the Council.
- b. The vehicle towing must be suitable for towing the intended trailer in accordance with the relevant regulations
- c. The trailer to be towed by the licensed vehicle complies with all legal requirements and the following conditions.
 - i. It is presented for and passes inspection by the Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection to be borne by you.
 - ii. It is of a type and weight, when laden, recommended by the vehicle manufacturer as being suitable for the weight capacity of the intended towing vehicle i.e. not more than 50% of the kerb side weight of the towing vehicle.
 - iii. No advertising is permitted on any part of the trailer without the written agreement of the Council.
 - iv. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you.
 - v. If the trailer is towed by a multi seat type vehicle i.e. a minibus, there must be sufficient distance between the rear of the vehicle and the load carrying area of the trailer to allow the rear doors of the towing vehicle to be opened and used in times of an emergency.
 - vi. The trailer will be fitted with a properly maintained parking brake which when the trailer is in use and standing uncoupled from a vehicle must be

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

activated.

19. Alteration of Vehicle

19.1 No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the approval of the Council, at any time when the hackney carriage vehicle licence is in force.

20. Liquid Petroleum Gas (LPG)

20.1 The following conditions apply to vehicles which are made or adapted to run on LPG. The vehicle must comply with all other pre licensing standards and conditions.

20.2 You must notify the Council if you change your vehicle to run on LPG and you must comply with the following:

- a. The installation of an LPG tank must be undertaken by an LPG approved installer, as recommended by the Liquid Petroleum Gas Association, and the certificate of compliance presented to the Council.
- b. The vehicle must display on the front and rear windscreen a sticker stating that the vehicle has been fitted with an LPG tank; this is to alert the emergency services in the event of an accident.
- c. You must must notify the DVLA at Swansea of the change.
- d. The vehicle must be serviced annually by a person competent in LPG powered vehicles and a certificate of compliance must be presented to the Council.

Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

Application and Renewal Process

Annex 2 - Hackney Carriage Vehicles Licensing Standards and Conditions

Details of the application and renewal process are available separately and on the Council's website.

Determination of Application

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.
2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
4. In the first instance the applicant/licence holder has a right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision.
5. If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
6. There is a further right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Annex 3 - Private Hire Licensing Standards and Conditions

Only those vehicles which comply with the specification detailed below can be granted a private hire vehicle licence by Colchester Borough Council.

Introduction

A private hire vehicle licence remains in force for a year.

Any car to be used for the purposes of private hire must be –

- Capable of carrying at least four passengers, but no more than eight including any passenger in a wheelchair.
- Side loading and of a type approved by the Council.
- Capable of carrying a wheelchair in the boot.
- Meet the European Whole Vehicle type approval or British National Type approval
- Meet all other pre-licensing standards set out below.

PLEASE NOTE:

Always make sure that any vehicle you intend to license meets all the conditions before you pay for it or enter into any credit agreement.

The Council is not liable if you purchase a vehicle which cannot be licensed because it does not meet the pre-licensing conditions.

If you have any doubts about whether your particular vehicle is acceptable, contact the Licensing Team.

Once your vehicle has been licensed it cannot be driven by anyone else unless they hold a hackney carriage/private hire driver's licence and a valid PATS certificate. This means that your spouse, partner or children will be unable to drive the vehicle at any time, even on holiday, unless they hold a current hackney carriage/private hire driver's licence. Such use could invalidate your insurance cover.

Pre Licensing Standards

Only those vehicles which comply with the specification detailed below can be granted a private hire vehicle licence by Colchester Borough Council.

Annex 3 - Private Hire Licensing Standards and Conditions

1. Vehicle Age and Condition

1.1 An application for a private hire will not be accepted if the vehicle is five years or older. The age of the vehicle will be taken from the date of first registration on the log book and therefore this must be submitted with the application.

1.2 The vehicle will continue to be licensed until it reaches 12 years of age or 15 years of age for a purpose built taxi.

1.3 The vehicle must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

1.4 All vehicles licensed as private hire vehicles and which are, from the date of first registration, over one year old must have a VOSA MOT test certificate.

2. General Specification

2.1 Where vehicles have not been manufactured in the UK or imported by the manufacturer, they must have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles must not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

2.2 No fittings, other than those approved in this Policy or required in the examination and test by the Council's authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

2.3 All newly registered or re-registered vehicles must run on unleaded fuel, diesel or an alternative environmentally friendly fuel such as LPG, (Liquid Petroleum Gas) or be hybrid or fully electric. Where petrol or diesel vehicles are used they must comply with the following compliance dates and standards for emissions from taxis -

- Euro 5 for diesel vehicles / Euro 4 for petrol from 2018
- Euro 6 for diesel vehicles / Euro 4 for petrol from 2020
- From 2025 all new registrations to meet an LPG, low emission or electric hybrid standard

2.4 The Council further requires that drivers of licensed vehicles turn off their engines when waiting in the Borough's Air Quality Management Areas as set out on the plan at Appendix 1 to the Policy.

2.5 All vehicles must be of a size to have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair, as luggage, in a reasonable manner.

Annex 3 - Private Hire Licensing Standards and Conditions

3. Colour

3.1 Private hire vehicles **must not** be black. Existing licensed private hire vehicles which are black will continue to be licensed until they are 12 years of age when they must be replaced by a vehicle which is not black.

4. Body of the Vehicle

4.1 The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard

4.2 The paintwork must be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

5. Wheels

5.1 The vehicle must have four road wheels unless agreed by the Licensing Committee.

5.2 Space-saver spare tyres, where supplied as standard equipment to the vehicle, will be accepted for use in an emergency. However, they may only be used to enable passengers to be taken, at an appropriate speed, to their destination. The vehicle may not then be used to convey passengers until the appropriate repairs have been made. Provision must be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. **Please note** - a vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.

5.3 Any spare wheel must conform to construction and use regulations.

5.4 A wheel brace and jack to enable the effective change of a tyre and wheel must be carried, except where Paragraph 5.5 applies.

5.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

5.6 If a vehicle is fitted with 'run flat' tyres, the vehicle must be fitted with a tyre pressure sensor / warning device.

6. Steering

6.1 The vehicle must be right hand drive.

Annex 3 - Private Hire Licensing Standards and Conditions

7. Doors

7.1 The vehicle must have a minimum of 4 opening doors unless it is a minibus type vehicle (multi seat Vehicle) in which case the minimum opening of the side door must be at least 864mm.

7.2 All vehicles must have doors that open sufficiently wide to allow easy access and egress from the vehicle.

7.3 All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.4 The interior door handle must be clearly visible and easily accessible to passengers.

8. Seats

8.1 Each passenger must have a minimum of 432mm of personal sitting space, for the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

8.2 Each seat must be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

8.3 Where seat covers are used they must be properly affixed to the seat so as not to become loose during use. They must be clean and undamaged.

9. Windows

9.1 Opening windows must be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Factory fitted tinted windows are permitted in the rear of the vehicle only.

9.3 The vehicle must not be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

10. Heating and ventilation

10.1 Vehicles must have an efficient heating and ventilation system.

11. Wheelchair carrying facilities

Annex 3 - Private Hire Licensing Standards and Conditions

11.1 Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers must comply with current equality act requirements and must be inspected by a Council approved garage to determine its suitability. It must -

- a. Have the facility to load and unload wheelchairs directly into the vehicle through the side doors only.
- b. Be fitted with approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers must be independent of each other. Anchorages must also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- c. Be fitted with appropriate equipment for the loading of a wheelchair and passenger. Provision must be made for any removable device used for loading to be stored safely in the vehicle when not in use.

11.2 The vehicle must be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations immediately prior to being first licensed and at each subsequent twice yearly test and be so certified. The certification must be submitted at the time of first license and on renewal.

12. CCTV Systems

12.1 CCTV surveillance systems, which must comply with the Council's CCTV Policy (see Appendix 1), must be installed in vehicles with effect from 1 January 2019 as follows

- On first licensing for new vehicles
- Within a year of the renewal of their licence for existing licensed vehicles

13. Tyres

13.1 All tyres, including the spare tyre, must comply with the vehicle manufacturer's specification.

13.2 Re-cut tyres are not acceptable for vehicles that are internationally classified as M1 passenger vehicles and remould tyres must only be acceptable if they carry a recognised approval marking (BSAU144e) and display:

Annex 3 - Private Hire Licensing Standards and Conditions

- Nominal size
- Construction type (e.g. radial ply)
- Load capacity
- Speed capability

14. Electrical Equipment

14.1 Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses.

15. Seat Belts

15.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts. This will however ordinarily exclude limousines and vintage cars.

15.2 If the [correct child car seat](#) provisions are not available children can travel without a car seat but only if they travel on a rear seat and wear an adult seat belt if they are 3 years or older; or without a seat belt if they're under 3 years of age.

As the holder of private hire vehicle licence you must comply with the following conditions. These conditions should be read in conjunction with the Policy. Any requirement of legislation, which affects the operations being carried out under the terms of this licence, should be regarded as if they are conditions of this licence.

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

Conditions of licence

1. Vehicle Testing

1.1 Once licensed, the vehicle must be presented for inspection as follows –

- Up to 5 years old - once during each 12 month licensing period
- 5 to 12 years old - twice during each 12 month period

1.2 Licensed vehicles that fail an authorised examination and test will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been repaired; undergone a further test at your expense; has been

Annex 3 - Private Hire Licensing Standards and Conditions

passed as fit for use by the approved testing station; and the Authority has received the appropriate notification.

1.3 If the defect is not repaired within 28 days from the date of the service of the suspension notice, the vehicle licence will be revoked by the Council. Where it is anticipated that repairs will take longer than 28 days you must apply to the Council to extend the period.

1.3 A vehicle must always be inspected after it has been involved in a road traffic accident or where damage has been caused to it, however minor or limited the damage appears to be. You must also present the vehicle for inspection after it has been repaired.

1.4 Any damage to a licensed vehicle must be reported to the Licensing Team in writing/by email within 72 hours.

1.5 The licence of any vehicle failing to attend a required inspection will be suspended until such time as the vehicle has been inspected and passed

2. Licence Identification Plates

2.1 You must fix to the vehicle licence identification plates of the size, colour, design and type supplied by the Council; these plates must relate to the vehicle on which they are displayed. No other vehicle licence identification plates should be displayed on the vehicle.

2.2 You must ensure that the licence identification plates are securely fixed to the outside exterior of the vehicle, adjacent as possible, to the number plate and in such a manner as to ensure that the vehicle registration plate is not obscured and the plate is clearly visible from the highway and by other road users. A plate must not be placed on the rear window of the vehicle.

2.3 You must ensure that a vehicle licence identification card, as supplied by the Authority, is displayed in a position for all passengers to clearly see.

2.4 The licence plates remain the property of the Council and must be returned within seven days, following the service on you of an appropriate notice by the Authority and/or in the event of the vehicle licence ceasing to be in force in respect of the vehicle.

2.5 If you have been granted an exemption from the requirement to display an external vehicle identification, you must carry the dispensation in the vehicle at all times and produce this on request to any officer of the Council or the Police (see Appendix 2 for information on Plate Exemptions).

Annex 3 - Private Hire Licensing Standards and Conditions

3. Luggage

3.1 Luggage must be conveyed in such a way that ensures it is protected from damage and is properly secured.

4. Furnishing and maintenance of vehicle

4.1 You must ensure that the vehicle and all its fittings and equipment is, at all times when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements are complied with fully.

Please note - It is not sufficient to wait until a compliance test to find out if the vehicle is still roadworthy.

4.2 Where a separate compartment is provided for passengers, you must provide sufficient means by which any person in the compartment may communicate with the driver.

4.3 You must at all times provide adequate lighting, heating and ventilation for the interior of the vehicle.

5. Auxiliary equipment

5.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus must be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use.

5.2 Any radio apparatus must be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

5.3 Any auxiliary equipment that is fitted to a vehicle must not impede the driver in any way or hinder his/her view, impede or cause hazard to passengers or other road users.

6. Notification of Changes affecting the Licence

6.1 You must notify the Council, in writing of any change in circumstances affecting the licence within 7 days of such a change taking place.

6.2 A copy of any new MOT certificate must be submitted to the Council within 7 days of the date of issue. This should be sent to eps.support@colchester.gov.uk

6.3 Any new insurance certificate/cover note must be submitted to the Council within 7 days of date of issue. Insurance Brokers may send a copy direct to eps.support@colchester.gov.uk but it is your responsibility to ensure that this has been done. The full insurance certificate must be sent direct to eps.support@colchester.gov.uk within 28 days of its issue. t

Annex 3 - Private Hire Licensing Standards and Conditions

7. Signs, Notices and Advertisements, etc.

7.1 Vehicles must not display roof signs. Other signs or advertising below roof height cannot be displayed without the prior approval of the Authority.

7.2 Advertising material or decorative stickers on the windows of the vehicle, including the rear window, are strictly prohibited.

7.3 Vehicles, when working, must display on the front doors of the vehicle a sign stating the trade name, address and telephone number of the circuit. This sign must contain the words 'pre-booked only'. It must not contain the words 'taxi' or 'cab' or any word of a similar meaning or appearance which may be taken to indicate that the vehicle is a hackney carriage which is licensed to ply for hire.

7.3 Vehicles are permitted, subject to prior approval of the Council, to display signs, advertisements, notices or other markings on the outside of their vehicle subject to compliance with the following -

- a. Product advertising is permitted on the rear doors subject to the Council giving authority and retaining the right to request the removal of any particular advertisement, which is felt to be unsuitable.
- b. Colour copies of artwork showing the advertising as it is intended to appear on the vehicle must be sent to the Licensing Team for prior approval and any change to the advertisement must not be made without the further approval of the Council.
- c. Each application for approval of advertising material will be considered on an individual basis, but advertisements must -
 - Comply with the UK's Advertising Standards Authority's Advertising Codes; it is the responsibility of the private hire proprietor to make sure that they do so (available at www.cap.org.uk)
 - Not advertise or promote age restricted products, such as tobacco, alcohol
 - Not contain pictures, text or graphics of a religiously discriminatory, political, racist, sexist or controversial nature
 - Not display nude, semi-nude or other figures in a sexually provocative manner or in a manner that would be considered to be objectionable

Annex 3 - Private Hire Licensing Standards and Conditions

- Not advertise any racist group or organisation that intends to promote such a group or such organisation and/or any of its activities
 - Only advertise one product or service at a time.
- d. All product advertising must be applied by a professional company and no reflective materials may be used.
- e. Wheelchair accessible vehicles may display the disability symbol on the wheelchair access door(s) only.
- f. Advertising material or decorative stickers on the inside of the vehicle (i.e. on the flip seat) will be permitted, subject to the Council giving authority and retaining the right to request the removal of any particular advertisement, which is felt to be unsuitable.
- g. Any damaged or disfigured advertisement signs must be removed immediately.

7.3 You must fix and maintain the rear door signage on the inside of the vehicle facing outwards in such a position that it can be seen by any passenger opening the rear doors. These signs will be supplied by the Council and will show the plate number of the vehicle.

7.4 You must fix and maintain the appropriate no smoking signage required by the relevant regulations.

7.5 You must fix and maintain in the vehicle any signs or notices required by the Council.

8. Meters

8.1 If the vehicle is fitted with a meter for recording the fare it shall display and maintain the statement of fares inside the vehicle in such a position as to be clearly visible at all times to the hirer. The statement of fares must include the minimum hire charge, the rate charged per mile and any additional charges.

8.2 If a private hire vehicle is fitted with a meter for recording a fare it must be of a type approved by the Council, and this must be fixed to the vehicle in such a way that it will not be practical for any person to tamper with it except by breaking, damaging or permanently displacing the seals or other appliances.

8.3 If a pre-booked journey for which the fare has been agreed is carried out in a private hire vehicle with a meter, the meter must be running for the duration of the

Annex 3 - Private Hire Licensing Standards and Conditions

journey. If the metered fare is cheaper than the agreed fare, the metered fare must be charged.

8.4 The taximeter must be positioned so that all letters and figures on its face must be at all times illuminated and plainly visible to any passenger.

8.5 When the taximeter is operating there must be recorded on the face of the meter in clearly legible figures a fare not exceeding that stated in the statement of fares as displayed in the vehicle unless a rate has been separately agreed between the hirer and the licensed private hire operator at the time of booking and prior to the journey commencing.

9. CCTV

9.1 CCTV provided within the vehicle must comply with the Council's CCTV Policy (see Appendix 1)

10. Insurance

10.1 A fully paid up insurance policy in respect of the vehicle covering the carriage of passengers for hire or reward and complying with the requirements of Part VI of the Road Traffic Act 1988, must be in force during the vehicle licence period. The certificate of this policy must be produced to the Council, or any other authorised officer upon request. Failure to provide a copy of a valid insurance certificate will result in the immediate suspension of the licence.

11. Temporary Replacement Vehicles

11.1 Where a vehicle cannot be used because it is being repaired, you may apply for a temporary plate for the replacement vehicle which will enable you to continue to operate. The temporary plate may be used for up to a month; this period may be extended in exceptional circumstances following the approval of the Council.

11.2 The temporary replacement vehicle, which can be any colour, must be under five years old. If the vehicle is over five years old it must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

12. Return of Plates

12.1 Private Hire vehicle licence plates remain at all times the property of the Council and must be returned to the Council or other authorised officer if you fail to renew the licence, the licence is revoked or on the death of a sole proprietor or upon their giving up the business.

Annex 3 - Private Hire Licensing Standards and Conditions

12.2 On renewal of vehicle licence, the expired plate must be returned to the Council within 7 days of the expiry of that licence.

13. Carriage of Assistance Dogs

16.1 You must carry guide, hearing and other assistance dogs accompanying disabled people and to do so without additional charge. The dog must be allowed to remain with the passenger. Passengers must be permitted to sit in the front seat so that the guide dog can sit in the front foot well.

Assistance Dogs can be identified as follows –

- Guide Dogs – Fluorescent strips around a white harness
- Hearing Dogs – Burgundy
- Support Dogs – Blue
- Assistance Dogs – Purple, yellow or bright red
- Medical detection dogs – red
- Buddy Dogs – Bright blue
- Autism Dogs – Blue
- Deaf Blind Guide Dogs – Red and White squared harness

16.2 Where a notice of exemption has been issued to you on medical grounds, it must be exhibited in the vehicle by fixing it facing outwards either to the windscreen or in a prominent position on the dashboard. You must also at all time carry a tactile exemption certificate which must be made available in appropriate circumstances.

16.3 You must not forge or alter for use a Certificate or Notice of Exemption; lend a Certificate or Notice of Exemption to any other person; allow it to be used by any other person; or make or have in your possession any document which closely resembles a Certificate or Notice of Exemption.

14. Additional specifications for wheelchair accessible vehicles.

14.1 Each vehicle must have been manufactured or properly adapted to carry at least one person seated in their wheelchair (which includes electrically driven wheelchairs) and have an approved wheelchair clamping system installed. The system of clamping a wheelchair must be of a proprietary type and been installed to manufacturers specifications. A certificate of professional fitting by a competent person must be produced.

14.2 Each wheelchair user conveyed must be capable of being properly secured through the vehicle's adaptation or design and separate from the system holding the wheelchair. A certificate of professional fitting by a competent person must be produced

14.3 All devices used and carried in the vehicle in connection with access to and egress from the vehicle must be carried in such a way as not to impede access or

Annex 3 - Private Hire Licensing Standards and Conditions

egress of passengers or otherwise compromise their safety. All such devices to be clearly marked with the vehicle's registration number.

14.4 When a designed or adapted vehicle is presented for testing, all seat configurations shall be made known and the interior layout of the seating will be noted. When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

14.5 Whilst available for hire, if such a vehicle is not being used for a passenger in a wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.

14.6 Any seats replacing the wheelchair space which have to be bolted or locked into place will not be accepted since these present problems of storage of the displaced seats when wheelchair passengers are being carried.

14.7 All drivers who use a wheelchair accessible vehicle must attend a Passenger Assistance Training course and lodge the attendance/pass certificate with the Licensing Team.

14.8 Refusal to accept a wheelchair user as a fare paying passenger, for any reason, will not be tolerated and a prosecution may follow. Any wheelchair accessible vehicle found to be not carrying the necessary equipment to facilitate access and egress or found to be carrying damaged equipment will be immediately suspended. On a second offence of this kind, the Council may refer the matter to the Licensing Committee with a view to revoking the vehicle and driver licence.

15. Trailers and Roof Carriers

15.1 A Council licensed Hackney Carriage/Private Hire driver be permitted to tow a trailer whilst driving a licensed vehicle provided that:

- a. The driver holds the appropriate category on his DVLA licence, which must be produced to the Council.
- b. The vehicle towing must be suitable for towing the intended trailer in accordance with the relevant regulations
- c. The trailer to be towed by the licensed vehicle complies with all legal requirements and the following conditions:
 - i. It is presented for and passes inspection by the Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection to be borne by you.
 - ii. It is of a type and weight, when laden, recommended by the vehicle manufacturer as being suitable for the weight capacity of the intended

Annex 3 - Private Hire Licensing Standards and Conditions

towing vehicle i.e. not more than 50% of the kerb side weight of the towing vehicle.

- iii. No advertising is permitted on any part of the trailer without the written agreement of the Council.
- iv. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you.
- v. If the trailer is towed by a multi seat type vehicle i.e. a minibus, there must be sufficient distance between the rear of the vehicle and the load carrying area of the trailer to allow the rear doors of the towing vehicle to be opened and used in times of an emergency.
- vi. The trailer will be fitted with a properly maintained parking brake which when the trailer is in use and standing uncoupled from a vehicle must be activated.

15.2 A roof box is not to be used without the prior approval of the Council.

16. Alteration of Vehicle

18.1 No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the approval of the Council, at any time when the vehicle licence is in force.

17. Liquid Petroleum Gas (LPG)

17.1 The following conditions apply to vehicles which are made or adapted to run on LPG. The vehicle must comply with all other pre licensing standards and conditions.

17.2 You must notify the Council if you change your vehicle to run on LPG and you must comply with the following:

- a. The installation of an LPG tank must be undertaken by an LPG approved installer, as recommended by the Liquid Petroleum Gas Association, and the certificate of compliance presented to the Council.
- b. The vehicle must display on the front and rear windscreen a sticker stating that the vehicle has been fitted with an LPG tank; this is to alert the emergency services in the event of an accident.
- c. You must notify the DVLA of the change.

Annex 3 - Private Hire Licensing Standards and Conditions

- d. The vehicle must be serviced annually by a person competent in LPG powered vehicles and a certificate of compliance must be presented to the Council.
-

Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

Application and Renewal Process

Details of the application and renewal process are available separately and on the Council's website.

Determination of Application

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.
2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
4. In the first instance the applicant/licence holder has a right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing

Annex 3 - Private Hire Licensing Standards and Conditions

to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision.

5. If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
6. There is a further right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Annex 5 - Convictions Policy

1. Introduction

1.1 The key consideration of the Council and the overriding objective in the licensing of hackney carriage and private hire vehicles, drivers and operators is the safety of the travelling public. The Council therefore considers its robust approach to convictions and motoring convictions to be fully justified.

1.2 Licensed drivers proprietors and operators have close regular contact with the public who entrust their personal safety to licensed members of the trade whenever they take a journey. Users of licensed vehicles have a right to expect that their driver is not an individual with a predisposition towards or a propensity for violent behaviour at any level. The public also have a right to expect that licensed drivers and operators are trustworthy with no propensity for dishonesty.

1.3 In line with these considerations the Council has a statutory obligation to ensure the applicant is a 'fit and proper' person. This requirement remains with the Council throughout the lifetime of a licence and at the point of renewal. Therefore, the Council's Convictions Policy (the Policy) will apply to new and renewal applications, when reviewing an existing licence and decisions to suspend or revoke a licence. The Council will also have regard to the Policy when determining its own pre-licensing conditions.

1.4 Any decision, taken by officers of the Council and/or the Licensing Committee, needs to be justified, proportionate and consistent. The Policy has been drawn up to assist licence holders, officers and members of the Licensing Committee and ensure that the decision making process is open and transparent for all users.

1.5 In the Policy the Council has categorized and assessed the risk to the public of a wide variety of criminal and motoring convictions. The convictions listed are by no means exhaustive however it is anticipated that any convictions not listed will have close enough themes to enable parallels to be drawn from other listed convictions. Also included within the Policy is the stance to be taken on other forms of intelligence which can be considered by the Council as part of its fit and proper test.

2. Relevant legislation

2.1 Hackney carriage and private hire licences are issued by the Council, pursuant to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. The 1976 Act prohibits the Council granting a licence to a person unless it is satisfied that the person is 'a fit and proper person'. Section 57 of the Act gives the Council the power to require a person to submit information about themselves so the Council can be satisfied that they are 'a fit and proper person'.

2.2 There is an ongoing responsibility under the 1976 Act for the Council to ensure that licence holders continue to meet the 'fit and proper' test for the duration of the

Annex 5 - Convictions Policy

licence period and Sections 61 & 62 of the '1976 Act', gives the Council the power to suspend, revoke or to refuse to renew a driver or operator licence.

3. General principles

3.1 In this Policy any reference to offences should be taken to include convictions, cautions, fixed penalty notices, and any other form of restorative justice. Such determinations can be regarded as being similar in terms of culpability, evidence and the admission of guilt. The categories include attempts, incitement, aid and abet, cause and/or permit, counsel or procure or conspiracy to commit an individual offence which can attract the same penalty.

3.2 Reference to 'applicants and 'licence holders' in this policy includes drivers, proprietors and operators as appropriate.

3.3 By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 'taxi' drivers are an exempt occupation for the purposes of the 1974 Act and convictions are therefore never spent. The Council is therefore able to take into account spent convictions but will do so in a fair and proportionate way. Operators are not an exempt occupation.

3.4 The Policy also deals with any civil actions including injunctions, breaches of licensing conditions or byelaws, complaints, allegations, cautions and intelligence made available to the Council by the Police or other partner agencies, and anything considered by the Courts that hasn't resulted in a conviction.

3.5 Anecdotal evidence can be taken into account and may, on occasions, be the sole reason for the refusal, suspension or revocation of a licence. Where allegations are presented as evidence further information must be sought from the applicant.

3.6 The investigating officer/Licensing Committee cannot go behind the existence of a conviction in an attempt to re-try the case. The conviction will be considered in so far as it relates to whether the applicant/licence holder is a fit and proper person to hold a licence.

3.7 Each case will be considered on its own merits and discretion may be exercised where appropriate and the appropriate weight attached to the evidence under consideration. The Council will consider –

- the nature of the offence and any penalty imposed
- the length of time since the offence
- the individual's age when the offence was committed
- the history and pattern of offending
- whether the matter has previously been considered
- the intent or harm that was or could have been caused
- any other relevant matter

Annex 5 - Convictions Policy

3.8 The Council may depart from the policy however it will only do so in exceptional circumstances **where genuine and mitigating circumstances have been demonstrated**. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3.9 The tables included within the Policy set out the number of points that will be attached for each offence when determining an application or when a licence is renewed or reviewed. The points may be applied to new applicants and existing licence holders. The points will remain on the licence as specified in the table.

4. Investigation and Determination Procedure

4.1 The Council will deal with offences as follows –

- On receiving a disclosure from the DBS or other notification a member of the Licensing Team will assess whether any of the convictions and/or any of the additional information received has any relevance as to whether the applicant/licence holder is a fit and proper person to hold a licence,
- A member of the Licensing Team will investigate the facts, which may include interviewing the applicant/licence holder under caution. The Council may also, as part of its investigation request a Police National Computer Check (PNC) from the Police to ensure it has all the evidence necessary to properly investigate the matter. This evidence will be made available to the Committee to assist it in reaching its decision. This may mean that matters that formed part of a previous decision are reconsidered in the light of new evidence. On occasions this may result in a licence, previously granted, being revoked.
- A report will be made to the Licensing, Food & Safety Manager (the Manager).
- The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
- In the first instance the applicant/licence holder has a right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of suspension/revocation.
- If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
- The Committee may exercise its discretion to **increase or** reduce the number of points that are applied for a conviction. **The number of points may be**

Annex 5 - Convictions Policy

reduced where it considers that the case has been proved by the applicant that there were genuine and mitigating circumstances in relation to the conviction.

- There is a further right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.
- Where an appeal has been made the implementation of any suspension or revocation will be held until the appeal has been determined.

5. Application of Points

5.1 In addition to setting out the points to be applied for each offence the tables are colour coded to indicate the Council's stance in relation to a new or renewal application or to the review of a licence.

Red (9 to 12 points) - Where the convictions of an applicant result in the accumulation of 12 or more points an applicant should expect their application to be refused. If a licence holder's conduct is such that, were they to be applying for a new licence, their application would be refused, they should expect consideration to be given to the revocation of their licence.

Orange (5 to 8 points) - Where the convictions of an applicant result in the accumulation of between 8 and 5 points an applicant should expect their application to be referred to the Licensing Committee for determination. If a licence holder's conduct is such that, were they to be applying for a new licence, their application would be referred to the Licensing Committee for determination, they should expect their case to be referred to the Licensing Committee for consideration where it may be suspended or revoked.

Green (0 to 4 points) - Where the convictions of an applicant result in the accumulation of 4 or less points the application is likely to be granted. A licence holder should expect that the points will be applied to their licence but no further action is likely to be taken unless circumstances indicate that consideration by the Licensing Committee is appropriate.

Please note – In addition to points for convictions, licence holders may also receive penalty points for breaches of policy etc. under the Council's Penalty Points Scheme. These points will be added to those for convictions and where the total exceeds 12 in any one year the licence holder should expect consideration to be given to the suspension or revocation of their licence.

Annex 5 - Convictions Policy

Examples of how the scheme will operate

New Applicants

An applicant with a 5 year old conviction for shoplifting and an 8 year old one for driving with no insurance will have 4 and 3 points respectively. This places the application in the orange zone and they should expect it to be referred to the Licensing Committee for determination. In the event that a licence is granted 7 points will remain on the driver's record. These points will continue to decrease during the course of the licence in accordance with the Convictions Policy for example when the licence is 2 years old there will be 5 points on the licence. If a driver then receives penalty points for smoking in a vehicle the points will be added to the 5 points already on their licence. These penalty points only last for a period of 12 months.

Existing Licence Holders

Existing licence holders must declare any convictions etc. at the point at which they are convicted. A driver with a new convictions for a Breach of the Peace will be given 3 points on their licence. These points will reduce over the course of the licence. If the conviction were for Possessing Controlled Drugs 12 points would be given and in line with the Policy consideration given to the revocation of the driver's licence. Any penalty points awarded during the course of the licence will be added to the existing conviction points.

Annex 5 - Convictions Policy

5.2. Criminal Convictions

Level 1 – Serious crime including sexual offences

Offences (including but not limited to) -

Serious Crime including Sexual Offences	
Type of offence	Number of Points (Points are doubled for a term of imprisonment)
Murder	Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for any of the offences listed in this table
Manslaughter	
Manslaughter or culpable homicide while driving	
Causing death by dangerous or careless driving	
Gross indecency with a female	
Gross indecency with a male	
Indecent assault on a female	
Indecent assault on a child under 16 years	
Buggery	
Rape	
Indecent exposure	
Indecent exposure to the annoyance of residents	
Indecent exposure with intent to insult a female	
Unlawful sexual intercourse	
Importuning	
Living of immoral earnings	
Prostitution	
Possessing or distributing obscene material	

Annex 5 - Convictions Policy

Level 2 - Offences usually associated with violence or high value crime

Offences (including but not limited to) –

Offences usually associated with violence or high value crime										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Possessing Controlled Drugs	12	12	12	12	8	6	4	2	1	0
Possessing Controlled Drugs with intent to supply	12	12	12	12	12	12	10	8	6	4
Producing Controlled Drugs	12	12	12	12	12	10	8	6	4	2
Importing drugs	12	12	12	12	12	12	10	8	6	4
Burglary & Theft – Aggravated	12	12	12	12	12	12	8	6	4	2
Robbery	12	12	12	12	12	12	12	12	8	6
Aggravated vehicle taking (causing death)	12	12	12	12	12	12	12	12	8	6
Arson	12	12	12	12	12	12	12	12	12	12
Grievous Bodily Harm, s20	12	12	12	12	12	12	8	6	4	2
Grievous Bodily Harm, s18	12	12	12	12	12	12	12	12	8	6
Possess Offensive Weapon	12	12	12	8	6	4	2	0	0	0
Possession of Firearm with intent	12	12	12	12	12	8	6	4	2	0
Possession of a Firearm	12	12	12	8	6	4	2	0	0	0
Criminal Damage	12	12	12	8	6	4	2	0	0	0
Violent Disorder	12	12	12	8	6	4	2	0	0	0
Riot	12	12	12	12	8	6	4	2	0	0
Affray	12	12	12	6	5	4	3	2	1	0
Assault on Police Officer	12	12	12	8	6	5	4	3	2	1
Common Assault	12	12	12	8	6	5	4	3	2	0
Hate crime	12	12	12	12	8	6	4	3	2	0
Resisting Arrest	12	12	12	8	6	4	2	0	0	0
Using threatening, abusive words or behaviour	5	4	3	2	1	0	0	0	0	0
Battery	12	12	12	8	6	5	4	3	2	0
Breach of the Peace	3	2	1	0	0	0	0	0	0	0
Drunk and Disorderly	3	2	1	0	0	0	0	0	0	0
Obstruction	12	12	12	6	4	2	0	0	0	0
Indecent/nuisance telephone calls	12	12	12	12	12	8	6	4	2	1

Annex 5 - Convictions Policy

Level 3 - Dishonesty crime

Offences (including but not limited to) –

Dishonesty Crime										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Theft	12	12	12	6	4	2	1	0	0	0
Theft – Shoplifting	12	12	12	6	4	2	1	0	0	0
Theft – Employee	12	12	12	6	4	2	1	0	0	0
Theft – from vehicle	12	12	12	6	4	3	2	1	0	0
Burglary & Theft – Dwelling	12	12	12	12	8	6	4	2	1	0
Burglary & Theft – Non Dwelling	12	12	12	6	4	3	2	1	0	0
Fraudulent Use	12	12	12	6	4	3	2	1	0	0
Handling/receiving	12	12	12	6	4	3	2	1	0	0
Forgery	12	12	12	6	4	3	2	1	0	0
Conspiracy to defraud	12	12	12	6	4	3	2	1	0	0
Obtaining money by deception	12	12	12	6	4	3	2	1	0	0
Obtaining money by forged instrument	12	12	12	6	4	3	2	1	0	0
Deception	12	12	12	6	4	3	2	1	0	0
False Accounting	12	12	12	6	4	3	2	1	0	0
False Statement to obtain benefit	12	12	12	6	4	3	2	1	0	0
Going equipped	12	12	12	6	4	3	2	1	0	0
Taking/driving or attempting to steal vehicle	12	12	12	6	4	3	2	1	0	0
Allow to be carried in a stolen vehicle	12	12	12	6	4	3	2	1	0	0
Perverting the course of justice	12	12	12	12	8	6	4	2	0	0

Level 3 – Smoking offences

Offences (including but not limited to) –

Smoking										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Smoking in a licensed vehicle	3	3	3	2	1	0	0	0	0	0

Annex 5 - Convictions Policy

5.3 Road Traffic/Motoring Convictions

Level 1 – Driving offences involving the loss of life

Code	Offence	Number of Points
BA40	Causing death by driving while disqualified	<p>12 for all offences listed in this table</p> <p>Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for such an offence.</p> <p>A current licence would be revoked in all but the most exceptional circumstances</p>
BA60	Causing serious injury by driving while disqualified	
CD40	Causing death through careless driving when unfit through drink	
CD50	Causing death by careless driving when unfit through drugs	
CD60	Causing death by careless driving with alcohol level above the limit	
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	
CD80	Causing death by careless or inconsiderate driving	
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	
DD60	Manslaughter or culpable homicide while driving a vehicle	
DD80	Causing death by dangerous driving	
DG60	Causing death by careless driving with drug level above the limit	

Annex 5 - Convictions Policy

Level 2 – Driving under the influence of alcohol/drugs and other serious driving offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
AC10	Failing to stop after an accident	12	12	12	12	12	8	6	4	2	1
BA10	Driving while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
BA30	Attempting to drive while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
CU80	Breach of requirement as to control of the vehicle, mobile phone etc.	12	12	12	12	12	8	6	4	2	1
DD10	Causing serious injury by dangerous driving	12	12	12	12	12	8	6	4	2	1
DD40	Dangerous driving	12	12	12	12	12	8	6	4	2	1
DD90	Furious driving	12	12	12	12	12	8	6	4	2	1
DG10	Driving or attempting to drive with drug level above the specified limit	12	12	12	12	12	8	6	4	2	1
DG40	In charge of a vehicle while drug level above a specified limit	12	12	12	12	12	8	6	4	2	1
DR10	Driving or attempting to drive with alcohol level above the limit	12	12	12	12	12	8	6	4	2	1
DR20	Driving or attempting to drive while unfit through drink	12	12	12	12	12	8	6	4	2	1
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	12	12	12	12	12	8	6	4	2	1
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	12	12	12	12	12	8	6	4	2	1
DR40	In charge of a vehicle while alcohol level above limit	12	12	12	12	12	8	6	4	2	1

Annex 5 - Convictions Policy

DR50	In charge of a vehicle while unfit through drink	12	12	12	12	12	8	6	4	2	1
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	12	12	12	12	12	8	6	4	2	1
DR61	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	12	12	12	12	12	8	6	4	2	1
DR70	Failure to provide a specimen for breath test	12	12	12	12	12	8	6	4	2	1
DR80	Driving or attempting to drive when unfit through drugs	12	12	12	12	12	8	6	4	2	1
DR90	In charge of a vehicle when unfit through drugs	12	12	12	12	12	8	6	4	2	1
AC20	Failing to give particulars or report an accident within 24 hours	12	12	12	12	12	8	6	4	2	1
AC30	Undefined accident offences	12	12	12	12	12	8	6	4	2	1
IN10	Using a vehicle uninsured against third party risks	12	10	8	7	6	5	4	3	2	1
LC20	Driving otherwise than in accordance with a licence	12	10	8	7	6	5	4	3	2	1
MS50	Motor racing on the highway	12	10	8	7	6	5	4	3	2	1
MS90	Failure to give information as to the identity of a driver etc.	12	10	8	7	6	5	4	3	2	1
UT50	Aggravated taking of a vehicle	12	12	12	6	4	3	2	1	0	0

Annex 5 - Convictions Policy

Level 2 - Convictions relating to Personal Health

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
LC30	Driving after making a false declaration about fitness when applying for a licence	12	12	12	12	8	6	4	2	1	0
LC40	Driving a vehicle having failed to notify a disability	12	12	12	12	8	6	4	2	1	0
LC50	Driving after a licence has been revoked or refused on medical grounds	12	12	12	12	8	6	4	2	1	0
MS70	Driving with uncorrected defective eyesight	12	12	12	12	8	6	4	2	1	0
MS80	Refusing to submit to an eye test	12	12	12	12	8	6	4	2	1	0

Please note - Where a licensed driver receives a conviction relating to personal health it will be regarded as a high risk to public safety and immediate suspension will be considered until all safety issues have been resolved and in any other case consideration should be given to revocation.

Where there is a second conviction relating to personal health or any failure to comply with any reasonable request from an authorised officer of the Council in respect of their enquiries into the matter, consideration should be given to the immediate suspension of the licence, its revocation, or a refusal to renew.

Level 3 – Intermediate Road Traffic Offences – Speeding, careless driving, construction and use offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
AC10	Failing to stop after an accident	12	12	12	12	12	8	6	4	2	1
BA10	Driving while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
CU10	Using a vehicle with defective brakes	3	3	3	3	2	1	0	0	0	0

Annex 5 - Convictions Policy

CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3	3	3	3	2	1	0	0	0	0
CU30	Using a vehicle with defective tyre (points given per tyre)	3	3	3	3	2	1	0	0	0	0
CU40	Using a vehicle with defective steering	3	3	3	3	2	1	0	0	0	0
CU50	Causing or likely to cause danger by reason of load or passengers	3	3	3	3	2	1	0	0	0	0
CD10	Driving without due care and attention	10	9	8	7	6	5	4	3	2	1
CD20	Driving without reasonable consideration for other road users	10	9	8	7	6	5	4	3	2	1
CD30	Driving without due care and attention or without reasonable consideration for other road users	10	9	8	7	6	5	4	3	2	1
SP10	Exceeding goods vehicle speed limits	6	6	6	6	5	4	3	2	1	0
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	6	6	6	6	5	4	3	2	1	0
SP30	Exceeding statutory speed limit on a public road	6	6	6	6	5	4	3	2	1	0
SP40	Exceeding passenger vehicle speed limit	6	6	6	6	5	4	3	2	1	0
SP50	Exceeding speed limit on a motorway	6	6	6	6	5	4	3	2	1	0

Annex 5 - Convictions Policy

Level 4 – Minor Road Traffic Offences – Motorway, pedestrian crossing, traffic direction and signs and miscellaneous offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
MS10	Leaving a vehicle in a dangerous position	3	3	3	3	2	1	0	0	0	0
MS20	Unlawful pillion riding	3	3	3	3	2	1	0	0	0	0
MS30	Play Street Offences	2	2	2	2	1	0	0	0	0	0
MS60	Offences not covered by other codes (as appropriate)										
MW10	Contravention of special roads regulations (excluding speed limits)	3	3	3	3	2	1	0	0	0	0
PC10	Undefined contravention of pedestrian crossing regulations	3	3	3	3	2	1	0	0	0	0
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3	3	3	3	2	1	0	0	0	0
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3	3	3	3	2	1	0	0	0	0
TS10	Failing to comply with traffic light signals	3	3	3	3	2	1	0	0	0	0
TS20	Failing to comply with double white lines	3	3	3	3	2	1	0	0	0	0
TS30	Failing to comply with 'stop' sign	3	3	3	3	2	1	0	0	0	0
TS40	Failing to comply with direction of constable/warden	3	3	3	3	2	1	0	0	0	0
TS50	Failing to comply with traffic sign (excluding 'stop' signs)	3	3	3	3	2	1	0	0	0	0
TS60	Failing to comply with school crossing patrol sign	3	3	3	3	2	1	0	0	0	0
TS70	Undefined failure to comply with traffic directions sign	3	3	3	3	2	1	0	0	0	0

Annex 5 - Convictions Policy

6. Totting Up

6.1 If the number of current points on the DVLA licence exceeds 12 points a new application will be refused or a current licence suspended or revoked. A further application will not be approved until the DVLA licence demonstrates that the number of current points on the licence is below 12 points.

6.2 When disqualified from driving under the 'totting up' procedures, the licence will remain suspended until the driver has achieved a pass in 'driving skills' training with a nationally recognised and accredited driving assessment programme.

6.3 Where a licence shows 12 points or more but no disqualification was imposed because of 'exceptional hardship'; the requirement to undertake 'driving life skills' development and be successful will apply and must be achieved within 3 months of the Court decision or the licence will be suspended and not restored or renewed until successful in a 'driving life skills' programme with a nationally recognised and accredited driving assessment programme.

6.4 If there is a further period of disqualification the licence will be revoked and not considered for renewal for a minimum period of 12 months from the end of the disqualification period. Where there is a third period of disqualification the minimum period is 3 years. In both cases the licence will remain suspended and not restored or renewed until successful in a 'driving life skills' programme with a nationally recognised and accredited driving assessment programme.

7. Repeated convictions

7.1 Repeated convictions on a DVLA licence for the following offences or combination of offences will result in a licence being refused, suspended or revoked and not restored until the number of active occasions for those types of offence has reduced to one or less.

Code	Offence
CU10	Using a vehicle with defective brakes
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU80	Breach of requirement as to control of the vehicle, mobile telephone etc.
IN10	Using a vehicle uninsured against third party risks

8. Failure to report a disqualification

8.1 It may be that by the time the Council becomes aware of a disqualification, the period has passed and the driver is able to drive again. By being dishonest the intentions of the policy have been evaded.

Annex 5 - Convictions Policy

8.2 In such circumstances the failure to report such a disqualification would normally result in the driver licence being suspended or revoked. The period of suspension or revocation would not normally be less than would have been effective if the disqualification had been properly reported to the Council.

8.3 A licence would not normally be granted or a suspension lifted until the completion of a 'driving life skills' training with a nationally recognised and accredited driving assessment programme.

8.4 Where false declarations have been made at the time of application or renewal these will be considered under the 'fit and proper' person assessment.

9. Immediate Suspension or revocation

9.1 The Council will immediately suspend or revoke a licence if it considers it necessary to do so in the interests of public safety.

10. Police Bail and Release Under Investigation

10.1 The release of a driver on police bail or under investigation for an alleged offence is likely to call into question whether the driver is a fit and proper person to hold such a licence and the Council will carry out an investigation as it would in the case of a conviction.

11. Police intelligence

11.1 Any applicant or licence holder who in the view of the Police may be a threat to the public, can expect the Council to carry out a full investigation. This intelligence may be provided by the police or other agencies and may include circumstantial evidence.

12. Right of Appeal

12.1 Any decision made by an officer of the Council can be appealed to the Licensing Committee

12.2 Anyone appearing before the Licensing Committee has a right to appeal its decision to the Magistrates Court.

12.3 Any such appeal must be made in writing and lodged with the Clerk of the Court within 21 days from the date of the decision/notification of the decision.

12.4 The address for appeals in this area is - Clerk of the Court, HMCS – Essex

Annex 5 - Convictions Policy

Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Annex 6 - Penalty Point Scheme

1. Introduction

1.1 The key consideration of the Council and the overriding objective in the licensing of hackney carriage and private hire vehicles, drivers and operators is the safety of the travelling public. The protection of the public; safeguarding children and vulnerable persons; and the prevention of crime are key factors of its Policy in relation to the licensing of hackney carriage and private hire vehicles, drivers, proprietors and operators.

1.2 The aim of the Penalty Point Scheme (the Scheme) is to work in conjunction with other enforcement measures to provide a stepped enforcement process for licence holders. It bridges the gap between the warning and suspension/revocation options provide by the legislation and creates a record of a licence holder's conduct thereby enabling the Council to make an informed decision as to whether a licence holder is a fit and proper person to hold a licence. The primary objective of the Scheme is to improve levels of compliance and standards within the trade to ensure the safety of the travelling public.

2. Relevant legislation

2.1 Hackney carriage and private hire licences are issued by the Council, pursuant to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. The 1976 Act prohibits the Council granting a licence to a person unless it is satisfied that the person is 'a fit and proper person'. Drivers, operators and vehicles are also subject to the Council's own licence conditions and policies.

2.2 There is an ongoing responsibility under the 1976 Act for the Council to ensure that licence holders continue to meet the 'fit and proper' test for the duration of the licence period and Sections 61 & 62 of the '1976 Act', gives the Council the power to suspend, revoke or to refuse to renew a driver or operator licence.

3. General Principles

3.1 The Scheme applies to all hackney carriage and private hire drivers and vehicle proprietors and operators.

3.2 Where an offence or breach of the rules is committed or alleged, or a complaint received, the investigation process set out in this document will be followed and may result in the issue of penalty points and/or other appropriate action.

3.3 The provisions set out in 3.2 above do not apply where a one year Probationary Licence has been granted and the following condition applied –

Annex 6 - Penalty Point Scheme

If during the period of this probationary licence you receive any criminal or motoring convictions or any fixed penalty notices or do not fully comply with the Council's Hackney Carriage and Private Hire Licensing Policy, Annexes and Appendices or where intelligence is received which following a full investigation leads the Council to consider that a licence should not have been granted then the process to revoke the licence will commence.

Any breach of this condition will result in the Council taking action to revoke the driver's licence; the suspension process under this Penalty Point Scheme will not apply.

3.4 The penalty point process will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation and regulations.

3.5 Points issued under this scheme will remain current for 12 months from the date they are issued. At the conclusion of a period of suspension 6 points will remain on your licence.

3.6 The number of penalty points issued will be at the discretion of the investigating officer and in accordance with the penalty points' table.

Please note – the failure to respond to an investigating officer's repeated attempts to make contact, in order to properly investigate a matter, may result in points being applied without having had the licence holder's input.

3.7 The imposition of penalty points against a driver who is an employee will not necessarily result in the imposition of points to their employer. However points may be issued to one or more parties for a single contravention if the circumstances warrant such action being taken i.e. where there is joint responsibility for the contravention.

3.8 Licence Holders may see their penalty point record at any time. Vehicle proprietors and licensed operators may make a written request to view the penalty point record of their employees; any such request must give full reasons for the request. All such requests are subject to approval by the Licensing, Food & Safety Manager.

Please note – In addition to penalty points licence holders may also receive points for convictions etc. under the Council's Convictions Policy. These points will be added to those given under this Scheme and where the total exceeds 12 in any one year the licence holder should expect consideration to be given to the suspension or revocation of their licence. Points will not be given under both Policies for the same offence.

Annex 6 - Penalty Point Scheme

5. Investigation and Committee Procedure

5.1 The Council will deal with all genuine complaints or witnessed/alleged breaches of the legislation, licence conditions and/or policy as follows –

- a. On receipt of a complaint or where there is an alleged breach of the Council's conditions or other relevant statutory provisions, a member of the Licensing Team will assess whether they believe there is a case to answer.
- b. If it is considered there is a case to answer, a member of the Licensing Team will investigate the facts which may include interviewing the relevant individuals under caution.
- c. Upon completion of the investigation, penalty points may be applied. Notification that points have been given will be sent in writing to the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or operator within 7 days of the decision.
- d. If following completion of the investigation there are matters of significant concern and/or the number of points to be issued results in the accumulation of 12 or more points the matter will be reported to the Licensing, Food & Safety Manager (the Manager) for determination. Notification of the Manager's decision will be sent in writing to the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or operator within 7 days of the decision.
- e. Where a licence holder accumulates 12 or more points in a 12 month period the following applies -
 - A suspension of 28 consecutive days for the first occasion of the accumulation of 12 or more points within a twelve month period; any repeat of this will result in a 56 consecutive day suspension.
 - Revocation for any third accumulation of 12 points within a twelve month period.
- f. There is a 21 day period in which to appeal the award of points and suspension/revocation of the licence. This period runs from the day after the date of the letter notifying of the award of penalty points or suspension/revocation. Appeals must be made in writing, within the appeal period, to licensing.team@colchester.gov.uk or by writing to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG.

Please note - Appeals should only be made if you wish to dispute the evidence that resulted in the award of points or other enforcement action. If you committed the offence, points will be applied in accordance with the penalty points table. Any disputes regarding the number of penalty

Annex 6 - Penalty Point Scheme

points applied will be referred to the Licensing Committee who, in addition to dismissing or upholding your appeal, have the discretion to award a greater number of points than displayed on the Penalty Point Table.

- g. If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
- h. There is a further right of appeal to the Magistrates Court only in cases of suspension/revocation of a licence; there is no further right of appeal in relation to the imposition of penalty points. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.
- i. Where an appeal has been made the implementation of any suspension or revocation will be held over until the determination of the appeal.

5.2 The Council may as part of its investigations into an alleged offence/complaint or similar matter request a Police National Computer check (PNC) to ensure that it has all the evidence necessary to properly investigate the matter; this evidence will be made available to the Committee to assist it in reaching its decision. This may mean that matters that formed part of a previous decision are reconsidered in the light of new evidence **and/or that the penalty points table is overridden**. On occasions this may result in a licence, previously granted, being revoked.

Examples of how the scheme will operate

- a. **A driver may be given 6 points for failing to report an accident within 72 hours. These points will stay on their hackney carriage/private hire driver's licence for 12 months from the date they are given. If the driver also has 3 points on their licence from a previous conviction they will carry 9 points for the duration of that year. After this time the 6 points will be removed and the points for the conviction will reduce in line with the Convictions Policy.**
- b. **If a driver already has 3 points under the convictions policy and then receives 9 points for plying for hire without a hackney carriage licence the driver should expect a 28 day suspension of the licence.**
- c. **If a driver fails to report a conviction 4 points will be applied to the licence plus those that would be applied under the Council's Convictions Policy. If the conviction is reported only those points for the conviction will be applied to the licence**

Annex 6 - Penalty Point Scheme

Penalty Point Table

<p style="text-align: center;">Town Police Clauses Act 1847</p> <p style="text-align: center;">Matters list below are direct contraventions of the legislation and may result in prosecution in addition to any points penalty incurred</p>					
No.	Offence/Breach of Conditions	Maximum Points applicable	Driver	Vehicle Owner	Operator
1	S40 - Giving false information on a hackney carriage licence application	6	x	x	-
2	S44 – Failure to notify the Council of a change of address on a hackney carriage licence 1 st offence 2 nd offence	3 6	x	x	-
3	S45 – Plying for hire without a hackney carriage licence 1 st offence 2 nd offence	9 12	x x	- -	- -
4	S47 – Driving a hackney carriage without a hackney carriage driver's licence	12	x	-	-
5	S47 - Lending or parting with a hackney carriage driver's licence.	9	x	-	-
6	S47 – Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage vehicle	12	x	x	-
7	S48 – Failure of a proprietor to retain in his/her possession	3	-	x	-

Annex 6 - Penalty Point Scheme

	copies of any hackney carriage driver's licence that permits them to drive their vehicle				
8	S48 - Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle	3	-	x	-
9	S52 – Failure to display a hackney carriage plate	4	x	-	-
10	S53 – Refusal to take a fare without a reasonable excuse	4	x	-	-
11	S54 - Charging more than the agreed fare	6	x	-	-
12	S55 – Obtaining more than the legal fare (including failure to refund)	6	x	-	-
13	S56 – Travelling less than the lawful distance for an agreed fare	6	x	-	-
14	S57 – Failure to wait after a deposit has been paid	6	x	-	-
15	S58 – Charging more than the legal fare	6	x	-	-
16	S59 – Carrying persons other than with the consent of the hirer	6	x	-	-
17	S60 – Driving a hackney carriage without the proprietor's consent	12	x	-	-
18	S60 – Allowing a person to drive a hackney carriage	12	x	-	-

Annex 6 - Penalty Point Scheme

	without the proprietor's consent				
19	S62 – Driver leaving a hackney carriage unattended	4	x	-	-
20	S64 – Hackney carriage driver obstructing other hackney carriages	4	x	-	-
21	S68 – Breach of Byelaws	3-6	x	x	-

Local Government (Miscellaneous Provisions) Act 1976

Matters list below are direct contraventions of the legislation and may result in prosecution in addition to any points penalty incurred

No.	Offence/Breach of Conditions	Maximum Points applicable	Driver	Vehicle Owner	Operator
22	S46 (1)(a) – A licensed driver using an unlicensed vehicle for private hire purposes	12	x	-	-
23	S46(1)(b) - Driving a private hire vehicle without a private hire driver's licence	12	x	-	-
24	S46(1)(c) - Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle	12	-	x	-
25	S46(1)(d) - Operating a private hire vehicle without a private hire operators' licence	9	-	-	x
26	S46(1)(e) - Operating an unlicensed vehicle as a private hire vehicle	12	x	x	x

Annex 6 - Penalty Point Scheme

27	S46(1)(e) - Operating a private hire vehicle when the driver is not licensed as a private hire driver	12	x	x	x
28	S48(6) - Failure to display a private hire vehicle plate.	4	x	x	x
29	S49 – Failure to notify the transfer of a vehicle licence	3	-	x	x
30	S50(1) - Failure to present a hackney carriage or private hire vehicle for inspection upon request	6	-	x	-
31	S50(2) - Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3	-	x	-
32	S50(3) - Failure to report an accident to the Council within seventy two hours	6	x	x	-
33	S50(4) - Failure to produce the vehicle and/or insurance upon request	6	x	x	-
34	S53(3) Failure to produce a driver's licence upon request	6	x	-	-
35	S54(2) Failure to wear a private hire driver's badge	3	x	-	-
36	S56(2) - Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Council or a police officer within reasonable time / or time specified	4	-	-	x
37	S56(3) - Failure of a private hire operator to keep proper	4	-	-	x

Annex 6 - Penalty Point Scheme

	records of all private hire vehicle licenses and driver licenses, or failure to produce them on request of an authorised officer of the Council or a police officer within reasonable time / or time specified				
38	S56(4) - Failure of a private hire operator to produce his licence upon request	4	-	-	x
39	S57 - Making a false statement or withholding information to obtain a hackney carriage/private hire driver's	12	x	-	-
40	S58(2) - Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	6	-	x	-
41	S61(2) - Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew	6	x	-	-
42	S64 - Permitting a private hire vehicle to wait on a hackney carriage rank	6	x	-	-
43	S66 - Hackney Carriage charging more than the meter fare for a journey ending outside the District, without prior agreement	8	x	-	-
44	S67 - Hackney Carriage charging more than the meter fare when a hackney carriage is used as a private hire vehicle	8	x	-	-

Annex 6 - Penalty Point Scheme

45	S69 - Unnecessarily prolonging a journey	8	x	-	-
46	S71 - Interfering with a private hire taxi-meter with intent to mislead	12	x	x	-
47	S73(1)(a) - Obstruction of an authorised officer of the Council or a police officer	6	x	x	x
48	S73(1)(b) - Failure to comply with a requirement of an authorised officer of the Council or a police officer	6	x	x	x
49	S73(1)(c) - Failure to give information or assistance to an authorised officer of the Council or police officer	6	x	x	x

Annex 6 - Penalty Point Scheme

Licensing Policy					
No.	Offence/Breach of Conditions	Maximum Points applicable	Driver	Vehicle Owner	Operator
50	Failure to ensure the safety of passengers	12	x	x	x
51	Concealing or defacing a vehicle licence plate	6	x	x	x
52	Failure to attend or attend on time for a pre- arranged appointment at the request of the Council without reasonable cause	4	x	x	x
53	Conveying a greater number of passengers than permitted	6	x	-	-
54	Failure to give reasonable assistance with passengers luggage	3	x	-	-
55	Private Hire soliciting for hire or accepting a fare that is not pre-booked	6	x	-	-
56	Operating/using a vehicle that is not properly maintained internally /externally 1 st offence 2 nd offence	6 12	x	x	x
57	Driving without the consent of the proprietor	12	x	-	-
58	Drinking or eating in the vehicle whilst carrying passengers	3	x	-	-
59	Smoking in the vehicle, including the use of electronic cigarettes, at any time		x	-	-

Annex 6 - Penalty Point Scheme

	1 st offence 2 nd offence 3 rd offence	3 + FPN 12 + FPN 12 + P			
60	Causing excessive noise from any radio or sound-reproducing equipment which annoys anyone either in or outside the vehicle	3	x	-	-
61	Playing of a music radio or other sound producing equipment without the express permission of the passenger(s)	3	x	-	-
62	Sounding the horn to signal that the vehicle has arrived and so causing a potential disturbance	3	x	-	-
63	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	6	x	-	-
64	Parking a hackney carriage vehicle or private hire vehicle illegally so as to cause an obstruction to other road users	4	x	-	-
65	Using a non-hands free mobile telephone whilst driving / engine running 1 st offence 2 nd offence	6 + FPN 12 + FPN	x	-	-
66	Failure to advise of a relevant medical condition	12	x	-	-
67	Failure to provide a receipt for a fare when requested	3	x	-	-
68	Failure to operate the meter from the commencement of	8	x	x	-

Annex 6 - Penalty Point Scheme

	the journey and /or charging more than the fixed charge for hire of a hackney carriage				
69	Failure to notify the Council of relevant change to licence details within the time specified in the associated licence conditions	3	x	x	x
70	Failure to produce a hackney carriage or private hire licence upon request	3	x	x	x
71	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	3	x	-	-
72	Failure of a private hire operator to request and keep a copy of driver's licence in his employ at the beginning of employment	3	-	-	x
73	Failure of a licence holder to disclose convictions within 7 days of the conviction	4 plus the points for the actual offence as set out in the Convictions Policy	x	x	x
74	Carrying any animal other than a guide, hearing or other prescribed assistance dog or those owned by bone-fide fare paying passengers	6	x	-	-
75	Failing to deal with lost property in an appropriate manner 1 st offence 2 nd offence	6 12	x	-	-

Annex 6 - Penalty Point Scheme

76	Failure to report an accident within 72 hours	6	x	-	-
77	Failure to comply with requirements for the safe carrying of a wheelchair	6	x	x	-
78	Operating a vehicle that does not comply with the Council's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified herein	3-12	-	x	x
79	A Private Hire driver using a Hackney Carriage vehicle without a Hackney Carriage driver licence	12	x	-	-
80	Failure to carry and/or maintain an approved operational fire extinguisher, where fitted	3	x	x	-
81	Modifying a licensed vehicle without the consent of the Council	6-12	-	x	x
82	Failure to display or maintain external plates as issued by the Council or displaying them incorrectly	4	x	x	-
83	Affixing or displaying a roof sign on a private hire vehicle or failure to affix a roof sign to a Hackney Carriage Vehicle	4	x	x	-
84	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Council	6	-	x	x
85	Using a taxi-meter that does				

Annex 6 - Penalty Point Scheme

	not conform to Council requirements	6	x	x	x
86	Using a licensed vehicle with no insurance or inadequate insurance for the vehicle	12	-	x	x
87	Permitting the vehicle to be used for any illegal or immoral purposes	12	x	x	x
88	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	3	-	-	x
89	Failure of a private hire operator to keep the operating premises in accordance with Council requirements	3	-	-	x
90	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	9	-	-	x
91	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access	6	-	-	x
92	Driving or allowing a hackney carriage vehicle to be driven with tinted windows which do not conform to licence conditions	3	x	x	-
93	Driving or allowing a hackney carriage or private hire vehicle to be driven without displaying the door signs or attaching the signs other than in accordance with the Council's Policy	3	x	x	x

Annex 6 - Penalty Point Scheme

94	Allowing a hackney carriage vehicle to be driven with a top sign that is in breach of the licence conditions	3	-	x	-
95	Illegal ranking	6	x	-	-
96	Failure to comply with Council Livery	6	x	x	x
97	Smoking or allowing smoking in an operator's premises 1 st offence 2 nd offence	6 12	- -	- -	x x
98	Driver allowing a customer to smoke, including the use of an electronic cigarette, in a licensed vehicle	6	x	-	-
99	Failure to carry an assistance dog without an exemption certificate	12	x	x	x
100	Failing to conform to statutory road signs	4	x	-	-
101	Illegal or inappropriate parking such as to cause an obstruction to pedestrians and /or other road users	4	x	-	-
102	Failing to accept travel tokens for a legitimate journey	3	x	x	x
103	Unacceptable standard of driving, witnessed by authorised officer or police officer	6	x	-	-
104	Late application for the renewal of a licence	6	x	x	x
105	Failure to display internal licence plates	4	x	x	x

Annex 6 - Penalty Point Scheme

106	Failure to produce the tariff or advise of charges when requested by the hirer	3	x	x	x
107	Unsatisfactory appearance of the driver or not conforming to the dress code	4	x	-	-
108	Providing false or misleading information on a licence application form, or failing to provide relevant information	6	x	x	x
109	Failure of private hire operator / driver to honour a booking without a reasonable excuse	6	-	-	x
110	Dropping off or picking up a fare in an inappropriate place such as to cause an obstruction or nuisance to other road users	4	x	-	-
111	Failure to carry plate exemption notice in the vehicle	6	x	-	-
112	Failure to notify the Council of having being arrested, cautioned or charged for an offence or being the subject of a criminal investigation within 7 days of the said action	6	x	x	x
113	Failure to comply with the Highway Code	6	x	-	-
114	Failure to have a valid MOT	6	x	x	X
115	Failure to notify the Council of a change in contact details where such failure results in the Council being unable to contact you directly 1 st offence 2 nd offence	3			

Annex 6 - Penalty Point Scheme

	3 rd offence	6 9	x	x	X
116	Allowing an engine to idle in one of the Borough's air quality management areas	3	x	-	-

Please note –

FPN – Fixed Penalty Notice

P – Prosecution

Authorised Officer - means a member of the Council authorised under its scheme of delegation to carry out matters relating to the enforcement of legislation and the Council's policy in relation to hackney carriage and private hire drivers, operators, proprietors and vehicles.

Implementation of the Scheme - The Scheme will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Scheme may be made without consultation.

Appendix 1 - CCTV Policy

Introduction

1.1 The Council recognises that licensed drivers are a valuable asset to the Borough and drivers' safety and health is a key concern. This concern must be considered alongside the overriding objective in the licensing of hackney carriage and private hire vehicles, drivers and operators of the safety of the travelling public.

1.2 In considering the installation of CCTV in licensed vehicles, the Council has had regard to the number and nature of complaints made by the public in relation to licensed drivers and to recent high profile cases which have highlighted not only the vulnerability of passengers to wrong doing but also the vulnerability of drivers to unfounded allegations. There are often significant difficulties in investigating such complaints, to the satisfaction of all parties, because of the lack of an independent witness.

1.3 The Council has determined that with effect from 1 January 2019 all newly licensed vehicles should be fitted with CCTV and existing vehicles must be fitted with CCTV within a year of the renewal of their licence. This is in order to address the objectives set out above, and for the following reasons -

- To enable drivers to protect themselves against allegations of misconduct.
- To help identify culprits in where problems have occurred.
- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- To assist the Council and Police in investigating incidents of crime
- To assist insurance companies in relation to motoring claims.

General principles

2.1 For the purposes of this document the term "CCTV system" includes any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events, incident, and accident data recording devices.

2.2 The CCTV system to be fitted must, as a minimum, meet the requirements set out in this Policy.

2.3 CCTV systems installed in hackney carriage and private hire vehicles will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

2.4 The installation and operation of CCTV must comply with the requirements of the [Information Commissioner's CCTV Code of Practice](#).

Appendix 1 - CCTV Policy

2.5 All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

2.6 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

System Specification and Operation

3.1 The following are the minimum criteria that the Council expects for a CCTV system.

- Meets the current Information Commissioner's data protection requirements [Information Commissioner's CCTV Code of Practice](#)
- Capable of date and time stamping.
- Capable of recording and storing images and sound for a minimum of 28 days.
- Capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in a vehicle and be of such quality that they can be used for prosecution purposes.
- Be capable of storing images and sound in a manner which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle; the images and sound to be capable of being downloaded by a system administrator only.
- Digitally encrypted and the de-encryption software required to view the images must be supplied to the Council free of charge before the system is installed in the vehicle.
- The area recorded by the camera must not extend outside of the vehicle.
- The system must be marked with the Electro Magnetic Certification indicating it meets the European Industry Standard.
- Must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.

Appendix 1 - CCTV Policy

Installation

4.1 All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions and in a manner that does not cause a distraction or nuisance to the driver or passengers, obscure the view of the road through the windscreen or impact on the luggage carrying capacity of the vehicle.

4.2 The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment. The equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems

4.3 All equipment must be secure from tampering.

4.4 The location/installation of cameras within the vehicle must be specific for the purposes for which they are being installed i.e. to improve the safety and security of drivers and passengers.

4.5 All equipment must be checked regularly and maintained to operational standards. Any system components requiring calibration in situ should be easily accessible.

CCTV Activation

5.1 The CCTV system should be activated as soon as the period of hire commences.

Please note - A direct wired link to the vehicle's taximeter will not be acceptable.

Audio Recording

6.1 The CCTV system used must record sound. This view has been formed having regard to the problems of investigating the large number and variety of complaints that the Council receives in relation to licensed drivers and their customers. In order to fully investigate matters, in particular when a large percentage of cases involve one person's word against another, evidence provided by CCTV is considered to be invaluable in enabling the Council to reach an informed decision and appropriate outcome for all parties concerned.

Security

7.1 Data captured must remain secure at all times and protected using approved encryption software. For more information please see the [Information Commissioner's CCTV Code of Practice](#)

Appendix 1 - CCTV Policy

Retention of data

8.1 CCTV data may only be retained for a maximum period of 28 days from the date of capture.

8.2 The CCTV equipment must have the capability of retaining data either within its own secure, encrypted hard drive (using a fully secured and appropriately encrypted detachable mass storage device); or within a secure server within the service provider's monitoring centre (where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signaling).

8.3 Data must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

Use of recorded data

9.1 Any CCTV data must only be used for the purposes as set out in the Policy at Paragraph 1.3.

9.2 Requests to view CCTV data may be submitted in writing using a standard template request form or signed statement; any such requests must set out the reasons why the disclosure is required.

9.3 Members of the public may make a request for the disclosure of CCTV data where they have been the subject of a recording. This is known as a 'Subject Access request'. Such requests must be made in writing and include proof of identity (which may include a photograph to confirm they are in fact the person in the recording). A fee may be charged for a subject access request (currently a maximum of £10). Guidance on handling Subject Access requests can be found in the ICO's Subject Access Request Code of Practice, which is available on their website.

9.4 The requests to view CCTV data will be determined on a case by case basis.

9.5 Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.

Signage

10.1 All licensed vehicles fitted with a CCTV system must display a sign in a prominent position stating that the vehicle carries CCTV. The driver may also draw the passenger's attention to the fact that CCTV equipment is in operation. The signage must be displayed in such a position(s) as to be visible to passengers before entering the vehicle. The signage must not obstruct the vision of the driver.

Appendix 1 - CCTV Policy

Conditions

The following conditions are attached to the vehicle licence –

11.1 You must register with the Information Commissioner's Office.

11.2 No CCTV system, including the installation of cameras, shall be installed in a vehicle unless previously approved in writing by the Council and no change shall be made to the system without the prior written consent of the Council.

11.3 A sign must be displayed in at least one prominent position, visible to passengers before entering the vehicle, stating that the vehicle carries CCTV. The sign must be clearly visible and readable and must not obstruct the vision of the driver.

11.4 You must ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person and keep written records of such work. The records must be made available on request to an authorised officer of the Council or Police.

11.5 Upon request for CCTV footage/audio recording made by an officer of the Council or Police Officer, you must ensure that the CCTV system is made available to the system administrator as soon as is reasonably practicable and in any event within 7 days.

11.6 You must take all reasonable steps to ensure that the driver of the vehicle is made aware of every condition in relation to the CCTV system installed in the vehicle and has been given adequate instruction in its use and the requirements in relation to image retrieval.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

Introduction

1.1. The aim of this policy is to set out how the Council will exercise its discretionary powers to allow 'executive type vehicles' to operate without displaying external licence plates.

1.2 The Local Government (Miscellaneous Provisions) Act 1976 (the Act) requires identification plates to be displayed on licensed private hire vehicles. The display of such plates indicates to the public that the vehicle has been properly licensed.

1.3 There are occasions when the requirement to display external identification plates may adversely affect customer safety by allowing the vehicle to be more readily identified. The display of plates may also on occasion have a detrimental commercial impact on the business by deterring some corporate customers from using the service.

1.4 The Act enables the Council to exercise discretion and issue a dispensation from displaying the identification plate on a licensed private hire vehicle and, where that exemption applies, the requirement for the driver to wear a private hire driver's badge. There is however no 'right' to a plate exemption.

1.5 The Council will only exercise its discretionary powers where it is satisfied that there is a genuine operational business need and where it is certain that the safety of the public will not be compromised as a result.

1.6 The Council may issue a temporary or general plate exemption. A temporary exemption may be issued for a period of time not exceeding one week. A general exemption lasts for the duration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked.

Application process

2.1 The following process must be followed –

- An application for an exemption must be made in writing by the vehicle proprietor to licensing.team@colchester.gov.uk or to the Licensing, Food

Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

& Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG (add details)

- The reason for the exemption must be clearly set out.
- Any supporting evidence should be submitted with the application, this includes written evidence of bookings/contract work.
- The application must be accompanied by the relevant, non-refundable, fee.

Please note - An application can only be made in respect of individual vehicles. Applications relating to a fleet of vehicles are not permitted.

Determination of Application

The Council will deal with applications as follows –

- 3.1 The application will be assessed on its own merits by a member of the Licensing Team and any points clarified with the applicant.
- 3.2 The vehicle will be inspected to ensure it is fit for purpose and the Officer will assess whether or not there is a genuine operational business need and whether or not the vehicle is considered to meet the following criteria -
 - Work undertaken is exclusively "chauffeured" in nature and there is written evidence to prove such bookings. The chauffeur and vehicle are specifically hired to provide transport to a company or person, and/or where the display of a licence plate may affect the dignity or security of the persons carried.
 - Vehicles must be of a standard of comfort and equipped to a level equal or above luxury models.
 - The safety of the travelling public will not be compromised by the exemption.
- 3.3 If the Council is satisfied that there is a genuine operational business need and the vehicle is considered to meet the criteria it will issue either –

Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

- A temporary exemption - a plate exemption notice for a specific licensed private hire vehicle to exempt it from displaying an identification plate on a specified date for a period of time not exceeding one week.
 - A general exemption – a plate exemption notice for a specific licensed private hire vehicle to exempt it from displaying an identification plate for the duration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked.
- 3.4 In the event of an applicant being dissatisfied with the decision they may in the first instance appeal to the Licensing Manager. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision. The Manager will review the case file and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
- 3.5 There is a further right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision.
- 3.6 If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
- 3.7 If the Licensing Committee is satisfied that the criteria for a plate exemption are met the plate exemption notice will be issued for the specified vehicle. The Licensing Committee can specify the dates and times the exemption will apply or exempt the vehicle for the whole period the vehicle licence is in force and attach any conditions to the exemption.
- 3.8 If the Licensing Committee considers no genuine operational business need exists for a plate exemption the vehicle proprietor will be notified of the refusal and advised there is no statutory right of appeal against the decision.
-

Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

Conditions attached to the Notice

4.1 The initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will run concurrently with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

4.2 The exemption notice must be renewed annually. Documentation to confirm that the exemption notice is still necessary must be supplied at the time of the renewal.

4.3 All vehicles must comply with the Council's Driver and Private Hire Vehicle conditions except where to do so would conflict with the requirements of this policy.

4.4 The identification plate and exemption notice provided by the Council shall remain the property of the Council.

4.5 The exemption notice must be carried in the vehicle at all times and produced upon request to an authorised officer of the Council or any Police Officer.

4.6 When issued with an exemption notice, the vehicle will not be required to display any other signs (including the internal licence plate) which the Council may at any time require private hire vehicles to display.

4.7 The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.

4.8 During the period of the exemption notice, the driver is not required to wear the private hire driver's identification badge but must have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.

4.9 Before any journey covered by the exemption notice, the hirer must be advised that the vehicle dispatched to collect them will not be displaying the identification plate or any other Council approved notices etc.

Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

4.10 The proprietor must within 48 hours notify the Council of any change in the use of the vehicle.

4.11 The proprietor shall not use the vehicle for private hire purposes other than for chauffeur use (i.e. not for normal airport journeys or daily private hire use) unless it is plated.

4.12 The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice must be returned.

4.13 A taximeter must not be installed in the vehicle.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Appendix 3 – Horse Drawn Carriages – Licensing and Conditions

Introduction

1.1. The aim of this policy is to set out how the Council will exercise its powers in the licensing of Horse drawn carriages and the conditions to be applied. No Horse drawn carriage may be used without a licence issued by this Council.

Application process

The following process must be followed –

2.1 An application for a licence for a horse drawn carriage must be made to the Licensing Team in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG.

2.2 Any supporting evidence should be submitted with the application.

2.3 The application must be accompanied by the relevant, non-refundable, fee.

Determination of Application

The Council will deal with applications as follows –

3.1 The application will be assessed by a member of the Licensing Team and any points clarified with the applicant.

3.2 The Officer will assess whether the criteria set out in this Policy are met.

3.3 If the Council is satisfied that all the requirements have been met a licence will be issued.

3.4 In the event of an applicant being dissatisfied with the decision they may in the first instance appeal to the Licensing Manager. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision. The Manager will review the

Appendix 3 – Horse Drawn Carriages – Licensing and Conditions

case file and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.

3.5 There is a further right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision.

3.6 If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.

Criteria for Licensing

4.1 The horse used to draw the carriage must not be less than 14.2 hands in height and shall be of a suitable conformation.

4.2 Details of all the horses to be used for the purposes of the licence must be lodged with the Council and all the horses must be individually identifiable by freeze brand, microchip or by using a marking chart.

4.3 A Certificate of Fitness, issued by an Equine Veterinary, must be produced for each horse to be used for the purposes of this Licence. The Certificate of Fitness may take the form of a letter written by the Vet and must have been issued within 28 days of the proposed grant of any licence or its renewal.

4.4 The applicant is deemed to be a properly qualified, 'fit and proper' person to hold such a licence.

Conditions attached to the Grant of a Licence

5.1 The driver of the carriage must be licensed by the Council and fully qualified to drive any carriage of the type in use.

Appendix 3 – Horse Drawn Carriages – Licensing and Conditions

- 5.2 All drivers must comply with the relevant requirements contained within the Council's Hackney Carriage and Private Hire Driver Conditions except where to do so would conflict with the requirements of this policy.
- 5.3 No horse may be permitted to work in inclement weather, except in the case of a short summer downpour.
- 5.4 At all times when drawing the carriage, the Horse must be well groomed, properly shod and fit.
- 5.5 Any horse shall be taken out of use immediately if any Police Officer, RSPCA Inspector or Authorised Officer of the Council have reason to suspect that it is unfit. It must remain so until it has been examined and found fit by an Equine Veterinary, the cost of such examination being borne by the licensee. Written confirmation that it is fit to work must be supplied to the Council.
- 5.6 Every part of a harness used in the course of drawing a carriage shall be kept fully maintained to ensure the comfort of any horse used and shall be properly attached to the carriage.
- 5.7 Details of the hours worked by the horse and the rest periods must be recorded in a log which shall be made available on request to an authorised officer of the Council, Police office, Veterinary appointed by the Council or RSPCA Inspector.
- 5.8 No horse shall be permitted to draw a carriage or be harnessed to or otherwise attached to a carriage for more than six hours in total in any one day and if it has been so used it cannot be further used in the course of that day for any other purpose.
- 5.9 If the horse is so harnessed to a carriage for a period of three consecutive hours, the proprietor or driver shall ensure that the animal is rested for a period of not less than one hour, during which time the animal must be fed and watered.
- 5.10 No horse shall be used if it is in such a condition so as to expose any person being conveyed in such a carriage, or any pedestrian, on any street, or thoroughfare to risk of injury.
- 5.11 The carriage must be suitable in type, size and design for the purposes of public hire and must be fitted with rubber rimmed wheels.

Appendix 3 – Horse Drawn Carriages – Licensing and Conditions

- 5.12 The carriage must display the Council's identification plate upon the rear of the carriage, such plate must not to be concealed from public view.
- 5.13 The proprietor or driver of the carriage shall not carry or permit to be carried in that carriage any greater number of passengers than the number of passengers which the carriage is licensed to carry.
- 5.14 The carriage shall be produced for examination and inspection by an authorised Officer of the Council, or such other agency as the Council may think fit, and the cost of such inspection shall be borne by the Licensee.
- 5.15 The Council shall be notified of any proposed alteration to any part of the carriage before such alteration is carried out.
- 5.16 The carriage shall be fitted with a sufficient drag-chain and slipper or other sufficient brake.
- 5.17 The floor of the carriage shall be covered with mats of a suitable material.
- 5.18 The seats of the carriage shall be properly cushioned or covered, fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein.
- 5.19 Where the carriage is fitted with a roof or means of protection against the weather, such roof or means of protection must be watertight and there must be a means of opening and closing any windows fitted.
- 5.20 The proprietor or driver of the carriage must keep all of its fittings and equipment in a clean and safe condition, well maintained and in every way fit for public service.
- 5.21 The proprietor or driver of the carriage must not at any time when the carriage is plying for hire or used to carry passengers, drive or allow it to be driven wantonly or recklessly.
- 5.22 In addition to a fully paid up policy of Insurance in respect of Hire and Reward, insurance relating to public liability must be in force during the period of the Licence covering the carriage when it is being used for the purposes of hire and reward in the sum of £5m. Such Insurance must be produced to a Police Officer or an Authorised Officer of the Council at such times and at such places as may be reasonably required.
- 5.23 The proprietor or driver of the carriage must not, in any street within the Borough, feed or allow to be fed any animal whilst harnessed or otherwise

Appendix 3 – Horse Drawn Carriages – Licensing and Conditions

- attached to the carriage, except with food contained in, a proper nose bag suspended from the head of the animal, from any centre pole of the carriage, or which is in a proper container or which is being held and delivered with the hand of the person feeding the animal.
- 5.24 The proprietor or driver of the carriage must have available the means of providing adequate water and hay for any horse used to draw the carriage and the said horse shall have access to such water / hay at regular intervals.
- 5.25 The licence holder shall be responsible, when in charge of the vehicle, for the collection and satisfactory hygienic disposal of horse excrement, as soon as is reasonably practicable, after the excrement has been deposited.
- 5.26 The proprietor or driver of a carriage must display clearly the charges for the journey and ensure that the schedule of charges is legible at all times.
- 5.27 The driver of the carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the carriage.
- 5.28 The proprietor or driver of the carriage when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purposes.
- 5.29 The proprietor or driver, or any person travelling on or using the carriage shall not blow or play upon any horn or other musical instrument, or ring any bell.
- 5.30 The Council reserves the right to suspend or revoke a Licence at any time should the proprietor or driver fail to kept within these conditions or fails to operate the carriage on a regular basis during the period of the Licence.
- 5.31 The Council shall give 21 days' notice of their intention to revoke or suspend a Licence.
- 5.32 In the event that the Licence holder wishes to appeal against the Council's intention to revoke or suspend a licence they may, within 21 days from the date of the Council's letter, appeal in writing to the Licensing Manager by writing to the licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG .

Appendix 3 – Horse Drawn Carriages – Licensing and Conditions

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Appendix 4 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines – Licensing and Conditions

Introduction

1.1. These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a stretched limousine. A stretch limousine is usually a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. The purpose of these conditions is to protect public safety; they apply in addition to the Councils standard vehicle conditions

General Conditions

2.1 Seating capacity must be limited to eight passengers even if the vehicle is capable of carrying more than eight passengers.

2.2 All Operators will be required to sign a declaration stating that the vehicle will not carry more than eight passengers and at the time of the booking, this restriction will be explained to the hirer.

2.3 No passengers will be carried in the front compartment

2.4 Every seat shall be at least 400mm in width measured along the seat base.

2.5 Every seat shall have fitted a suitable seat belt or restraint.

2.6 It is the driver's responsibility to ensure that passengers use seat belts provided when the vehicle is moving.

2.7 Passengers must remain seated when the vehicle is moving.

2.8 Children under the age of 14 years shall not be carried in a stretched limousine unless accompanied by a responsible adult, excluding the driver.

2.9 No alcohol shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

Appendix 4 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines – Licensing and Conditions

Vehicle Conditions

- 2.1 A valid SVA (single vehicle approval) certificate must be provided for the vehicle.
 - 2.2 A valid certificate of conversion by an approved USA converter (either a Qualified Vehicle Modifier (QVM) or a Cadillac Master Coachbuilder (CMC) must be provided for the vehicle.
 - 2.3 A DVLA V5 or equivalent shall be produced to confirm registration. A plate affixed to the door pillar shall confirm the weight of the vehicle.
 - 2.4 The vehicle shall be equipped with a minimum of four road wheels and a full sized spare wheel.
 - 2.5 The vehicle will be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed.
 - 2.6 Seat belts must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
 - 2.7 Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.
 - 2.8 A stretch limousine will be subject to a twice yearly vehicle inspection, at intervals to be specified by the Council, at an authorised testing station. A third test may be required, if deemed appropriate.
-

Vintage/Classic Cars

These conditions apply in addition to the Council's standard vehicle conditions –

- 3.1 A Single Vehicle Approval (SVA) certificate or equivalent for the vehicle is to be submitted.
- 3.2 Seat belts complying with current legislation must be fitted in respect of each passenger seat.

Appendix 4 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines – Licensing and Conditions

3.3 The vehicle will be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed. The full size spare wheel that is required, must also be fitted with the same class of tyre.

3.4 Vehicles licensed under these conditions will be subject to a twice yearly vehicle inspection, at intervals to be specified by the Council, at its authorised testing station. A third test may be required if deemed appropriate.

Fire Engines/Novelty Engines

These types of vehicle are licensed in general accordance with the standard Hackney Carriage / Private Hire vehicle and Driver conditions. The conditions that follow also apply to these types of vehicle-

4.1 The vehicle will be examined and issued with a certificate of fitness (in the form of an MOT or a HGV equivalent) prior to licensing. A further test, at the discretion of the Council, will be then be required during the twelve month validity of the certificate.

4.2 The driver shall hold a full driving licence suitable for the vehicle concerned.

4.3 Seating capacity must be limited to eight passengers even if the vehicle is capable of carrying more than eight passengers.

4.4 All Operators will be required to sign a declaration stating that the vehicle will not carry more than eight passengers and at the time of the booking, this restriction will be explained to the hirer.

4.5 Children under the age of 14 years shall not be carried in the vehicle unless accompanied by a responsible adult, excluding the driver.

4.6 Suitable steps will be carried on the vehicle to assist access and egress from the passenger compartment.

4.7 All passengers must enter or leave the vehicle by the passenger doorway adjacent to the pavement.

Appendix 4 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines – Licensing and Conditions

4.8 Seating is to be secured anchored to the floor and seatbelts complying with current legislation must be fitted in respect of each passenger seat.

4.9 Suitable signage shall be displayed in the passenger compartment advising passengers to wear seat belts.

4.10 An audible alarm system shall be fitted to the passenger compartment doors, to alert the driver should the door be opened, and shall be in a tested working condition whenever the vehicle is carrying passengers.

4.11 The floor area of the vehicle must be kept unobstructed at all times.

4.12 All external lockers on utility vehicles must be kept locked at all times.

4.13 In the case of the use of a fire engine all reflective tape and lettering is to be removed. Blue lights and the siren are to be disabled. No person involved in the operation of the vehicle is to wear a uniform or hat which may give the public the impression that the individual is a member of the fire service.

4.14 No alcohol shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Appendix 5 – Hackney Carriage Plate Allocation Policy and Process

Introduction

1.1. This policy sets out the Council's proposed approach to the allocation and reallocation of Hackney Carriage Plates.

1.2 In line with legislative requirements an unmet demand survey was carried out in 2015 to review the number of hackney carriage vehicle plates to be available in the Borough of Colchester. The current limit is set at 131 plates. This is unlikely to change until an unmet demand survey highlights the need to add numbers or until the limit is removed by legislation.

1.3 The overall objective of the policy is to enable the Council to allocate or reallocate a hackney carriage plate in a fair and open manner, should a plate become available.

Eligibility

2.1 In order to qualify for the allocation process the following eligibility criteria must be met:

- The applicant must not already hold a hackney carriage plate.
- The applicant must not have had a licence suspended or revoked during a five year period immediately prior to the start of the process.
- The applicant must be compliant with all conditions within the Council's current policy and have not received penalty points within one year prior to the start of the process.

Vehicle Specification

3.1 The vehicle must be compliant with the Council's vehicle conditions for a hackney carriage licence.

3.2 The vehicle must be adapted for wheelchair/disabled accessibility.

Appendix 5 – Hackney Carriage Plate Allocation Policy and Process

- 3.3 The vehicle must meet the Council's current policy in terms of age and specification at first registration.
-

Process

- 4.1 All persons who have indicated an interest will be notified of a plate becoming available and the relevant process. A public notice will be placed in a local newspaper and on the Colchester Borough Council website. This will detail the process and indicate a closing date for registration to apply and be entered in a randomly generated draw.
- 4.2 Those who apply and meet the relevant criteria detailed above will be entered into a draw that will consist of an excel based programme to randomly pick an applicant.
- 4.3 To avoid any ambiguity the draw will be carried out at a meeting of the Licensing Sub-Committee at a specified date and time.
- 4.4 The number of draws will depend on the number of plates available.
-

Timescales

- 5.1 The Licensing Team will notify the successful applicant within one week of the draw.
- 5.2 The successful applicant will need to carry out the full application process within 28 days of the notification. Failure to do so will result in another draw being held at the next Licensing Sub-Committee meeting.
-

Conditions

- 6.1 The plate that is newly re-issued cannot be sold or transferred for a period of five years from issue.

Appendix 5 – Hackney Carriage Plate Allocation Policy and Process

6.2 The outcome of the draw is final.

Declaration

7.1 Any new driver wishing to register an interest in the allocation process will be required to complete a statutory declaration confirming that they meet the requirements of this policy.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Code of conduct for working with vulnerable persons

Who is vulnerable?

A vulnerable person is one whose age, disability or health, both physical and mental, means that they are more susceptible to harm than a typical passenger. Passengers may also be vulnerable if their condition renders them more susceptible to harm than would normally be the case, for example through the consumption of alcohol and /or drugs.

Taking a booking

At the point of booking the needs of the vulnerable person must be risk assessed and a record kept whether the booking is to be accepted or refused. If appropriate measures are not in place that would allow the vulnerable person to use the services of a licensed vehicle/driver without risk to themselves or the driver, the booking should not be taken.

As a licensed driver you must –

- Treat the vulnerable person with respect and courtesy and ask if they need help rather than making this assumption.
- Carry your identification badge and when collecting the vulnerable person produce it to the carer or, where appropriate, to the individual concerned.
- If there is no chaperone, obtain the contact details of the carer.
- If service is refused, inform a carer/responsible person so that alternative arrangements can be made.
- Be aware that your interaction with a vulnerable person may be interpreted by them in a different way to that which you intended.
- Report to the Council any unacceptable behaviour from a vulnerable person or any approaches, verbal or physical, made by the vulnerable person to you, as soon as is reasonably practicable after it occurs.
- Report any safeguarding concerns to the relevant authority using the mechanisms outlined below.

You must not -

- Double up on bookings without the prior consent of all parties involved.
- Touch the vulnerable person unnecessarily or in an inappropriate way.
- Make inappropriate or offensive comments, this includes swearing.
- Behave in a way that could be construed to be threatening.
- Use personal details obtained in the course of carrying out your business for any other reason whatsoever.
- Promise to keep any information disclosed to you confidential, when by doing so the wellbeing of the vulnerable person would be compromised.
- Respond to any approach made by the vulnerable person that is outside of your normal working relationship with the passenger.

- Accept any abuse, verbal or physical, from any vulnerable person, such abuse must be reported to the Council.
- Give any personal information to the vulnerable person.

The Council

Will take robust action under its Policy to deal with any issues that arise from contraventions of this code of conduct.

Driver and Passenger Charter

This Charter sets out what you can expect from the driver and what the driver can expect from you.

As a Passenger you can expect the driver to –

- Wear their identification badge at all times and produce it on request.
- Be polite and courteous.
- Take you to your destination by the most direct route unless you ask to take an alternative route.
- Charge no more than the fare on the meter or the agreed fare.
- Provide a receipt on request.
- Refuse to allow other people to share your taxi without your agreement.
- Ask your permission before eating, drinking or playing music in the vehicle.
- Carry your assistance dog without charge.
- Abide by the Code of Conduct for Carrying Vulnerable Persons.

The Driver can expect you –

- To be polite and courteous at all times and behave appropriately in the vehicle; you may be refused travel or be asked to leave the vehicle if you behave in an inappropriate manner.
- To be punctual.
- To pay the correct fare; drivers can ask for the fare or a proportion of the fare in advance.
- Not to eat or drink in the vehicle.
- Not to smoke or consume alcohol in the vehicle; this is an offence.
- To wear your seat belt.
- To ensure children travelling with you are secured appropriately.
- Not to request that more people are carried than is permitted by the licence.
- To pay if you soil the vehicle in any way i.e. through vomiting in the vehicle.

17 January 2018

Report of	Assistant Director (Environment)	Author	Jon Ruder
			☎ 282840
Title	Consultation – Tackling the Hidden Economy:Public Sector Licensing		
Wards affected	Not applicable		

This report sets out the proposed response to the consultation by HM Revenue & Customs (HMRC) on Tackling the Hidden Economy : public sector licensing

1. Executive Summary

- 1.1 The Council's views are sought on HMRC's proposals, set out in the consultation document Tackling the Hidden Economy: public sector licensing, to introduce 'conditionality' measures to certain licence applications. The proposals would make compliance with certain tax obligations a condition of holding some licences and introduce checks on applicants' tax-registered status as part of licensing processes. The proposals are part of the compliance schedule of HMRC designed to tackle the hidden economy in sectors which it considers are vulnerable to such activity including taxi and private hire and scrap metal licensing which are licensed by the Council.

2. Recommended Decision

- 2.1 To approve a formal response to the consultation document, a draft response is set out at Appendix 2.

3. Reason for Recommended Decision

- 3.1 The Council administers licences in some of the areas mentioned in the document and it is therefore important that it should makes its views known in relation to changes that may affect how such licences are determined.

4. Alternative Options

- 4.1 Not to comment on the consultation, this is not recommended in view of the position set out in 3.1 above.

5. Background Information

- 5.1 The hidden economy refers to individuals and businesses with sources of taxable economic activity that are entirely hidden from HMRC. HMRC is committed to narrowing the hidden economy tax gap which it cites is depriving the government of funding for public services, distorting fair competition and being linked to wider rule breaking and criminality including money laundering and immigration offences.

- 5.2 As part of a variety of proposed measures the introduction of conditionality would, it is hoped, divert people away from non-compliance before it occurs, integrating tax registration into existing approvals such as the grant of a hackney carriage/private hire licence.
- 5.3 The consultation document does not set out clear proposals on how the check on people's tax registration will operate, the final proposals being informed by the outcome of the consultation. The impact of the changes for the Council will depend largely on the level of complexity of the process and this point is made in the proposed response. Applicants could be signposted in relation to the tax requirements on the Council's website.
- 5.4 The consultation document and suggested response are set out at Appendices 1 and 2.

6. Financial Implications

- 6.1 There are likely to be costs implications of any changes brought about as a result of the consultation. It is not possible to quantify them until the exact proposals are known.

7. Equality, Diversity and Human Rights Implications

- 7.1 The response has been prepared in accordance with and taken account of, all relevant legislation.

8. Standard References

- 8.1 There are no particular references to the Strategic Plan, consultation or publicity considerations; community safety, health and safety or risk management implications.



HM Revenue
& Customs

Tackling the hidden economy: public sector licensing

Consultation document

Publication date: 8 December 2017

Closing date for comments: 2 March 2018

Subject of this consultation:	This consultation proposes 'conditionality' measures to tackle the hidden economy. This would make compliance with certain tax obligations a condition of holding some licences, and introduce checks on applicants' tax-registration status as part of licensing processes.
Scope of this consultation:	The consultation suggests licensing regimes which could be suitable for changes to introduce conditionality. It seeks feedback on their suitability for the proposed changes, and outlines ways that tax-registration checks could be administered and enforced.
Who should read this:	In particular, we would like to hear from local authorities and national bodies that administer relevant licences, trade bodies, small businesses, individuals, and representative or professional bodies with expertise in tax administration.
Duration:	The consultation will run from 8 December 2017 until 2 March 2018.
Lead official:	Jamie Horton and Georgina Treacy
How to respond or enquire about this consultation:	<p>Please send e-mail responses to: isbc.compliancepolicy@hmrc.gsi.gov.uk</p> <p>Please send written responses to: Georgina Treacy, HMRC Room G/72 100 Parliament Street London SW1A 2BQ</p>
Additional ways to be involved:	HMRC officials would like to meet interested parties to discuss any aspect of this consultation and will be organising meetings following publication.
After the consultation:	A response document will be published. The government will consider proposals to develop draft legislation to introduce conditionality measures.
Getting to this stage:	HMRC published an initial consultation in August 2016. This discussed the principles of developing conditionality in order to tackle the hidden economy. A response document was published in March 2017.
Previous engagement:	HMRC met with a range of stakeholders as part of the initial consultation exercise, including small business representative bodies, tax organisations and the Local Government Association. HMRC officials have met with a number of licensing authorities, including local authorities to discuss conditionality proposals, and have engaged with other government departments in developing these proposals.

Contents

	Executive Summary	4
1	Introduction	6
2	Options for applying conditionality through public sector licensing	10
3	Options for developing tax-registration checks	19
4	Minimising burdens and impacts	27
5	Next steps	30
6	Table of impacts	31
7	Summary of questions	33
8	The consultation process	36

On request this document can be produced in Welsh and alternate formats including large print, audio and Braille format

Executive Summary

1. This consultation proposes options to tackle the hidden economy by making access to licences needed to trade conditional on tax compliance, known as 'conditionality'.
2. The first chapter outlines how these proposals fit into HMRC's compliance strategy: the best way to tackle non-compliance is to prevent it from happening in the first place. HMRC aims to promote compliance by designing it into systems and processes, enabling customers to get their affairs right from the outset. At the same time, HMRC aims to prevent and respond to non-compliance by identifying and targeting the areas of greatest risk, and using tough measures to tackle those who deliberately try to cheat the system.
3. HMRC published a first consultation on the principles of developing conditionality in August 2016, which was broadly well received. This consultation makes the case for initial changes to introduce tax-registration checks into some licensing processes administered by public-sector bodies.

Chapter 2: options for applying conditionality through public sector licensing

4. Chapter 2 outlines specific licensing schemes which could be suitable for these changes. These have been selected because existing licence conditions align reasonably well with tax-compliance measures; they apply to sectors vulnerable to hidden economy activity; and there are broader potential benefits to be realised in driving up wider regulatory standards. Licences issued in the following sectors are included for consideration in the consultation:
 - private security,
 - taxi and private hire vehicles (PHVs),
 - waste management,
 - houses in multiple occupation (HMOs) and selective licensing in the private rental sector,
 - scrap metal, and
 - retail and trade.

Chapter 3: options for developing tax-registration checks

5. Chapter 3 sets out the principles for how HMRC and licensing authorities should work jointly to ensure that those applying for licences are correctly registered. Key principles of this process include:
 - **New applicants should be signposted towards tax obligations and HMRC services:** Checks applying to first-time applicants aim to ensure that they understand their taxable status and are able to register as soon as possible after they begin trading.

- **Checks should apply to those renewing licences:** Checks carried out at the renewal stage would ask applicants to confirm and provide evidence of their tax-registration status.
- **No requirement upon licensing authorities to carry out more detailed tax checks:** The government would not expect licensing authorities to provide advice to applicants on their tax status. Applicants requiring particular support or advice could be directed towards appropriate HMRC services.

Chapter 4: minimising burdens and impacts

6. Chapter 4 discusses how HMRC would seek to minimise burdens. This includes safeguards intended to ensure applicants for licences are not required to register earlier than they currently need to under law. It also seeks feedback on how privacy impacts can be minimised and how HMRC could ensure that minimal new requirements are placed upon licensing authorities.

Chapter 5: next steps and further options for conditionality

7. Chapter 5 outlines the link between the current proposals and longer-term options to develop conditionality. The government would like to explore the potential for these proposals to act as a first step in a longer-term roadmap for developing conditionality. This could, in time, see simple tax checks integrated into more of the essential services or platforms that businesses use to trade.

1. Introduction

The hidden economy and its impact

1. The majority of UK taxpayers pay what they owe, but a small minority are active in the 'hidden economy'. The term hidden economy refers to individuals and businesses with sources of taxable economic activity that are entirely hidden from HM Revenue & Customs (HMRC).
2. In 2015 HMRC commissioned the first major survey¹ in Great Britain to assess the relative sizes of different hidden economy groups, and collect other behavioural and attitudinal information, such as why people find themselves in the hidden economy.
3. The hidden economy deprives the government of funding for vital public services. The hidden economy tax gap² is estimated at £3.5 billion for 2015-16 (the most recent year for which an estimate has been calculated) and is the fifth largest behavioural component of the 2015-16 tax gap. The hidden economy tax gap has remained relatively stable since 2009-10 at around 10% of the total tax gap.
4. The hidden economy also distorts fair competition and is linked to wider rule breaking and criminality, including money laundering, health and safety violations, failure to comply with employment rights and immigration offences.

Tackling the hidden economy

5. HMRC is committed to achieving a significant and sustained narrowing of the hidden economy tax gap. Tackling the hidden economy is also a crucial part of our role in supporting and creating a level playing field for compliant customers.
6. The best way to tackle non-compliance is to prevent it happening in the first place, while cracking down on the minority who do break the rules, so we are:
 - promoting good compliance by designing it into our systems and processes, enabling customers to get their affairs right from the outset,
 - preventing non-compliance by using the data we have to spot mistakes, prevent fraudulent claims, personalise online services and automate calculations, and
 - responding to non-compliance by identifying and targeting the areas of greatest risk, and using tough measures to tackle those who deliberately try to cheat the system.³
7. We know that some people enter the hidden economy because they think it would be difficult to register and declare their income to HMRC. And that some of those who are in the hidden economy find it more difficult to come forward

¹ <https://www.gov.uk/government/publications/the-hidden-economy-in-great-britain>

² The tax gap is the difference between the amount of tax that should, in theory, be collected by HMRC, and what is actually collected. <https://www.gov.uk/government/statistics/measuring-tax-gaps>

³ HMRC Strategy, published on 20 July 2017.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/629941/HMRC-Strategy.pdf

and declare their earnings the longer they have been hidden from HMRC. This is one of the reasons why the government is making it easier than ever to register for, and pay tax through, highly accessible digital services. HMRC is also expanding and updating the support it provides to new business, helping them to understand and comply with their tax obligations at the earliest opportunity.

8. At the same time, the government is developing new ways to divert people away from non-compliance before it occurs, including through closer working with intermediaries to play an active role in helping customers to understand and comply with their tax obligations.
9. This consultation, which was announced at Autumn Budget 2017, proposes measures to introduce tax registration checks into some of the key public sector approvals that individuals and businesses need in order to trade.

Aim of the consultation

10. Few businesses can exist in a vacuum: most require services from other businesses, or approvals and services from part of local or national government. The proposals included in this consultation would integrate tax-registration checks into some of these existing approvals to encourage more customers to engage with the tax system at the right time.
11. These proposals would support a key aim of our strategy: to crack down on the hidden economy by preventing people from entering it in the first place. They would promote tax registration, helping customers to better understand their obligations to register for tax and the simple steps they need to take to declare their income to HMRC.
12. This is in everyone's interests: compliant businesses benefit from a level playing field where everyone pays their fair share of taxes. Regulators and licensing authorities may benefit from improved standards when licence holders comply with their key responsibilities for tax. And the broader public benefits from the additional tax that is protected through a reduction in the hidden economy tax gap.

Scope of the consultation

13. This consultation is intended to help HMRC to develop proportionate measures which work in the interests of compliant customers.
14. The consultation suggests specific sectors which HMRC believes would be suitable for the proposed changes. We welcome comments, in particular, from those who issue or receive licences and permits for the below activities:
 - private security,
 - taxi and private hire vehicles (PHVs),
 - waste management,
 - houses in multiple occupation (HMOs) and selective licensing in the private rental sector,
 - scrap metal, and

- retail and trade.
15. The consultation does not set out firm proposals for how checks on licensees' tax-registration status should be administered: any final proposals will be informed by the outcome of this consultation. We want to hear from licensing authorities to identify the best options for delivery which would help to promote shared regulatory objectives.
 16. The checks that are described in this consultation refer to whether or not a person is appropriately registered for tax. Individuals or business can have different requirements to register for tax depending on their circumstances. But for the purposes of this consultation, the aim would be to determine whether or not a person is registered through one of the following routes:
 - **Obligations to register for Self Assessment:** when people are setting up or operating as self-employed or a partnership, they should be registering for Self Assessment to pay income tax and Class 2 National Insurance. People who are known to HMRC through Pay As You Earn (PAYE) but who have additional sources of income to report, such as income from rental property, also need to register for Self Assessment.
 - **Obligations to enrol employees for tax:** employees should be registered for tax by their employer. Income tax and national insurance from employment is normally collected by employers through the Pay as You Earn (PAYE) system.
 - **Obligations to register for Corporation Tax:** private limited companies need to register for Corporation Tax within three months of starting to do business.
 17. Tax registration is a simple marker of compliance because it evidences whether a person has told HMRC about a particular source of their taxable income. Individuals or businesses who are not properly registered when they should be, have either their entire income, or part of their income, hidden from HMRC.
 18. People can also be in the hidden economy due to a failure to register for VAT, where their VAT taxable turnover is above the statutory threshold. It is not the aim of the specific checks described in this consultation to determine whether or not a person should be registered for VAT.
 19. Likewise, the checks described in this consultation would not need to determine the correct employment status of a person applying for a licence. The question of whether or not a person is self-employed or employed for tax purposes can depend upon a number of factors, on which HMRC provides guidance and support. Instead, checks would simply aim to establish that a person is not in the hidden economy, by confirming that their earnings in a licensed sector are being reported to HMRC through one of the routes described at paragraph 16.

Progress to date

20. In August 2016 HMRC published a first consultation paper on conditionality which sought views on how tax-registration checks can be best applied as a way of tackling the hidden economy. It covered options to apply conditionality to both public sector licences and services provided to businesses by private-

sector providers, such as financial or insurance services, and online platforms that link businesses with customers.

21. The majority of responses agreed that HMRC should be focussing on new ways to tackle the hidden economy, and recognised that conditionality could be an effective way to support compliance.
22. In particular, feedback highlighted that many small businesses and their representative groups are very concerned about the unfair competition posed by those operating in the hidden economy – particularly, when they don't comply with their wider legal duties or provide customers with an appropriate level of service. This also reflects concerns highlighted directly to HMRC by members of the public about the damaging effects that unregistered businesses have on compliant taxpayers. Many of HMRC's customers feel that hidden economy activity distorts fair competition, making it harder for businesses to operate on a level playing field.
23. Most responses to the consultation were also clear that any approach to conditionality must minimise burdens upon compliant businesses, and providers of licences and business services.
24. Several responses said that public-sector licences would be a good basis for initial proposals. Following the consultation, the government recognised that there is a strong case that some public sector licences should be subject to conditionality. The government said it would develop further proposals, and consider further the longer-term case for conditionality in the private sector.

Longer term options

25. This consultation makes the case for some initial changes to introduce conditionality in sectors that are affected by the hidden economy and associated non-compliance. The aim is to achieve simple, easy-to-administer changes that would divert more customers away from the hidden economy, and make it harder to trade as a hidden business.
26. The government would like to explore the potential for these proposals to act as a first step in a longer-term roadmap for developing conditionality. This could, in time, see simple tax checks integrated into more of the essential services or platforms that businesses use to trade.
27. The government recognises that the design of these proposals, and their impacts upon customers and third parties, would need to be carefully assessed. They would also be developed in line with the government's ongoing proposals to transform tax and payments for HMRC customers.
28. Longer-term options to develop conditionality could drive down hidden economy activity on a larger scale, and support a level playing field for businesses.

Chapter 2: options for applying conditionality through public sector licensing

Introduction

29. This chapter sets out options for introducing tax-registration checks through public sector licensing schemes. It identifies several licences that the government believes would be appropriate and seeks feedback on the proposals.
30. The government has taken account of the results of HMRC's first consultation on conditionality in identifying these licences. That earlier consultation set out a number of principles that HMRC should use to identify suitable licences (or services). These principles were endorsed by the majority of respondents. In particular the government has taken account of the following factors:
- **Alignment of conditionality with existing licensing rules:** licences selected have existing conditions that align reasonably well with legal obligations to register-for and pay tax. For example several of the licences concerned already include 'fit and proper person' tests which may include assessments of the applicant's financial integrity. Introducing tax registration checks within these licensing schemes would be reasonably compatible with existing rules.
 - **Risks posed by the hidden economy:** good standards of overall compliance exist in these sectors, and the government recognises that the large majority of those holding relevant licences wish to pay their fair share of tax. But a combination of factors make these sectors vulnerable to exploitation by a minority, who wish to undercut their competitors by staying hidden from HMRC. In recent years, HMRC has conducted taskforce⁴ activity in a number of these sectors, demonstrating non-compliance by a minority within them.
 - **Potential wider benefits:** results from the first consultation suggested that a number of stakeholders recognise an overlap between businesses which are non-compliant for tax purposes, and those which may also be non-compliant in relation to other areas of regulation. Discussions between HMRC and regulatory or licensing authorities have highlighted that conditionality could carry broader compliance benefits. By integrating regulatory standards, and developing closer working between HMRC and other parts of local or national government, there may be opportunities to drive up standards for the benefit of compliant businesses, as well government and the public.

⁴Taskforces were first launched in spring 2011 as part of HMRC's compliance strategy to tackle tax evasion and fraud. Taskforces bring together various HMRC compliance and enforcement teams for intensive bursts of activity targeted at specific sectors and locations where there is evidence of a high risk of tax evasion and fraud.

31. The government's intention would be to legislate to introduce conditionality for aspects of licensing that are within the competence of the UK Parliament. However, some licensing powers in the sectors described below are held by the Devolved Administrations in Scotland, Wales and Northern Ireland. The government will work with the Devolved Administrations to identify the extent to which they might wish to pursue similar aims to those described in this consultation.
32. Building on the outcomes of the first consultation, the following licensing schemes are likely to be areas that are suitable for changes to introduce tax-registration checks. The outcomes of this consultation would inform options for future policy design.

The private security industry

33. Individuals in specific sectors of the private security industry, conducting licensable activities such as door supervision, close protection and manned guarding, require a licence from the Security Industry Authority (SIA). Front line licences are required for those undertaking licensable activity. Non-front line licences are required for those who manage, supervise and/or employ individuals who engage in licensable activity.
34. The SIA establishes licensing criteria in accordance with the Private Security Industry Act 2001. SIA licensing ensures that private security operatives are 'fit and proper' persons who are properly trained and qualified.
35. The SIA also runs an Approved Contractor Scheme (ACS), allowing organisations that meet agreed standards to advertise themselves as approved. Approved organisations are also able to complete and pay for licence applications online on behalf of employees. Currently 330,000 people hold a licence to operate from the SIA and over 800 businesses/organisations hold approved contractor status.
36. The SIA's application process includes checks on a person's identity, address history, right to work, criminality and mental health. Those applying for a front-line licence must also undergo a competency check and provide evidence that they hold relevant qualifications. All applicants must agree to a consent statement, which states that their information will be shared with government and private agencies, and accept a legal declaration, confirming that the data they have entered is correct. Licences are renewed every three years.
37. The SIA exists to improve standards in the private security industry, a sector affected by crime and tax evasion. For example, in 2015/16 the SIA progressed 39 cases towards a criminal prosecution for offences under the Private Security Industry Act. In addition, HMRC taskforces and operations have identified a range of risks in the sector, ranging from hidden-economy related activity to failures by employers to register employees for tax, through to serious fraud and evasion.
38. Introducing tax-registration checks to SIA licences, including front line and non-front line licences could strengthen existing regulation and help to raise standards of compliance further in the sector. Consideration could also be given to how HMRC could work with the SIA to support ACS contractors to demonstrate and maintain good standards of tax compliance.

The waste management sector

39. The UK generated just over 200 million tonnes of waste in 2014. Nearly 60% of this was generated by the construction industry with households responsible for a further 14%. Nearly 45% of household waste is recycled, whilst a little over 20% is taken to landfill. Most waste is collected by private waste or reclamation contractors. This sector includes many small and medium-sized enterprises and covers a range of activity, from transportation of waste through to brokering and dealing, treatment, recycling and disposal.
40. The Environment Agency and Natural Resources Wales have responsibility for regulating the waste management sector in England and Wales respectively, and administer two regimes in which the government believes the application process aligns well with conditionality:
- **Permits for waste sites and exemptions to environmental permits for waste sites:** environmental permits are mandatory for those who wish to use, treat, store and dispose of waste. The rules on permitting are set out in the *Environmental Permitting (England and Wales) Regulations 2016*.

Those undertaking operations with waste (other than operations deemed low or negligible risk) need to be considered 'competent' by the Environment Agency. This covers an operator's environmental record, technical competence, financial competence and (in some cases) financial provision. There are nearly 12,000 existing environmental permits for the waste sector in England and Wales.

Low environmental risk sites require an exemption from the main permitting regimes. These are subject to renewal every three years and require the applicant to meet the limits and conditions of the exemption and to ensure their waste operation doesn't harm the environment or human health. There are currently around 500,000 exemptions registered with the Environment Agency and Natural Resources Wales for sites in England and Wales.
 - **Waste carrier licences:** the Environment Agency and Natural Resources Wales requires waste carrier licences to be held by those who transport waste; buy, sell or dispose of waste; or arrange for someone else to buy sell or dispose of waste as part of their business. Conditions are set out in the Waste (England and Wales) Regulations 2011. Licences need to be renewed every three years and currently do not include competency checks on the licence holder. The Environment Agency and Natural Resources Wales has issued around 130,000 of these licences in England and Wales.
41. The government recognises that waste sites operating under a permit or exemption play a critical role in managing waste to achieve high levels of resource efficiency. However, the ability to gain profits in short time periods and low barriers to entry in some areas has left the sector open to exploitation by a minority of unscrupulous operators.

42. Waste crime is a significant problem, which is estimated to cost the UK economy £604 million a year⁵. The impact of waste crime includes environmental damage (including degradation in the quality of local environments) but also economic damage, including loss to legitimate businesses and loss to the Exchequer through tax evasion. In 2015-16 (the latest year we have data available for) the tax gap for landfill tax was estimated to be £100 million.
43. The government believes that applying conditionality to permitting and licensing regimes in the waste management sector could help to strengthen existing regulation and make it harder for a small number of dishonest businesses to undercut compliant businesses in the sector. It could also act as a further deterrent to criminal activity in the waste sector, and support a number of improvements to existing regulation in the sector that government has announced over recent years.

Scrap metal dealers

44. The Scrap Metal Dealers Act 2013 introduced a licensing scheme for individuals who deal with scrap metal in England and Wales. Under the Act, there are two types of licences: site licences and collector's licences. A site licence authorises the licensee to buy, sell and transport scrap metal to and from any site in a particular local authority (where the licence was applied for), from any local authority area. A collector's licence authorises the licensee to carry out business as a mobile collector, other than at a site, in a local council area. A mobile collector needs to hold a licence for every local council area in which they wish to collect scrap metal by way of door-to-door visits. Scrap metal dealers can only hold one type of licence in any one local authority area.
45. Licences are issued by local authorities, who also have responsibility for determining the suitability of a licence. Currently around 10,000 of these licences have been issued and they must be renewed every three years. Applicants for a scrap metal dealers' licence must provide identifying information, including on any company partners, and details of the nature and location of related activities. Applicants are also required to give the details of the bank account that will be used to pay for scrap metal.
46. The scrap metal industry is vulnerable to criminal activity through the trading of stolen metal. The 2013 Act was brought in to address a number of market failings, including the ease with which stolen metals could be traded anonymously and poor trading standards in the industry. The prevalence of cash transactions in the sector also created opportunities for tax evasion and hidden economy activity; the Act banned scrap metal dealers from trading in cash. The industry has also previously been subject to HMRC taskforce activity.
47. The government believes that applying conditionality to scrap metal licences could strengthen regulation in the sector, and help to better integrate the regime's focus on tackling crime and antisocial behaviour with HMRC's objectives.

⁵ The cost of waste crime to the UK economy in 2013 was estimated to be between £568 million and £808 million per year. The Environmental Services Association Education Trust (2014) *Waste crime: tackling Britain's dirty secret*.

Taxis and Private Hire Vehicles

48. The government is responsible for setting the regulatory structure within which local licensing authorities in England and Wales license the taxi and private hire vehicle (PHV) sector. Regulation of the trade in Scotland and Northern Ireland is devolved to the Scottish Government and Northern Irish Assembly respectively and will be devolved to the Welsh Assembly from April 2018.
49. Vehicles for hire in the UK consist of taxis and PHVs. Taxis are legally able to pick up customers from the street without a booking in the area in which they are licensed and undertake pre-booked work outside this. PHVs are required to be pre-booked through an operator for all journeys. Individual local authorities are responsible for regulating the taxi and PHV trades and therefore conditions for licences vary – as does the legislation which underpins these. Licences are issued by local authorities in England, Wales and Scotland (and Transport for London), but by a national body in Northern Ireland.
50. There are three licensing regimes in this sector that the government believes may be suitable for conditionality:
- **PHV driver licences:** These licences are required for anyone wishing to operate a PHV in the UK. Unlike taxis, PHVs must have their journeys pre-booked by an operator, sometimes via a 'taxi app'. PHVs include minicabs and chauffeur cars. Some PHV licence holders own their own vehicle and, often, enter into a contract with an operator for booking services. Alternatively, some PHV licence holders do not own their own vehicle but may lease their vehicle. There are around 242,200 PHV driver licences in operation across England and Wales. Sources of income for PHV drivers include cash work (where the passenger pays the driver at the end of the journey) and payment routed through an operator.
 - **PHV operator licences:** Operators provide bookings for PHVs. There are around 15,000 PHV operators who hold licences in England and Wales. Operators sometimes provide radio or other equipment in addition to a booking service, often in return for a fee or commission. Journeys are typically booked with an operator by phone, in person or via a taxi app. Bookings are then passed on to available drivers. Some operators are large concerns with hundreds of PHVs in different localities (these larger operators are often limited companies). Others are much smaller with a small number of PHVs in one area.
 - **Taxi driver licences:** All drivers of taxis or black cabs, who are able to pick people up at the street without a booking in the area for which they are licensed, are required to hold a taxi driver licence. There are around 55,000 taxi licences in operation across England and Wales. Taxi driver licences can be held by drivers who own their own vehicle, or they can be held by drivers who drive a cab owned by someone else (usually subject to some form of hire or profit-sharing arrangement with the owner of the vehicle). Holders of taxi licences are generally not prevented from carrying out private work, and a proportion of their work may arise from this.

A number of licensing authorities issue combined or dual taxi and PHV licences. The total number of driver licences issued (i.e. taxi, PHV and dual) in England and Wales is just under 368,000.

51. The licensed taxi and private hire industry is a vital element of public transport systems across the UK. It makes an important contribution to the UK's economy and achieves high professional standards. Although overall standards of tax compliance are good, the government believes the composition of the sector makes it vulnerable to evasion and hidden economy activity from a minority.
52. Tax-registration checks could help to strengthen current regulatory standards and support a level playing field for the majority compliant drivers and operators. This would align with the government's aim of open, safe and fair competition in the taxi and PHV market.
53. Checks for these licences align well with conditionality. The Department for Transport provides best practice guidance which outlines the checks that should be carried out as part of licensing processes. Taxi and PHV drivers are all subject to enhanced Disclosure and Barring Service (criminal background) checks. Other checks include those relating to medical fitness, driving proficiency, language proficiency, training and topographical knowledge. In addition the Immigration Act 2016 introduced right-to-work checks for taxi and PHV licensees to ensure they are in the UK lawfully and have permission to work. Checks for operators, although they also vary by authority, include a fit and proper person test, which includes checks for convictions, bankruptcy, company directorship, health and safety, accounts and insurance.

Licences issued under the Housing Act 2004

54. There are two licensing regimes in this sector that the government believes may be suitable for conditionality:
 - **Houses in multiple occupation (HMO) licences:** A house in multiple occupancy (HMO) is a property rented out by at least three people who are not from one 'household' e.g. a family, but share facilities like the bathroom and kitchen. Licences are required for those who rent large HMOs. There are approximately 510,000 HMOs in England and approximately 64,000 of these are currently required to be licensed. The Department for Communities and Local Government (DCLG) recently consulted on changing the definition of mandatory licensing which would bring a further 160,000 HMOs in scope. Local authorities have the power to introduce additional licensing schemes, which would capture further HMOs. These licences must be renewed every 5 years.
 - Existing conditions for a licence in England are set by DCLG in accordance with Part 2 the Housing Act 2004. Local authorities can add other conditions and set fees for the licences. A number of conditions focus on the suitability of the house – for example, whether it is suitable for the number of occupants living there. The manager of the house must also be deemed 'fit and proper' – for example, this can relate to any criminal record, or breaches of landlord laws or codes of practice.

- **Selective licensing for private rented properties:** Part 3 of the Housing Act 2004 (the Act) sets out a scheme for licensing private rented properties in a local authority area in England and Wales. Under section 80 of the Act, a local authority can introduce selective licensing of privately rented homes in order to tackle problems in their areas (or any part or parts of them) caused by low housing demand or significant anti-social behaviour. In 2015, DCLG introduced further grounds for implementing selective licensing schemes: poor property conditions, high levels of migration, high levels of deprivation and high crime.

Where a selective licensing designation is made it applies to privately rented property in the area, and all properties in the private rented sector are required to be licensed by the local housing authority (subject to certain exemptions). Local authorities in England are required to obtain confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area.

55. The government values the private rented sector and wants to see a strong, healthy and vibrant market, which meets housing needs in a professional way. This includes ensuring that landlords are reporting and paying the tax they owe. To support this aim, HMRC is increasing its targeted compliance activity across the private rental sector through taskforce activity. It is also encouraging those who have been non-compliant to come forward through activities such as the Let Property Campaign⁶.
56. Applying conditionality to HMO licences could support existing HMRC compliance activity by helping and encouraging more landlords to ensure they are compliant with tax laws before renting out properties. Similarly, there may be potential for tax-registration checks to be incorporated into selective licensing schemes where appropriate and proportionate.

Retail and services

57. Licences are administered by local authorities for businesses providing some retail and service activities which are understood to be vulnerable to hidden economy activity. The government would like to explore the potential to introduce additional checks on applicants' tax-registration status for the following licences:
58. **Street trading and market stall licences:** These licences are required by those wishing to trade in streets designated for such activity in a local area or by those running a market stall as a trader in England and Wales. Where a local authority has chosen to apply the provisions in the Local Government (miscellaneous Provisions) Act 1982, and in the case of London Boroughs, the London Local Authorities Act 1990, then the conditions specified in those provisions will be required before a trader can operate in a specified locality. However, several local authorities operate licensing under local acts that govern street trading.

⁶ The Let Property Campaign allows landlords to report previously undisclosed taxes on rental income to HMRC. Further information is available at: <https://letproperty.campaign.gov.uk>

59. Requirements for licences vary by local authority, but often include identifying information from the applicant and their business (if applicable) and information about where and what they wish to trade. Licensing authorities often require additional information, particularly if they are trading food, including: insurance information, national insurance numbers, proof of the applicant's right to work in the UK and proof of address.
60. **Massage and special treatment premises licences:** These are required for those running an establishment for massages or other special treatments including: manicures, chiropody, light treatments and electric treatments, among others. Separate licences are required for skin piercing treatments, except in Greater London (with the exception of the City of London). Provision for these licences is made in the Local Government (Miscellaneous Provisions) Act 1982 and London Local Authorities Act 1990 (and the London County Council (General Powers) Act 1920 for the City of London). Existing licence conditions vary, but are often focused on the suitability of the premises. Other identifying information is required about the applicant, including name, address, date of birth and company details.
61. The market trader sector has recently been subject to an HMRC taskforce, which found evidence of hidden economy activity. Introducing conditionality would help level the playing field by helping traders into the tax system. The government is also keen to understand the risks among massage and special treatment premises and how conditionality could benefit compliant businesses.

Question 1: Please provide comments or evidence on the suitability of the government's proposals to apply conditionality to one or more of the licensing schemes outlined above. In your answer, please comment on:

- **The extent to which checks on people's tax-registration status would address problems highlighted in the relevant sectors, or whether additional or alternative measures of compliance should be considered.**
- **How effective conditionality would be in improving standards of tax compliance in the sectors concerned.**
- **Any positive or negative effects that conditionality would have upon the compliant majority who trade in the relevant sectors; please provide details of any additional one-off or ongoing costs that might be incurred.**

Other sectors

62. The above sections define specific licensing schemes that would be suitable for changes to introduce tax conditionality. However, the government is also interested in the potential to develop forms of conditionality through closer working with providers of other businesses approvals. This is particularly the case in sectors which make an important contribution to the UK economy, but are nonetheless affected by non-compliance.

63. This could include parts of the construction sector, such as the private market for home improvement and repairs, including building and maintenance of extensions, garages or external repairs. It could also include the market for internal building work, such as painting and decorating and specialist internal work including plumbing, electrical installation or gas maintenance and repair.
64. Those working in the construction sector are, in many cases, not subject to specific licensing schemes. However, they often seek membership of guilds or professional or trade bodies, and make use of other services in order to trade. The government would like to consider ways that professional bodies or service providers could promote tax registration amongst businesses operating in the construction sector. For example, this could include professional bodies taking steps to enquire whether members are correctly tax registered as a way of ensuring high professional standards.

Question 2: Please provide comments or evidence on the suitability of applying forms of conditionality – or similar approaches to promote tax compliance – in the construction sector?

- **Are there any other sectors that the government should consider for similar applications of conditionality?**

Chapter 3: options for developing tax-registration checks

65. The previous chapter outlined sectors and licensing schemes which can be affected by hidden economy activity or tax non-compliance. It also discussed how tax registration, or similar standards of compliance, could be included within the conditions of accessing those licences.
66. This chapter suggests processes to ensure that people are properly registered for tax as a condition of accessing a licence. These include options to make tax-registration checks part of application and renewal processes for one or more of the licences described in chapter 2, and ways that licensing authorities can confirm that applicants are registered when they ought to be. It also includes options to allow HMRC to disclose to a licensing authority where an applicant has provided false information about their tax-registration status, or where it has certain other information about an applicant's tax status.

Chapter overview

67. A broad approach is set out in this chapter, which reflects the following key principles. This does not represent a final policy design and the government welcomes views on ways this could be adapted:
 - **New applicants should be signposted towards tax obligations and HMRC services:** Checks applying to first-time applicants may not require confirmation that an applicant is registered. This is because first-time applicants may not have been working or trading in the relevant sector for long enough to have an obligation to register with HMRC. The aim, at this stage, would be to ensure that the applicant understands their taxable status and registers as soon as possible after they begin trading; knows where to go for support or advice; and understands that their identifying information may be submitted to HMRC.
 - **Checks should apply to those renewing licences:** Where licences are being renewed, HMRC's basic assumption would be that applicants have been working or trading in the sector for a reasonable period of time. It follows that they should be registered for tax in some form. Checks carried out at this stage would ask applicants to confirm and provide evidence of their tax-registration status.
 - **The process should depend upon applicants submitting required proof of registration:** The process for carrying out tax-registration checks should be led by self-declarations and evidence from the person applying for the licence. In practice, this would mean the applicant would need to tell the licensing authority whether and how they are registered for tax and provide simple confirmation of this as part of licensing processes.

- **No requirement upon licensing authorities to carry out more detailed tax checks:** The government would not expect licensing authorities to provide advice to applicants on their tax status or carry out any further checks beyond requesting declarations and/or simple evidence of registration. Applicants requiring particular support or advice could be directed towards appropriate HMRC services.

68. The principles set out above are intended to assist those trading in relevant sectors to register at the right time, whilst making it harder to trade for those determined to hide their income from HMRC. They are also intended to minimise burdens upon compliant customers and licensing authorities. The government would also issue guidance to those issuing licences to help to familiarise them with any new processes.

Amending terms of licences to introduce conditionality

69. The basis of the proposal would be that licence holders need to be properly registered for tax as a condition of a licence. A new condition could be added to licences requiring licensees to be properly registered for tax. Other markers of compliance relevant to the problems posed by the hidden economy could also be added to licence conditions – for example, applying to an applicants' wider compliance record such as obligations to register employees in payroll through PAYE.
70. A different approach could be to incorporate markers of tax compliance into existing licence conditions. For example, where it is established that an applicant or licence holder has not complied with relevant tax obligations, the licensing authority could consider whether that person continues to meet a 'fit and proper person' test.

Question 3: please describe how tax-registration or a similar standard of compliance could be introduced into existing terms and conditions of licences:

- **Would it be best to introduce tax conditionality as a new, standalone condition of licences, or would it better included as a consideration with fit-and-proper person or similar checks?**
- **Would tax-registration be the best standard of compliance, or should a similar or broader standard of compliance be introduced – if so, what additional factors should be considered?**

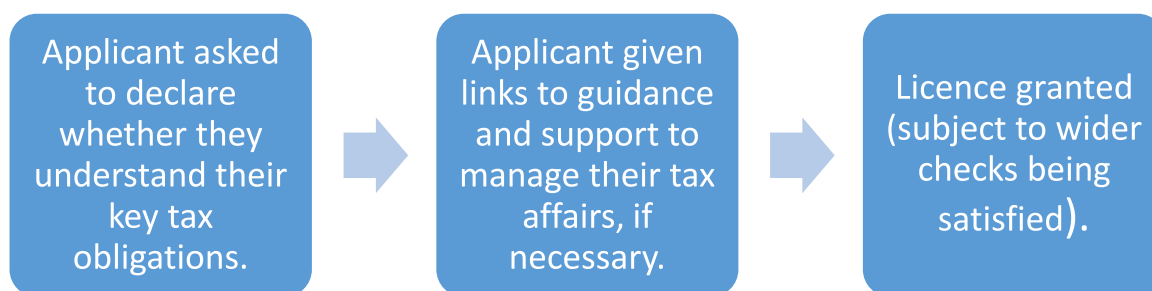
Checks on new applicants for licences

71. When applicants apply for licences for the first time, they may not yet need to be in the tax system or may not yet be trading at all. For example, HMRC requires self-employed customers to register for Self Assessment and Class 2 National Insurance as soon as they can after starting a business; and they must register no later than 5 October in the business's second tax year⁷. Those applying for licences for the first time may not have been trading for long enough to enable them to register for Self Assessment with HMRC. Likewise, HMRC recognises that people may apply for licences with the expectation that they will later use them to undertake work.

⁷ <https://www.gov.uk/log-in-file-self-assessment-tax-return/register-if-youre-self-employed>

72. In view of the above, licensing authorities could introduce questions into the procedure for processing a new licence, to ensure the applicant understands their tax obligations, understands that tax registration checks are a condition of the licence and is able to register as soon as possible after they begin trading. There are also opportunities to direct applicants towards further support or advice that is available from HMRC. However, it may not be necessary at this stage to confirm that an applicant is registered for tax. Checks on first-time applicants would aim to establish that:
- They know what their taxable position is or will be when trading in the licensed sector.
 - They understand that HMRC needs to hear from them as soon as possible after they begin trading, and they agree that they are (or will be) registered, if there is an existing obligation to be so, as a condition of holding their licence.
 - They understand that their details may be provided to HMRC which will hold a record that they are a licence holder with a potential tax liability.
73. Those who require further support could be directed towards the range of services and guidance that HMRC provides to new businesses.
74. The above objectives could be achieved by adding some standardised questions to licensing forms or processes, with links to appropriate further guidance being provided by HMRC in electronic or paper form. HMRC would provide guidance to licensing authorities on how to administer these changes and direct queries from applicants to HMRC.

Figure 1: conditionality – process for new licence holders



Question 4: please comment on the proposed process for introducing tax checks into new licences.

- **How effective would it be in promoting registration?**
- **How easily could the required changes be introduced into licensing processes?**
- **Please provide details of any additional one-off and ongoing costs that might be incurred.**

Checks on applicants renewing licences

75. As described at the start of this chapter, the licences in chapter 2 need to be renewed periodically. Where a licence holder has applied for a licence at least once, and then taken a decision to renew that licence at a later date, that is a strong indication that the applicant is trading or earning income in the sector. So, where licences are being renewed, tax-registration checks should apply.
76. Applicants could be required to demonstrate their tax-registration status to a licensing authority before the licence renewal is processed. This could apply to the following routes through which individuals and businesses can declare and pay tax to HMRC:
- **Self Assessment:** those trading as self-employed⁸ need to register for Self Assessment to pay Income Tax and make National Insurance contributions;
 - **PAYE:** Employees should be registered for tax by their employer. Income tax and national insurance from employment is normally collected by employers through the Pay as You Earn (PAYE) system⁹.
 - **Corporation Tax:** those operating as a private limited company must register for Corporation Tax within three months of starting to do business.

Figure 2: demonstrating tax registration when renewing licences



How to prove registration at renewal

77. The government's view is that people applying for licence renewals should be asked to demonstrate their registration status as part of the process of renewing a licence.
78. This could be done by producing evidence proving that they have engaged with the tax system. The methods through which applicants could be asked to demonstrate their registration status could include:

⁸ Full details on who must send a Self Assessment tax return (other than those trading in self employment) are available at: <https://www.gov.uk/self-assessment-tax-returns/who-must-send-a-tax-return>

⁹ Employers don't need to register for PAYE if none of their employees are paid £113 or more a week, get expenses and benefits, have another job or get a pension. However, they must keep payroll records.

- **Evidence generated through Personal Tax Accounts or online tax accounts for businesses:** HMRC's aim is to use digital tax accounts and other online services as its main way of interacting with customers. This makes it easier for them to see all their affairs in one place and harder for them to make mistakes. For example, customers who are self-employed can now manage details about their Self Assessment return online, and those who are employed can use the Pay as You Earn (PAYE) section of the personal tax account to manage their affairs. Customers can also print an HMRC letter (addressed to their home address) confirming their National Insurance number in writing. Information available on Personal and Business Tax Accounts could provide an easy way for customers to demonstrate their registration status to a licensing authority.
- **Other documentation:** alternative options could be considered for those who do not engage digitally with HMRC. For example, businesses or those in self-employment, could provide a copy of official documentation from HMRC confirming registration, such as a 'Notice to File' or letter confirming registration along with the applicant's Unique Tax Reference number (UTR). Those in employment, could provide a relevant letter from HMRC or their employer - for example, a PAYE Coding Notice or a payslip. Those in Corporation Tax could provide an appropriate statement of account.

79. To supplement this information and support any later checks by HMRC, licensing authorities may need powers to require certain additional information as part of the application process. This could include an applicant's National Insurance Number, a statement of the purposes for which the licence is needed (for example, whether self-employment or employment) and the applicant's employer's details, where relevant.
80. Where proof of registration is provided digitally, a secure method may be needed to enable an applicant to transfer the required information from their personal tax account to a licensing body. This would need to maintain appropriate safeguards on customers' privacy, and any relevant information provided by an applicant to a licensing authority would need to be kept secure and confidential.
81. The government's view is that this approach would provide a more robust system than one which relies solely on self-declarations by applicants (for example, an approach which would simply require applicants to state that they are registered on a licensing form).
82. This would impose greater responsibilities upon applicants to demonstrate that they are registered for tax, including the compliant majority. However, providing that a route to demonstrate registration is simple and easy for applicants to make use of, the government believes that this would not add disproportionate burdens to existing licensing requirements.
83. To help customers to understand any new requirements, HMRC would ensure that those requiring access to licences have guidance on the steps they need to go through to obtain proof of registration and have the opportunity to do so before they need to renew a licence.

84. It may also be proportionate to consider grace periods for existing licence holders who need to renew licences. This would ensure that licence holders have sufficient time to understand and comply with new requirements before they need to renew their licence. It would also ensure that any licence holders who are in the hidden economy have sufficient time to come forward and declare this to HMRC before they would risk facing any restrictions on their licence.

85. **The government's view is that applicants should be asked to produce suitable evidence showing that they are correctly registered for tax.**

Question 5: please provide evidence on the likely effectiveness of these proposals in motivating more applicants to register with HMRC.

Question 6: please provide further evidence on the suitability of the options described for verifying the tax-registration status of people applying for licences.

- **If evidence of an applicant's registration status is generated through personal or business tax accounts, how could applicants transfer this to a licensing authority in a secure and efficient way?**
- **If evidence is generated through use of documentation, how could applicants transfer this to a licensing authority in a secure and efficient way?**
- **Would an option be needed for those who do not engage digitally with HMRC?**

Cases where applicants have a permissible reason for not providing evidence of their tax-registration status

86. Where licences are renewed, in general, applicants should be registered for tax and should be able to provide evidence of this. However, there may still be cases where an applicant has a reason for not being registered that should not prevent them from obtaining the licence. For example, this might be because the licence is being held but not actively used to generate any income.

87. In these cases, applicants may need to provide suitable confirmation that the applicant does not need to be registered with HMRC. This may include a route for an applicant to notify HMRC that they are a licence holder alongside confirmation of why they are not registered (and to demonstrate to a licensing authority that they have done so). Alternatively, it may include a route for a licensing authority to provide these details to HMRC. HMRC would provide appropriate support and guidance to licensing authorities to ensure that any process is simple to administer.

Question 7: How frequently would applicants have a permissible reason for not being registered in the sectors outlined in chapter 2?

- **If applicants have a permissible reason for not being registered, how should they be able to demonstrate this in order to obtain the licence?**
- **How can HMRC ensure that any process is simple for applicants and licensing authorities to administer?**

88. Employees should normally pay tax and national insurance by being enrolled in PAYE by their employer. Employees can, therefore, occasionally find themselves in the hidden economy due to a failure which is mainly on the part of their employer. We would also like to explore what licensing authorities should do when applicants state they are employed but cannot provide any evidence that they are appropriately registered for tax. For example, should licences simply be withheld in these cases, or should an alternative course of action be considered?

Withholding access to licences

89. Where an applicant for a licence renewal declares that they are registered for tax, but doesn't provide the required evidence to support this declaration, then licensing authorities should refuse to process the licence.
90. The government believes that this would be the simplest approach to implementation. It would provide a robust process, ensuring that anyone who declares they are registered for tax has done so. It would also minimise the need for checks to be carried out by HMRC after licences have been granted.
91. It would also impose minimal impacts upon customers, since any applicant who is not able to satisfy the licensing body's requirements can easily correct this by taking simple steps to register for tax with HMRC, or by demonstrating a permissible reason for not being registered.

Question 8: Should licensing authorities refuse to process licences where no evidence is provided to verify an applicant's declaration that they are registered for tax?

Data to verify information with HMRC

92. The aim of the above proposals would be to ensure that tax-registration checks are completed before licences are granted. However, there may also be a need for HMRC to check details provided to licensing authorities after the event – for example, to assess overall levels of compliance in the licensed population and, potentially, in a small number of cases to identify where applicants have provided false information to a licensing authority. HMRC already has powers to collect relevant data from licensing bodies. This includes data that are transmitted in bulk form (through a process of obtaining large amounts of customer records from a single data holder)¹⁰. It also includes powers to obtain data from a third party to check the tax position of a customer¹¹.
93. HMRC already carries out compliance activity in the sectors described in chapter 2, and data is routinely collected from licensing authorities for matching against HMRC systems. This process would enable HMRC to carry out checks on those who have applied for licences, and it would also help to identify any cases where applicants may have provided false information.

¹⁰ Finance Act 2011, Schedule 23, Part 2, Section 17: The gathering of data in bulk about taxpayers' income and assets is vital to the successful discharge of HMRC's responsibilities as the UK tax authority. HMRC routinely compares data provided by customers with third party data linked to their financial activity. This enables HMRC to check customers' tax status and the accuracy of their returns, while minimising the administrative burden of providing additional information where needed.

¹¹ Finance Act 2008: Schedule 36 contains a power to require information about a person from a third party where the identity of the person is known.

94. It is not currently the government's intention to expand these powers for the purposes of conditionality, for example, to require more frequent or regular submissions of bulk data. However, it may be necessary to amend existing powers to ensure that they are sufficient to allow HMRC to obtain all relevant data submitted by an applicant in connection with a tax-registration check. It may also be necessary to require licensing authorities to report certain issues (such as potential cases of employer non-compliance) to HMRC or to allow HMRC to inspect some details held about licence holders on request.

Question 9: Please comment on data powers that might be needed to support the tax-registration checks described in this chapter.

HMRC powers to disclose relevant information back to licensing authorities

95. To support the process for administering tax-registration checks, new powers may be needed to allow HMRC to disclose certain information to licensing authorities about applicants or licence-holders. For example, information could be provided to a licensing authority where HMRC thinks an applicant may have deliberately provided it with false information.
96. In addition, HMRC may need new powers to tell a licensing authority where it finds that a licence holder is operating in the hidden economy or where it finds that a person is operating in a relevant sector without a licence.
97. Finally, there may be other circumstances in which HMRC should have powers to disclose information to licensing authorities. For example, to support regulatory objectives and uphold the principles involved with tax conditionality, some licensing authorities may wish to be informed where an applicant or licence holder is engaging in related or serious tax non-compliance. For example, this could include information relevant to an applicants' wider compliance record such as their obligations to register employees in payroll through PAYE; it could also include where an applicant or a licence holder is engaging in potentially fraudulent behaviour.

Question 10: please comment on the circumstances in which HMRC could disclose relevant information back to a licensing authority.

- **What action would licensing authorities wish to take in these cases?**
- **Are there circumstances in which licensing authorities would wish to be informed about a licence holder engaging in tax non-compliance, beyond a failure to register for tax? Please describe what these would be.**

Chapter 4: minimising burdens and impacts

98. This chapter seeks evidence on the extent to which the government's proposals would address risks posed by the hidden economy in the identified sectors, whilst minimising administrative or other burdens for customers and licensing authorities.

Minimising administrative burdens upon customers

99. The suggested process for carrying out tax-registration checks is permissive for first-time applicants. Those requiring a licence to trade will face no hard barriers at all until they come to renew a licence. In practice, this means that new businesses would be given a reasonable period of time to register for tax and get their affairs in order before they need to demonstrate any evidence of their registration status to a licensing authority.
100. First-time applicants would instead be asked to confirm that they understand what their taxable position is or will be and, if required, will be given access to guidance, support and services provided by HMRC.
101. By the time that customers require a licence to be renewed, they will have had sufficient time to register and familiarise themselves with their key tax obligations. As a further safeguard, the government could also consider a grace period for those renewing licences. As described in the above chapter, this would ensure that existing licence holders have sufficient time to understand and comply with new requirements. It would also ensure that any licence holders who are in the hidden economy have sufficient time to come forward and declare this to HMRC before they face any restrictions on their licence.
102. The government's view is that providing this evidence as part of a licence renewal process would be a proportionate and achievable test to meet for most customers. However, the government also recognises that some customers may face challenges in supplying the required evidence. We are keen to hear views on how the needs of these customer groups can be accommodated through any proposals to introduce conditionality.

Question 11: What one-off and ongoing costs and administrative burdens do you think will arise as a result of this proposal? Please provide evidence on the extent to which these proposals would minimise additional administrative burdens for licensing bodies?

Question 12: Are there any extra steps or safeguards that should be considered, particularly for customer groups who may find it difficult to provide proof that they are registered for tax?

Minimising impacts upon customers' privacy

103. A further aim of these proposals is to strike a suitable balance between the privacy of customers and the risks posed to the tax system by the hidden economy. The importance of customer privacy would be a key consideration in the development of any process to verify tax registration status.

104. The proposals set out in the above chapter may, in some cases, give licensing authorities the power to request personal documentation relevant to a person's tax registration status as part of a licence renewal process.
105. Public sector licensing authorities have protocols to keep sensitive customer information secure, but the government would consider it very important that stringent standards are in place to safeguard any tax-related information supplied by customers.

Question 13: Do you agree that the proposals set out in chapter 3 strike an appropriate balance between the need to safeguard customer privacy and to address risks posed by the hidden economy? Are there any different or additional safeguards that the government should consider?

Minimising burdens for licensing authorities

106. The government also intends that any process to introduce conditionality should minimise burdens upon licensing authorities. It also wants to ensure that any changes do not alter the regulatory effectiveness of existing regimes and processes – for example, by ensuring that they support existing and ongoing compliance with licencing rules. The changes proposed in chapter 3 would be likely to require some additions to licensing systems or forms, introducing new fields to require additional information about an applicant's tax-registration status. The government is keen to work with licensing authorities to identify how this could be achieved with minimal changes to existing processes. HMRC will also take account of the new burdens doctrine¹² in developing these proposals.
107. Staff administering checks outlined in chapter 3 would also need to familiarise themselves with any new process to deliver conditionality. To assist with this, HMRC intends to issue guidance to licensing authorities, offering assistance and support in familiarisation.
108. The process described in Chapter 3 could be achieved by asking sets of proscribed questions and carrying out checks based on clearly defined criteria. It would not be HMRC's intention that licensing bodies will need to provide guidance on individual queries or make assessments of people's tax status. HMRC provides a range of services to customers intended to support them in managing their tax affairs, and the process described in chapter 3 would not be intended to duplicate this.
109. Nonetheless, in developing conditionality, HMRC will work closely with licensing authorities to identify an approach that works in their interests. The government recognises that a one-size-fits-all approach may not work for different licensing schemes identified in this consultation.

Question 14: please provide evidence on the extent to which these proposals would minimise administrative burdens for licensing authorities. What factors should be considered to ensure that changes do not alter the regulatory effectiveness of existing regimes and processes? Are there any extra steps or safeguards that should be considered?

¹² The new burdens doctrine is part of a suite of measures to ensure Council Tax payers do not face excessive increases. Further information is available at:
<https://www.gov.uk/government/publications/new-burdens-doctrine-guidance-for-government-departments>

Appeals

- 110. The proposals in chapter 3 would require licensing authorities to refuse to process licences in cases where an applicant is not registered for tax. The chapter provides suggests the circumstances in which this action may be required.
- 111. In addition, where HMRC identifies that information provided by a licence holder is false, the licensing authority could take action against that person (including after a licence has been granted), since it is, in some cases, an offence to provide false information to a licensing authority.
- 112. In each of these cases, applicants may have a right to appeal the licensing authority's decision.

Question 15: Please describe appeal mechanisms that would, or should, apply in relation to the proposals detailed in chapter 3. Please describe any additional one-off and on-going costs or any administrative burdens associated with these proposals, and how these could be kept to a minimum.

Chapter 5: next steps and further options

113. HMRC will evaluate delivery options in light of responses to this consultation, and will issue a response.
114. The government plans to bring forward draft legislation to implement conditionality, and this will be informed by the outcome of this consultation. The government may consider changes to a smaller number of the licences described in chapter 2 initially, with the possibility of broadening this out further at a later date.
115. As described in chapter 2, HMRC also consulted last year on broader proposals to apply conditionality to wider services, such as services offered to businesses by private sector providers. The government would like to explore the potential for the proposals outlined in this consultation to act as a first step in a longer-term roadmap for developing conditionality. This could, in time, see simple tax checks integrated into more of the essential services or platforms that businesses use to trade.
116. The government recognises that the design of these proposals, and their impacts upon customers and third parties would need to be carefully assessed. They would also be developed in line with the government's ongoing proposals to transform tax and payments for HMRC customers.
117. Longer-term options to develop conditionality could drive down hidden economy activity on a larger scale, and support a level playing field for businesses across the UK.
118. However, as the government acknowledged in response to its earlier consultation, these longer term proposals would also carry a larger range of challenges and dependencies which would require careful consideration. The government is keen to continue dialogue with providers of relevant services and their representative bodies to consider further the role that they can play in promoting tax compliance amongst those who use their services.

Chapter 6: Assessment of Impacts

Summary of Impacts

Exchequer impact (£m)	2016-17	2017-18	2018-19	2019-20	2020-2021
	Final costing will be based on the outcome of this consultation and any subsequent delivery measures. This will be subject to scrutiny by the Office for Budget Responsibility.				
Economic impact	This proposal would not be expected to have a significant economic impact.				
Impact on individuals, households and families	This proposal would not be expected to have an impact on individuals, households, or families. There is no impact on family formation, stability or breakdown.				
Equalities impacts	HMRC has considered the equalities impact and it is not expected that this measure would have a negative impact on any equality group.				
Impact on businesses and Civil Society Organisations	<p>Conditionality would be likely to impose new requirements upon businesses to demonstrate that they are registered for tax before accessing licences. This would include the majority of businesses who are compliant with their tax obligations. The exact way that customers would fulfil these obligations will depend on the final design of any policy measures. However, the consultation outlines processes that would be intended to impose only minimal obligations upon compliant customers.</p> <p>This reflects feedback in response to HMRC's first consultation on conditionality; most responses said that any approach to conditionality must minimise burdens upon compliant businesses and providers of licences and business services. We will progress work to identify, and consider ways to minimise, burdens throughout this consultation.</p>				
Impact on HMRC or other public sector delivery organisations	<p>If the government decides to progress conditionality proposals following this consultation, impacts upon HMRC or other public sector organisations will be determined at this stage, and will depend upon the final policy design. Costs to HMRC could include IT costs, such as those associated with any changes to HMRC digital systems to facilitate tax-registration checks. It could also include staff costs associated with dealing with reports submitted by licensing bodies and/or supporting licensing bodies in administering checks on applicants' tax-registration status.</p> <p>Conditionality may have an operational impact upon licensing bodies (either central or local government) if new tax registration</p>				

	<p>conditions are introduced for licences that they administer. In particular, this would include costs to licensing bodies in familiarising licensing teams with new proposals and costs associated with administering checks on applicants' tax-registration status. It would also involve any costs associated with amending licensing forms and/or licensing systems to include new questions on applicants' tax registration status.</p> <p>If conditionality proposals would give licensing bodies new powers or obligations to withhold access to licensing, then there may also be costs associated with administering and responding to appeals against relevant licensing decisions.</p>
Other impacts	<p>Other impacts have been considered and none have been identified. HMRC seeks views from respondents as part of this consultation on any other potential impacts of this proposal.</p>

Chapter 7: Summary of Consultation Questions

Question 1: Please provide comments or evidence on the suitability of the government's proposals to apply conditionality to one or more of the licensing schemes outlined above. In your answer, please comment on:

- The extent to which checks on people's tax-registration status would address problems highlighted in the relevant sectors, or whether additional or alternative measures of compliance should be considered.
- How effective conditionality would be in improving standards of tax compliance in the sectors concerned.
- Any positive or negative effects that conditionality would have upon the compliant majority who trade in the relevant sectors; please provide details of any additional one-off or ongoing costs that might be incurred.

Question 2: Please provide comments or evidence on the suitability of applying forms of conditionality – or similar approaches to promote tax compliance – in the construction sector?

- Are there any other sectors that the government should consider for similar applications of conditionality?

Question 3: please describe how tax-registration or a similar standard of compliance could be introduced into existing terms and conditions of licences:

- Would it be best to introduce tax conditionality as a new, standalone condition of licences, or would it better included as a consideration with fit-and-proper person or similar checks?
- Would tax-registration be the best standard of compliance, or should a similar or broader standard of compliance be introduced – if so, what additional factors should be considered?

Question 4: please comment on the proposed process for introducing tax checks into new licences.

- How effective would it be in promoting registration?
- How easily could the required changes be introduced into licensing processes?
- Please provide details of any additional one-off and ongoing costs that might be incurred.

Question 5: please provide evidence on the likely effectiveness of these proposals in motivating more applicants to register with HMRC.

Question 6: please provide further evidence on the suitability of the options described for verifying the tax-registration status of people applying for licences.

- If evidence of an applicant's registration status is generated through personal or business tax accounts, how could applicants transfer this to a licensing authority in a secure and efficient way?
- If evidence is generated through use of documentation, how could applicants transfer this to a licensing authority in a secure and efficient way?
- Would an option be needed for those who do not engage digitally with HMRC?

Question 7: How frequently would applicants have a permissible reason for not being registered in the sectors outlined in chapter 2?

- If applicants have a permissible reason for not being registered, how should they be able to demonstrate this in order to obtain the licence?
- How can HMRC ensure that any process is simple for applicants and licensing authorities to administer?

Question 8: Should licensing authorities refuse to process licences where no evidence is provided to verify an applicant's declaration that they are registered for tax?

Question 9: Please comment on data powers that might be needed to support the tax-registration checks described in this chapter.

Question 10: please comment on the circumstances in which HMRC could disclose relevant information back to a licensing authority.

- What action would licensing authorities wish to take in these cases?
- Are there circumstances in which licensing authorities would wish to be informed about a licence holder engaging in tax non-compliance, beyond a failure to register for tax? Please describe what these would be.

Question 11: What one-off and ongoing costs and administrative burdens do you think will arise as a result of this proposal? Please provide evidence on the extent to which these proposals would minimise additional administrative burdens for licensing bodies?

Question 12: Are there any extra steps or safeguards that should be considered, particularly for customer groups who may find it difficult to provide proof that they are registered for tax?

Question 13: Do you agree that the proposals set out in chapter 3 strike an appropriate balance between the need to safeguard customer privacy and to address risks posed by the hidden economy? Are there any different or additional safeguards that the government should consider?

Question 14: please provide evidence on the extent to which these proposals would minimise administrative burdens for licensing authorities. Are there any extra steps or safeguards that should be considered?

Question 15: Please describe appeal mechanisms that would, or should, apply in relation to the proposals detailed in chapter 3. Please describe any additional one-off and on-going costs or any administrative burdens associated with these proposals, and how these could be kept to a minimum.

Chapter 8: The Consultation Process

This consultation is being conducted in line with the Tax Consultation Framework. There are 5 stages to tax policy development:

- Stage 1 Setting out objectives and identifying options.
- Stage 2 Determining the best option and developing a framework for implementation including detailed policy design.
- Stage 3 Drafting legislation to effect the proposed change.
- Stage 4 Implementing and monitoring the change.
- Stage 5 Reviewing and evaluating the change.

This consultation is taking place during stage 2 of the process. The purpose of the consultation is to seek views on the best options for delivery and to develop a framework for implementation.

How to respond

Please provide responses to this consultation no later than 2 March 2018.

A summary of the questions in this consultation is included at chapter 7.

Please send e-mail responses to:
isbc.compliancepolicy@hmrc.gsi.gov.uk

Please send written responses to:
Georgina Treacy, HMRC
Room G/72
100 Parliament Street
London
SW1A 2BQ

Telephone enquiries 03000 599937 (from a text phone prefix this number with 18001)

Please do not send consultation responses to the Consultation Coordinator.

Paper copies of this document or copies in Welsh and alternative formats (large print, audio and Braille) may be obtained free of charge from the above address. This document can also be accessed from [HMRC's GOV.UK pages](#). All responses will be acknowledged, but it will not be possible to give substantive replies to individual representations.

When responding please say if you are a business, individual or representative body. In the case of representative bodies please provide information on the number and nature of people you represent.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with, amongst other things, obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on HM Revenue and Customs (HMRC).

HMRC will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Consultation Principles

This consultation is being run in accordance with the Government's Consultation Principles.

The Consultation Principles are available on the Cabinet Office website: <http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

If you have any comments or complaints about the consultation process please contact:

John Pay, Consultation Coordinator, Budget Team, HM Revenue & Customs, 100 Parliament Street, London, SW1A 2BQ.

Email: hmrc-consultation.co-ordinator@hmrc.gsi.gov.uk

Please do not send responses to the consultation to this address.

APPENDIX 2

Suggested Response

Question 1

Please provide comments or evidence on the suitability of the Government's proposals to apply conditionality to one or more of the licensing schemes outlined above. In your answer please comment on:

- **The extent to which check's on people's tax registration status would address problems highlighted in the relevant sectors, or whether additional or alternative measures of compliance should be considered.**

The Council considers that there are a minority of individuals operating within this area who may not be compliant with the tax system. The proposal to check the tax status of applicants may assist in identifying these individuals. The Council also believes there would be merit in running benefit checks; it has some concerns that a minority of individuals who work in the hidden economy are fraudulently claiming benefits.

- **How effective conditionality would be in improving standards of tax compliance in the sectors concerned.**

It is not possible for the Council to quantify this having no experience in this area or knowledge of the levels current non-compliance. It is considered however that not all who would need to provide details of their registration under conditionality would need to be registered under existing legislation and this may be an issue in achieving tax compliance.

- **Any positive or negative effects that conditionality would have upon the compliant majority who trade in the relevant sectors; please provide details of any additional one off or ongoing costs that might be incurred.**

Any measures that introduce and promote a fair system for all are likely to be supported by those currently complying with the law. There should be no benefit to breaking the law and the requirements would help to remove unfair competitive advantage. The introduction of conditionality should not however introduce a substantial additional administrative burden on individuals and businesses as the vast number are compliant.

The requirements will necessitate some changes to back office systems to manage the information that is required and any verification etc. There will be a cost associated with this but it is difficult to quantify until the exact proposals are known.

Question 2

Please provide comments or evidence on the suitability of applying forms of conditionality – or similar approaches to promote tax compliance – in the construction sector?

No comments

- **Are there any other sectors that the government should consider for similar applications of conditionality?**

If the process of checking tax compliance is very simple then it could be applied to a wide variety of licence applications for example those issued under the Licensing Act 2003, in particular in relation to personal licences.

Question 3

Please describe how tax registration or a similar standard of compliance could be introduced into existing terms and conditions of licences

- **Would it be best to introduce tax conditionality as a new, standalone condition of licences, or would it be better included as a consideration with fit and proper person or similar checks?**

It should be included as a consideration with fit and proper checks where they exist and where they don't it should be included as part of the initial application procedure.

- **Would tax registration be the best standard of compliance or should a similar or broader standard of compliance be introduced – if so, what additional factors should be considered?**

In considering any form of compliance the primary consideration should be ease of use and verification. As tax registration can be complicated and vary depending on the individual circumstances. Consideration could be given by HMRC to issuing a unique code to all individuals/businesses for the purposes of proving tax compliance. A lookup system could then be used by all issuing authorities which would minimise the burden on the Authority.

Question 4

Please comment on the proposed process for introducing tax checks into new licences

- **How effective would it be in promoting registration?**

It is likely to draw some of those on the fringes of the hidden economy into the tax system, however it is likely that those operating knowingly within the hidden economy will be unaffected by the requirement as they are unlikely to

hold licences for the activities they operate and are therefore unknown to the Council.

- **How easily could the required changes be introduced into licensing processes?**

This will depend on what is ultimately required but a simple proof of tax registration will be relatively easily to incorporate. The Council is used to accepting and verifying a wide range of documents as part of its licence application processes.

- **Please provide details of any one-off and ongoing costs that might be incurred**

There will be the initial costs of amending websites and software etc. The ongoing cost will be in staff time verifying documentation and any further follow up action required.

Question 5

Please provide evidence on the likely effectiveness of the proposals in motivating more applicants to register with HMRC.

No comments.

Question 6

Please provide further evidence on the suitability of the options described for verifying the tax registrations status of people applying for licences.

- **If evidence of an applicant's registration status is generated through personal or business tax accounts' how could applicants transfer this to a licensing authority in a secure and efficient way?**

Could the tax administration system be amended to allow a third party to receive confirmation of status, or change of status? It is believed that something like this is already in place to allow accountants for example to view certain information online.

- **If evidence is generated through the use of documentation, how could applicants transfer this to a licensing authority in a secure and efficient way?**

We wouldn't be encouraging the generation of paper, could the applicant request that confirmation of status be emailed to an address of their choosing?

- **Would an option be needed for those who do not engage digitally with HMRC?**

Yes, there will need to be an option for those who don't engage digitally. The Council has to build this into its services and would need to do so for any requirements placed upon it by the new legislation.

Questions 7

How frequently would applicants have a permissible reason for not being registered in the sectors outlined in Chapter 2?

- **If applicants have a permissible reason for not being registered, how should they be able to demonstrate this in order to obtain the licence?**

No comments

- **How can HMRC ensure that any process is simple for applicants and licensing authorities to administer?**

See the answer to Question 3 above.

Question 8

Should licensing authorities refuse to process licences where no evidence is provided to verify an applicant's declaration that they are registered for tax?

Yes. The simplest method for the Council to administer would be to make it an absolute requirement that evidence must be provided and if it isn't then applications will not be processed. This removes the burden from the Council to chase information and puts the onus on the applicant to supply the information at the outset.

Question 9

Please comment on data powers that might be needed to support the data registration checks described in this chapter.

No comment.

Question 10

Please comment on the circumstances in which HMRC could disclose relevant information back to a licensing authority

- **What action would licensing authorities wish to take in these cases?**

This would depend on the information disclosed and the application/licence in question. Where there are suitability criteria this may be relevant to the continuance of a licence.

- **Are their circumstances in which licensing authorities would wish to be informed about a licence holder engaging in tax non-compliance, beyond a failure to register for tax? Please describe what these would be –**

Yes, holders of any licence in relation to taxis and private hire drivers as it may affect their fit and proper status.

Question 11

What one off and ongoing costs and administrative burdens do you think will arise as a result of this proposal? Please provide evidence on the extent to which these proposals would minimise additional administrative burdens for licensing bodies?

The one off costs relate to the set up costs; making the necessary changes to online services and back office systems. Ongoing costs and administrative burdens are those that relate to the requirement to check documentation and any follow up action required. If the proposals are kept to a simple supply and verification process the then administration will be minimised. Any additional requirements will increase the burden on the authority particularly as there is no indication of additional funding being made available for this work. Any additional costs will need to be recovered from licence holders where the authority is able to determine its fees to cover costs.

Question 12

Are there any extra steps or safeguards that should be considered, particularly for customer groups who may find it difficult to provide proof that they are registered for tax?

There may be customers/businesses who for a wide variety of reasons find it difficult to navigate the tax system and it is of concern that they may face lengthy delays in obtaining the necessary proof in order to get a licence to which they are legitimately entitled. Consideration could be given to providing applicants, in appropriate circumstances, a form of temporary registration to enable them to access the necessary licence. If limited to a set period and followed by a requirement to reapply, this would help minimise the burden on the Authority.

Question13

Do you agree that the proposals set out in Chapter 3 strike an appropriate balance between the need to safeguard customer privacy and to address the risks posed by the hidden economy? Are there any different or additional safeguards that the government should consider?

Yes but only if the ultimate solution for conditionality is simple for all parties to operate

Question 14

Please provide evidence on the extent to which these proposals would minimise administrative burdens for licensing authorities, Are there any extra steps or safeguards that should be considered?


No comment.

Question 15

Please describe appeal mechanisms that would, or should, apply in relation to the proposals details in Chapter 3. Please describe any additional one-off and on-going costs or any administrative burdens associated with these proposals, and how they could be kept to a minimum.

Appeals should follow the same route as exists for the vast majority of licensing applications with appeals being made to the Licensing Committee and then with a further right of appeal to the Magistrates Court.

17 January 2018

Report of	Assistant Director (Environment)	Author	Jon Ruder
Title	Amendments to the Licensing Policy		 282840
Wards affected	Not applicable		

This report details a proposed change to the Statement of Licensing Policy to improve its clarity

1. Executive Summary

- 1.1 Changes are proposed to the Council's Statement of Licensing Policy in relation to off sales. Since its introduction on January 2016 it has become apparent that the wording of the Policy is causing some misunderstanding amongst applicants particularly in relation to the references to presumptions. Changes have been made to the Policy in relation to the Town Centre Zone and, to ensure consistency of approach across the policy and to improve its clarity, changes are proposed in relation to the provisions for off sales.

2. Recommended Decision

- 2.1 To approve the proposed amendments to the Licensing Policy.

3. Reason for Recommended Decision

- 3.1 The Licensing Policy, approved in January 2016, has been reviewed in the light of experience gained and having regard to the introduction of the Public Space Protection Order. The proposed amendments are recommended to ensure the policy remain current.

4. Alternative Options

- 4.1 To leave the Policy unchanged.

5. Background Information

- 5.1 The Policy was approved by full Council in December 2015 and implemented with effect from 1 January 2016. Since its implementation a number of applications have been made and officers have had the opportunity to test the Policy. It has become apparent that the wording of the Policy is causing some misunderstanding amongst applicants particularly in relation to the references to presumptions. Changes were made in September 2017 in relation to the Town Centre Zone and in order to ensure consistency of approach across the policy it is considered necessary to amend the provisions in relation off sales.
- 5.2 The following paragraphs are suggested to replace those already in the Policy –
- 3.34 The Council has implemented a Public Space Protection Order for the town centre in order to address and prevent numerous problems caused by public consumption of alcohol. Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour.
- 3.35 In the light of the above therefore applicants are expected to demonstrate that there will be no derogation in the licensing objectives and that the operation of the premises will support the Key Factors. The Licensing Authority will give particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependent may be drawn to particular premises if there are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late night disorder, the hours for alcohol sales from the premises may be restricted.
- 3.36 Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, would appeal to underage drinkers or street drinkers, or encourage excessive consumption.
- 3.37 There has in recent years been a significant rise in applications to the Licensing Authority seeking to permit off sales from the premises before 08.00. In light of the factors set out in 3.35 above the Licensing Authority does not wish to see the sale of alcohol before 08.00 and therefore expects applicants seeking to sell alcohol before this time to demonstrate that there will be no derogation in the licensing objectives and that the operation of the premises will support the Key Factors.

6. Strategic Plan References

- 5.1 The Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other non-licensed businesses. The policy is in line with the Council's vision to create a Borough that is vibrant, prosperous, thriving and welcoming.

7. Consultation and Publicity Considerations

- 7.1 The original Policy was the subject of an extensive consultation process as prescribed by the Licensing Act 2003. In view of the fact that addition does not change the Policy it is not considered that a wholesale consultation is necessary; the revised Policy will be placed on the Council's website.

8. Financial Implications

- 8.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the Statement of Licensing Policy.

9. Equality, Diversity and Human Rights Implications

- 9.1 The draft revised Statement of Licensing Policy has been prepared in accordance with and taken account of, all relevant legislation. There is an Equality Impact Assessment in Place for the Policy.

10. Community Safety Implications

- 10.1 The Licensing Policy is a key component in the Council's strategy to tackle crime and disorder and anti-social behaviour, particularly alcohol related anti-social behaviour and as such it will contribute significantly towards improving overall community safety.

11. Health and Safety Implications

- 11.1 There is no known direct public health and safety issues arising from the adoption of the amended Licensing Policy.

12. Risk Management Implications

- 12.1 A flexible yet robust revised Statement of Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making in relation to licensed premises and a secure platform from which to promote the four licensing objectives as outlined in the Licensing Act 2003.

17 January 2018

Report of	Assistant Director (Environment)	Author	Jon Ruder ☎ 282840
Title	Consultation – Relaxation of Licensing Hours for the Royal Wedding		
Wards affected	Not applicable		

This report sets out the proposed response to the consultation on the Relaxation of Licensing Hours for the Royal Wedding

1. Executive Summary

- 1.1 The Council's views are sought on the Home Office Consultation regarding a national relaxation of licensing hours on the nights of 18 and 19 May 2018 for the Royal Wedding (see Appendix 1).

2. Recommended Decision

- 2.1 To respond to the consultation document and agree the relaxation in licensing hours.

3. Reason for Recommended Decision

- 3.1 The Council's views are sought as a body likely to be affected by a national relaxation of licensing hours and it is important that it submits its views.

4. Alternative Options

- 4.1 Not to comment on the consultation.

5. Background Information

- 5.1 The Government proposes to make an order under Section 172 of the Licensing Act 2003 to mark the wedding of Prince Henry and Meghan Markle on 19 May 2018. The effect of the order would be to extend opening hours of licensed premises to 01.00 on Saturday 19 May and Sunday 20 May 2018 for the sale of alcohol for consumption on the premises in licensed premises and the provision of late night refreshment in on-trade licensed premises.
- 5.2 The Government does not consider that the relaxation of hours should apply to the sale of alcohol off the premises as anyone wishing to purchase alcohol for consumption at home would be able to do so during normal shopping hours.

6. Equality, Diversity and Human Rights Implications

- 6.1 The response has been prepared in accordance with and taken account of, all relevant legislation.

7. Standard References

- 7.1 There are no particular references to the Strategic Plan, consultation or publicity considerations; financial, community safety, health and safety or risk management implications.



Home Office

Consultation:

RELAXATION OF LICENSING HOURS FOR THE ROYAL WEDDING

This consultation begins on 7 January 2018

This consultation ends on 4 February 2018

About this consultation

- To:** We are keen to hear from everyone who may be affected by a national relaxation of licensing hours, including: members of the public, those who live near to licensed premises, those who own or work in on-trade premises, the police, licensing authorities and trade associations. The consultation covers England and Wales where these proposals apply.
- Duration:** From 07/01/2018 to 04/02/2018.
- Enquiries (including requests for the paper in an alternative format) to:** Email: alcoholteam2@homeoffice.gsi.gov.uk
- How to respond:** Please send your response by 4 February 2018.
- Responses can be submitted online through the GOV.UK website at:
<https://www.homeofficesurveys.homeoffice.gov.uk/s/MQ6J7/>
or by post by sending responses to:
- Licensing Hours Consultation
Alcohol team
5th Floor, Fry Building
Home Office
2 Marsham Street, SW1P 4DF
Email: alcoholteam2@homeoffice.gsi.gov.uk
- After the consultation:** Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public, unless stated otherwise.

Contents

Introduction	2
The proposals	3
Background	4
Questionnaire	6
About you	7
Contact details and how to respond	8
Consultation principles	10

Introduction

This paper sets out for consultation proposals to relax the licensing hours for the Royal Wedding on the nights of 18 and 19 May 2018. The consultation is aimed at members of the public, local licensing authorities, licensed premises, and other interested parties in England and Wales where these proposals apply.

Copies of the consultation are being sent to:

Local Government Association
National Association of Licensing Enforcement Officers
Institute of Licensing
National Organisation of Residents Associations
National Police Chiefs Council
Association of Police and Crime Commissioners
British Beer and Pub Association
Association of Licensed Multiple Retailers
Wine and Spirits Trade Association
Alcohol Health Alliance
Alcohol Research and Concern
Institute of Alcohol Studies

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

The proposals

1. The Government is consulting on whether to relax licensing hours across England and Wales to mark the wedding of Prince Henry and Meghan Markle on 19 May 2018. The Government proposes to make a licensing hours order under Section 172 of the Licensing Act which would extend opening hours to 1.00 am on Saturday 19 May and Sunday 20 May 2018 for the sale of alcohol for consumption on the premises in licensed premises in England and Wales.
2. The Government has decided that, were it to relax licensing hours nationally following this consultation, this would relate to the sale of alcohol for consumption on the premises only and the provision of late-night refreshment in on-trade licensed premises. The Government believes that the on-trade provision of late-night refreshment in licensed premises would be appropriate to accompany a relaxation of alcohol licensing hours to mark the Royal Wedding, not least to support people to drink responsibly.
3. The Government considers that any national relaxation of licensing hours should not apply to the sale of alcohol for consumption off the premises (i.e. in supermarkets and off-licences) as anyone wishing to mark the occasion at home will be able to buy alcohol during normal shopping hours. Late-night refreshment venues, by definition, are already licensed to open late at night and would not benefit from a relaxation in licensing hours. Unlicensed premises would also not benefit from a relaxation in licensing hours and would still need to use a Temporary Event Notice (TEN) to undertake licensable activities.
4. The purpose of any national relaxation of licensing hours to mark the Royal Wedding would be to enable pubs and other on-trade premises to sell alcohol and late-night refreshment to those wishing to extend their celebrations of the Royal Wedding beyond their normal licensing hours.
5. The Royal Wedding coincides with the FA Cup Final taking place on Saturday 19 May. There have been no reports of increased football-related disorder as a result of the previous extensions to licensing hours for the weekend of Her Majesty's 90th birthday, which coincided with two Euro 2016 matches involving England and Wales, and the extension of licensing hours during the World Cup 2014.

Background

6. Under section 172 of the Licensing Act 2003 (the Act), the Secretary of State may make an order relaxing licensing hours for licensed premises in relation to a 'celebration period' to mark an occasion of 'exceptional international, national or local significance'. A 'licensing hours order' can be used to relax licensing hours in licensed premises during a period not exceeding four days. An order may be applied to all licensed premises in England and Wales or only to premises in one or more specific areas. Other variables in the order are the dates, times and licensable activities to which it applies. Since the introduction of the Act, this national power has been used to mark the Royal Wedding in 2011, the Queen's Diamond Jubilee in 2012, and the Queen's 90th Birthday celebrations in 2016. The power was also used during the World Cup in 2014.
7. The Royal Wedding is a national celebration and the Government wishes for everyone to be able to celebrate fully. It is likely that many pubs and other licensed premises will wish to open later over the Royal Wedding weekend to take advantage of the celebrations. Figures from the consultation on the relaxation of licensing hours for the 2011 Royal Wedding suggest that around 67% of licensed premises selling alcohol for consumption on the premises close before midnight, and around 88% close by 1 am¹.
8. Licence holders currently have the option of using a Temporary Event Notice (TEN) to extend their opening hours for a limited period. A TEN costs £21.00 and must be submitted at least 10 working days before the event begins. However, they are subject to certain annual limits and may be refused if the police object on the grounds of crime and disorder. The TENs regime also allows people or organisations without existing licences to give notice that they intend to sell alcohol at times when this would not otherwise be authorised on a 'one-off' limited basis. This system is designed to balance giving people and organisations flexibility in selling alcohol and carrying on other licensed activities, with protecting local people from the problems this can cause, including crime and disorder and public nuisance.
9. There are however potential risks to relaxing licensing hours such as the impact on enforcement agencies. Alcohol-related crime and disorder accounts for more than half the societal costs of alcohol and, while the number of alcohol-related violent incidents have been falling consistently, they have tended to account for between 40% and 50% of all violent incidents. The FA Cup Final match due to take place on the same day as the Royal Wedding may increase the potential risk of disorder.
10. The Government believes that any risk of additional disorder in relation to the licensing hours extension is low. There have been no reports of increased disorder as a result of

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157985/royal-wedding-consultation.pdf

Relaxation of Licensing Hours for the Royal Wedding

the previous extensions to licensing hours. This consultation will allow the police time to prepare in advance and allow other partners to respond accordingly.

11. On coming to its final decision on whether or not to relax the licensing hours nationally, the Government will balance reducing burdens on businesses wishing to celebrate the Royal Wedding with protecting the public from potential crime and disorder and public nuisance late at night.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Q1: Do you agree that the order should apply to the sale of alcohol for consumption on the premises?

☐ Yes

☐ No

Q2: Do you agree that the order should apply to England and Wales?

☐ Yes

☐ No

Q3: Do you agree that the order should extend licensing hours on Friday 18 May until 0100 the following morning?

☐ Yes

☐ No

Q4: Do you agree that the order should extend licensing hours on Saturday 19 May until 0100 the following morning?

☐ Yes

☐ No

Q5. If you disagree with this proposal, please give reasons.

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please complete the Consultation online at:

<https://www.homeofficesurveys.homeoffice.gov.uk/s/MQ6J7/>

or send your response by 4 February 2018 to:

Licensing Hours Consultation

Alcohol Team, 5th Floor Fry Building

Home Office

2 Marsham Street

London, SW1P 4DF

Email: alcoholteam2@homeoffice.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at <https://www.gov.uk/government/consultations/relaxation-of-licensing-hours-for-the-royal-wedding>

Alternative format versions of this publication can be requested from alcoholteam2@homeoffice.gsi.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published. The response paper will be available online at <https://www.gov.uk/government/consultations/relaxation-of-licensing-hours-for-the-royal-wedding>

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

Relaxation of Licensing Hours for the Royal Wedding

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



© Crown copyright 2018

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at https://www.gov.uk/government/publications?departments%5B%5D=homeoffice&publication_filter_option=consultations.

Any enquiries regarding this publication should be sent to us at public.enquiries@homeoffice.gsi.gov.uk.

