



## Licensing Committee

**Date:** Wednesday, 11 October 2023  
**Time:** 10.00 am  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

### Members (Quorum 3)

Emma Parker (Chairman), Jon Andrews (Vice-Chairman), Mike Barron, Derek Beer, Susan Cocking, Mike Dyer, Les Fry, Paul Harrison, Brian Heatley, Cathy Lugg, David Morgan, Julie Robinson, Andrew Starr, Kate Wheller and Sarah Williams

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224202 [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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### Agenda

Item		Pages
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>MINUTES</b>	5 - 6
	To confirm the minutes of the meeting held on 29 June 2023.	
3.	<b>DECLARATIONS OF INTEREST</b>	
	To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

#### 4. PUBLIC PARTICIPATION

Representatives of town or parish councils and members of the public who live, work, or represent an organisation within the Dorset Council area are welcome to submit either 1 question or 1 statement for each meeting. You are welcome to attend the meeting in person or via MS Teams to read out your question and to receive the response. If you submit a statement for the committee this will be circulated to all members of the committee in advance of the meeting as a supplement to the agenda and appended to the minutes for the formal record but will not be read out at the meeting. **The first 8 questions and the first 8 statements received from members of the public or organisations for each meeting will be accepted on a first come first served basis in accordance with the deadline set out below.** Further information read [Public Participation - Dorset Council](#)

All submissions must be emailed in full to [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk) by 8.30am on Friday 6 October 2023

When submitting your question or statement please note that:

- You can submit 1 question or 1 statement.
- a question may include a short pre-amble to set the context.
- It must be a single question and any sub-divided questions will not be permitted.
- Each question will consist of no more than 450 words, and you will be given up to 3 minutes to present your question.
- when submitting a question please indicate who the question is for (e.g., the name of the committee or Portfolio Holder)
- Include your name, address, and contact details. Only your name will be published but we may need your other details to contact you about your question or statement in advance of the meeting.
- questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.
- all questions, statements and responses will be published in full within the minutes of the meeting.

#### 5. COUNCILLOR QUESTIONS

##### Councillor Questions

Councillors can submit up to two valid questions at each meeting and sub divided questions count towards this total. Questions and statements received will be published as a supplement to the agenda and all questions, statements and responses will be published in full within the minutes of the meeting.

The submissions must be emailed in full to [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk) by 8.30am on Friday 6 October 2023.

[Dorset Council Constitution](#) – Procedure Rule 13

- |            |   |              |
|------------|---|--------------|
| <b>6.</b>  | <b>STATEMENT OF GAMBLING LICENSING POLICY 2024-2027</b>   | 7 - 76       |
|            | <p>The Council, as Licensing Authority under the Gambling Act 2005, is required to publish a Statement of Gambling Licensing Policy at least every three years. The purpose of the policy statement is to define how the Council will exercise its responsibilities under the Act. The draft revised policy has been prepared by officers and is now ready to be published, in draft format, for a period of public consultation.</p>   |              |
| <b>7.</b>  | <b>LICENSING ACT 2003 POLICY - REVIEW OF CUMULATIVE IMPACT AREA</b>   | 77 - 158     |
|            | <p>The Council, as Licensing Authority under the Licensing Act 2003, is required to publish a Licensing Policy at least every five years. The purpose of the policy statement is to define how the Council will exercise its responsibilities under the Act. The Statutory Guidance issued under section 182 of the Licensing Act 2003 advises however that any Cumulative Impact Area(s) are reviewed every three years. The Dorset Licensing Policy contains one Cumulative Impact Area in Weymouth Town Centre. Officers have reviewed the evidence base for the Weymouth Cumulative Impact Area and a report is attached for consideration by the Committee. It is proposed to undertake a public consultation regarding the retention of the Cumulative Impact Area, with the results of the consultation being considered by the Licensing Committee and a recommendation made to Full Council.</p> |              |
| <b>8.</b>  | <b>AMENDMENTS TO THE TAXI LICENSING POLICY</b>  | 159 -<br>234 |
|            | <p>To consider proposed minor amendments to the Taxi Licensing Policy.</p>  |              |
| <b>9.</b>  | <b>TAXI LICENSING POLICY - PLATE EXEMPTIONS</b>   | 235 -<br>258 |
|            | <p>A meeting with the Taxi trade was held in on 24 May 2023 and several of those present requested that the Plate Exemption Policy be reviewed.</p>   |              |
| <b>10.</b> | <b>TAXI LICENSING POLICY - RESTRICTED LICENCES FOR SCHOOL TRANSPORT</b>   | 259 -<br>334 |
|            | <p>To consider whether to allow Restricted Licences for school contract drivers with a reduced application process and restrictions on licence use.</p>   |              |
| <b>11.</b> | <b>WEYMOUTH AND PORTLAND ZONE HACKNEY CARRIAGE FARES</b>  | 335 -<br>416 |

To consider a rise to the maximum level of fares for the financial year 2024/25 for the Hackney Carriage Proprietors in Weymouth and Portland.

**12. URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

**13. EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.



## LICENSING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 29 JUNE 2023

**Present:** Cllrs Jon Andrews (Vice-Chair, in the Chair), Susan Cocking and Brian Heatley

**Apologies:** Cllrs: Emma Parker, Mike Barron, Derek Beer, Mike Dyer, Les Fry, Paul Harrison, Cathy Lugg, David Morgan, Julie Robinson, Andrew Starr, Kate Wheller and Sarah Williams

**Officers present (for all or part of the meeting):**

Aileen Powell (Team Leader Licensing), Elaine Tibble (Senior Democratic Services Officer) and Lara Atree (Senior Lawyer - Regulatory)

10. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

11. **Public Participation**

There were no statements or questions from Town and Parish Councils or Public at the meeting.

12. **Weymouth and Portland Zone Taxi Fares - Consideration of Objections**

The Licensing Team Leader presented the report which sought recommendation to the Portfolio Holder for Culture and Communities to approve the new tariffs for the Weymouth and Portland hackney carriage zone, following one objection by members of the public.

The committee members agreed with the Licensing Team Leader that the increases were modest set against the latest inflation figure. They were conscious of the increased costs for drivers and therefore supportive of the increase.

Proposed by Councillor Susan Cocking, seconded by Councillor Brian Heatley.

**Decision:**

**That the Licensing Committee recommended that the Portfolio Holder for Culture and Communities approves the new tariffs for the Weymouth and Portland hackney carriage zone as set out in Appendix 3, to take effect from 1 July 2023.**

13. **Urgent items**

There were no urgent items.

14. **Exempt Business**

There was no exempt business.

**Duration of meeting:** 1.45 - 1.49 pm

**Chairman**

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## Licensing Committee 11 October 2023 Statement of Gambling Licensing Policy 2024-2027

### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** All Councillors

**Executive Director:** J Sellgren, Executive Director of Place

**Report Author:** John Newcombe  
**Title:** Service Manager Licensing & Community Safety  
**Tel:** 01305 838027  
**Email:** [john.newcombe@dorsetcouncil.gov.uk](mailto:john.newcombe@dorsetcouncil.gov.uk)

**Report Status:** Public

### Brief Summary:

The Council, as Licensing Authority under the Gambling Act 2005, is required to publish a Statement of Gambling Licensing Policy at least every three years. The purpose of the policy statement is to define how the Council will exercise its responsibilities under the Act. The draft revised policy has been prepared by officers and is now ready to be published, in draft format, for a period of public consultation.

### Recommendations

- 1) To agree that the draft Gambling Licensing Policy 2024-2027 (attached as Appendix 1 to this report) be published for a period of public consultation.
- 2) That, subject to their being no relevant representations that the Service Manager for Licensing & Community Safety, in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Draft Gambling Licensing Policy.
- 3) Should relevant representations be received, which require consideration of one or more significant amendments to the policy, instruct officers to bring a further report to the meeting of the Licensing Committee with the outcomes of the consultation.

## **Reason for Recommendations:**

- 1) To comply with legislative requirements, and
- 2) To ensure openness and transparency in the Council's decision making, and
- 3) To ensure that those persons affected by the policy are given the opportunity to have an input into it.

### **1. Background**

- 1.1 The Gambling Act 2005 requires the Council, acting as the Licensing Authority under the Act, determine and publish a Statement of Gambling Licensing Policy at least once every three years.
- 1.2 The Statement of Gambling Licensing Policy 2021-2024 can be reviewed and updated at any time during the life of the document. The council keeps the Statement of Gambling Licensing Policy under constant review and, from time to time, may commission research to inform changes to policy.
- 1.3 The Statement of Gambling Licensing Policy sets out how the Council will carry out its functions under the Gambling Act 2005 with a view to promoting the licensing objectives namely:
  - Prevent gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.4 The revised Statement of Gambling Licensing Policy has been prepared in line with the requirements of the Gambling Act 2005, as well as the Statutory Guidance issued by the Gambling Commission (2023).
- 1.5 The revised Statement of Gambling Licensing Policy has been prepared with regard to, and sought to integrate with, the following Council strategies:
  - Dorset Council's Plan
  - Dorset Council's Community Safety Plan
  - Dorset Council's Local Plan and Development Framework
  - Dorset Council's Economic Growth Strategy
  - Dorset Council's Enforcement Policy
  - Dorset Council's Strategy for children and young people



- 1.6 This is Dorset Council's second Statement of Gambling Licensing Policy issued under the Gambling Act 2005 and is required to be in place by 1 Feb 2024.
- 1.7 In addition to setting out how the Licensing Authority intends to promote the licensing objectives, and the Authority's expectations of licensed premises operators and applicants, the Authority is also able to direct licence holders and applicant to conduct Local Area Risk Assessments based on the risks present within the locality of the premises.
- 1.8 As required by The Gambling Act 2005 and guidance issued by the Gambling Commission, the Council, in carrying out its licensing functions under the Act will aim to permit the use of premises for gambling as long as it is considered to be:
- In accordance with any relevant code of practice issued by the Gambling Commission,
  - in accordance with any relevant guidance issued by the Commission,
  - reasonably consistent with the licensing objectives and
  - in accordance with this Policy Statement published under section 349 of the Act.
- 1.9 Nothing in the Statement of Gambling Policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in the draft Statement of Gambling Policy will undermine the right of any person to make representations to an application or seek a review of a licence where there is a legal power to do so.
- 1.10 The draft Statement of Gambling Licensing Policy has been reviewed by the Officers and a number of minor amendments and clarifications have been made. The draft policy is attached at Appendix 1 to this report.
- 1.11 Before the Statement of Gambling Policy can be adopted the Gambling Act 2005 requires the licensing authority to consult with:
- The Chief Officer of Police;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 1.12 It is proposed to carry out the public consultation prior to adoption of the revised policy. The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing

Authorities issued by the Gambling Commission. The consultation includes consulting with and considering the views of a wide range of people and organisations including:

- The Gambling Commission
- Representatives of local businesses
- Local residents and their representatives
- Local Councillors
- Parish and town councils
- Local members of parliament
- Representatives of existing licence holders including Trade representatives and Licensing Solicitors
- Dorset Police
- Dorset Fire and Rescue Service
- Dorset Council – Public Health (Primary Care Trust)
- Dorset Council – Environmental Health
- Dorset Council – Planning Authority
- Dorset Council – Children’s Services, Social Care and Health
- Dorset Council - Trading Standards
- Charitable organisations that deal with the social impact of gambling addiction
- Gambling Support Services
- Other charitable organisations
- Adjoining Councils
- HMRC

1.13 Following the period of consultation officers will analyse any responses and should there not be any, it is recommended that the Service Manager for Licensing & Community Safety, in consultation with the Chairman of the Licensing Committee recommends to Council, adoption of the revised Statement of Gambling Licensing Policy.

1.14 Should responses to the consultation be received, officers will recommend amendments to the draft policy where appropriate or give reasons why suggested alterations are not made and prepare a report for the Licensing Committee with a final draft policy for committee to recommend to Full Council, for adoption.

## **2. Financial Implications**

The funding for the preparation and consultation of the draft Statement of Gambling Licensing Policy will come from existing budgets and there are no further financial implications arising from the recommendations of this report.

### **3. Natural Environment, Climate & Ecology Implications**

There are no implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

### **4. Well being and health implications**

Well-being and health implications arising from the revised draft statement of Gambling Policy have been considered within the EQIA carried out and attached at Appendix 2.

### **5. Other Implications**

There are no implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

### **6. Risk Assessment**

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

### **7. Equalities Impact Assessment**

An Equalities Impact Assessment has been prepared and is attached as Appendix 2 to this report.

### **8. Appendices**

Appendix 1      Draft Statement of Gambling Licensing Policy 2024-2027

Appendix 2      Equalities Impact Assessment

### **9. Background Papers**

Gambling Act 2005

Gambling Commission – Guidance to licensing authorities 2023

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**Statement of Gambling ~~Licensing~~  
~~Policy~~Licensing Policy 2021 – 2024  
2024  
- 2027**

**Gambling Act 2005**

**1 February 202~~4~~1**

**Further copies of this document can be obtained from:**

**Licensing Team**

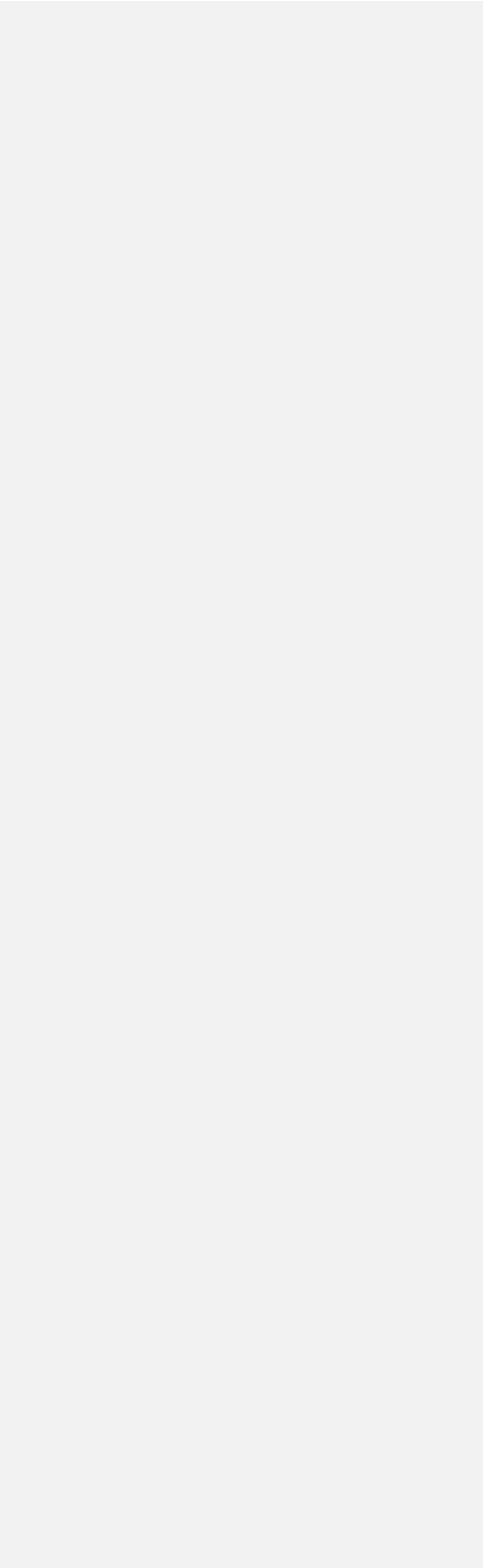
Dorset Council  
South Walks House  
South Walks Road  
Dorchester  
DT1 1UZ

Tel: 01305 251010

Email: [licensingteamb@dorsetcouncil.gov.uk](mailto:licensingteamb@dorsetcouncil.gov.uk)

Web: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/gambling-licences-1https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/alcohol-and-entertainment-licences/alcohol-licensing.aspx>







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## Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31 January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

The purpose of the Statement of ~~Licensing Policy~~ [Gambling Licensing Policy](#) is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to the determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives, which are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

Enforcement of the legislation is a requirement of the Act that is undertaken by the council in conjunction with the Gambling Commission. The policy describes the council's enforcement principles and the principles underpinning the right of review.

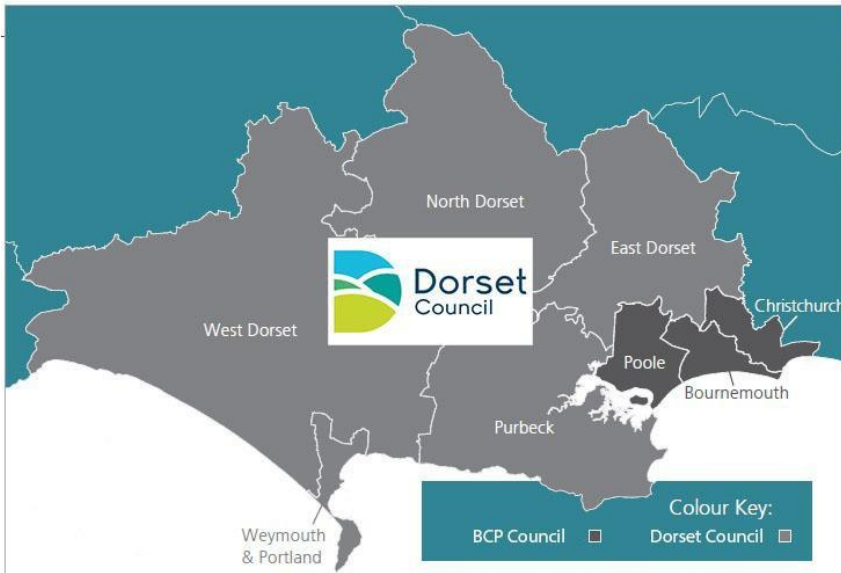
The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

## Part A - The Gambling Act 2005

### 1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Dorset Council is the licensing authority for the Dorset district and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the council are to the Dorset Licensing Authority.
- 1.2 The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling, in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are;
  - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - ensuring that gambling is conducted in a fair and open way
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the council will achieve this in Part B and C of this document.
- 1.4 The council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.5 The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is;
  - in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with this document.
- 1.6 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about risk assessments is provided in this policy at Section 14.

## 2. Dorset Council area



2.1 Dorset Council was formed on 1<sup>st</sup> April 2019 following a restructure of the previous local government arrangements. The Council is one of two unitary authorities formed from the predecessor district, borough and county councils and consists of the former authorities of West Dorset, Weymouth & Portland, Purbeck, East Dorset and North Dorset as well as the former Dorset County Council. The plan above shows the geographic boundary of the new Dorset Council area, along with the locations of the former district and borough councils.

2.2 In Dorset, the population size has increased by 4.0%, from around 365,200 in 2011 to 379,600 in 2021. This is lower than the overall increase for England (6.6%). Nearby areas like East Devon and Wiltshire have seen their populations increase by around 13.8% and 8.4%, respectively, while others such as Bournemouth, Christchurch and Poole saw a smaller increase (5.7%) and New Forest saw a decrease of 0.4%. The largest population increases in the South West have been seen in Tewkesbury and East Devon, where the populations have grown by 15.8% and 13.8%, respectively. At 4.0%, Dorset's population increase is lower than the increase for the South West (7.8%). There has been an increase of 24.8% in people aged 65 years and over, a decrease of 2.8% in people aged 15 to 64 years, and a decrease of 3.2% in children aged under 15 years. <https://www.ons.gov.uk/visualisations/censuspopulationchange/E06000059/> ~~Dorset (Council area) has a population of 375,000 residents, 28% of whom are aged 65 and older (compared to 18% in England and Wales).~~

2.22.3 In Dorset, the estimated dementia diagnosis rate (56.8%) is worse than that of England (67.4%). This indicator is estimating that just over half of the predicted number of people with dementia have a recorded diagnosis. Reference is here: <https://moderngov.dorsetcouncil.gov.uk/documents/s26049/Dorset%20JSNA%20Summary%20Narrative%20Update%202021.pdf>

2.32.4 Dorset is an attractive place for people to settle in their retirement – it has a large population of older people, and relatively low birth rates. Currently there are over 7,000 people in Dorset living with dementia, and the number is increasing. Younger people often move away from the area. The

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population continues to grow slowly, driven by people moving into the county and longer life expectancy. The greatest part of population growth is among over 65s. Dorset's working age population is expected to see a marginal decline over the next 25 years.

2.5 The Dorset rural idyll can conceal hidden deprivation: there are pockets of deprivation, mostly in urban areas (mainly Weymouth and Portland). But there is also some rural deprivation due to isolation and difficulty accessing housing, transport and essential services. Crime is generally low in Dorset.

2.42.6 [Deprivation is strongly linked with many health outcomes and we see inequalities in life expectancy across the Dorset area – There is just over 11 years difference in life expectancy for males between Colehill & Wimborne Minster East \(84.9 years\) and Melcombe Regis \(73.4 years\) Some groups in our communities are more at risk of disadvantage or exploitation. Particular issues include county lines, child sexual exploitation and practices such as Cuckooing. Dorset also has connections to armed forces and a population of veterans who can experience health and wellbeing issues. National research estimates that over a quarter of veterans live in the South West and South East. <https://moderngov.dorsetcouncil.gov.uk/documents/s26049/Dorset%20JSNA%20Summary%20Narrative%20Update%202021.pdf>](#)

2.5 Inclusive growth in Dorset should help reverse the worsening socio-economic position in many neighbourhoods, by focusing not just on quantity of growth but also quality; actions should reflect

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2.7 people's experience of opportunities, barriers, skills and employment and living standards.

~~Our Economic Growth Strategy aims to achieve clean, sustainable, and high-quality economic growth throughout the council area, improving the standard of living, health, and well-being of all Dorset's residents. This strategy, which is aligned with national and local policies, complements other strategies such as the Modern Industrial Strategy and the Dorset Local Industrial Strategy. <https://www.dorsetcouncil.gov.uk/-/what-is-the-economic-growth-strategy#:~:text=This%20Economic%20Growth%20Strategy%20sets,for%20all%20of%20Dorset's%20residents>~~

~~2.8 The population is predominantly white British, with 4.4% of our residents black and minority ethnic. According to recent statistics, only 4.4% of people living in Dorset belong to an ethnic minority group, which is significantly lower than the national average of 19.5%. It's worth noting that 41% of Dorset's ethnic minority population falls under the 'White Other' category. This group includes individuals who identify as white but don't hold UK nationality (such as Polish or Irish). <https://mapping.dorsetcouncil.gov.uk/statistics-and-insights/Topics/Topic/Diversity>~~

~~2.6~~

~~2.72.9~~ Dorset's natural environment is a great asset. 95 miles of coast in Dorset and Devon are classified as a UNESCO Natural World Heritage Site – the only one in England. Over half of Dorset is covered by the Area of Outstanding Natural Beauty designation; 7% of Dorset is protected as a Site of Special Scientific Interest; and Dorset has one of the largest areas of protected lowland heath in Europe. These designations together mark Dorset as a special place but also present challenges in terms of available land for delivering housing and employment development.

~~2.82.10~~ Dorset also has a rich historic environment, with one in twenty of all the protected ancient monuments in England, a well preserved pre-historic landscape and around 10,000 listed buildings.

~~2.92.11~~ Employment in Dorset is high but, like the UK, our economy has a productivity gap. Manufacturing, health, retail, education and hospitality are all big employers in Dorset. 20,000 businesses are based in Dorset: 86% are micro firms and fewer than 1% are large firms. Dorset's economy is worth around £7.1 billion and provides 143,000 jobs. Dorset has an above average number of advanced engineering and manufacturing businesses. But there is also a continuing seasonal, low skill, low wage economy with tourism and agriculture significant industries. The area is rich in valuable minerals, including stone, sand/gravel and oil.

~~2.102.12~~ Earnings are below average and house prices are high with affordability issues for many young people and keyworkers. In 2017, lower end house prices were more than ten times higher than lower end earnings in Dorset. [ONS data from 2021 shows that homes in Dorset are now even less affordable as wages decreased by 3% in 2021, while house prices rose by 12%. The average house price is £330,000, while the average salary is £30,000, requiring 11.0 times the annual salary to buy a home. This ratio is the highest since 2003.](#)

~~2.112.13~~ Dorset has no motorway but over 2,500 miles of roads. 95.1% of premises in the Dorset Council area have access to superfast broadband. 3.1% of premises in the Dorset Council area have access to full- fibre broadband.

~~2.122.14~~ Each area of the district has its own character and challenges. The council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. To assist them the council has provided links to data sources where information specific to localities in Dorset in which there is concern relating to impact of licensed premises on the three licensing objectives can be found. Applicants may also consult with the Licensing Team to ensure they have as much information as possible before making their application.

~~2.132.15~~ A worrying trend of an increasing number of suicides among men has been identified across

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the UK, with problem gamblers up to 15 times more likely to take their own life. Although we are unable to establish to what extent gambling addiction has contributed to the actual numbers of suicides in Dorset, there is evidence that the majority of problem gamblers have contemplated suicide. Furthermore people with poor mental health are at significantly high risk of problem gambling. (<https://www.theguardian.com/society/2019/mar/13/problem-gamblers-at-15-times-higher-risk-of-suicide-study-finds>) There is however, debate ongoing around the actual link that exists and limited data to support either argument. (<https://www.samaritans.org/news/samaritans-challenges-gambling-chiefs-use-of-suicide-guidance/>)

2.16 Problem gambling appears to be associated with suicide attempts in both young men and young women. This association persisted after adjusting for anxiety, impulsivity, life satisfaction, and other factors, which suggests that other mechanisms, such as the severity and multiplicity of harms experienced, or gambling to cope with life stressors, might underpin this relationship. Young people with problem-gambling behaviours should be considered at risk for suicidality.

Citation: Suicidality and gambling among young adults in Great Britain: results from a cross-sectional online survey Wardle, Heather et al. The Lancet Public Health, Volume 6, Issue 1, e39 - e49

2.142.17 For further health and deprivation information about the local area visit <https://apps.geowessex.com/insights>

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## Cultural Activities in Dorset

[2.152.18](#) Dorset has strong artistic and sporting traditions and has some of the best attended outdoor events in the country. The district also boasts a wealth of community based sports heritage and recreational facilities. There is a vibrant voluntary sector including hundreds of groups and societies.

[2.162.19](#) Sport is a passion for people in Dorset. There are a large number of sports clubs across the district, including football clubs, cricket clubs and rugby clubs.

[2.172.20](#) Dorset Council is a major provider of facilities for public recreation. The Council has a tradition of promoting a wide range of cultural activity for the benefit of residents and visitors alike.

[2.182.21](#) Commercially promoted events take place in a variety of locations throughout the district.

[2.192.22](#) Within local communities, groups and associations use church and village halls and community centres for social and fund raising activities. Within the district there are a large number of church halls, village halls and schools licensed for regulated entertainment and/or the sale or supply of alcohol.

[2.202.23](#) Dorset has a long established reputation for the encouragement of community and diverse cultural events and public entertainment, as an essential aid to community involvement and an increasing sense of common identity.

[2.212.24](#) Weymouth has a particularly vibrant leisure economy and the council is keen to support businesses who operate responsibly. The council is proud to support the Purple Flag achievements of Weymouth and keen to acknowledge the benefits that a well-run leisure economy can bring to an area in terms of economic, cultural and community benefits.

[2.222.25](#) Over recent years Dorset has experienced significant levels of growth in entertainment use within the district coupled with a significant increase in residential development. The close proximity of a range of land uses and the creation of mixed-use schemes has many benefits including the creation of a vibrant entertainment economy area. Dorset Council has a policy promoting mixed use development including residential and evening uses throughout the district.

### 3. Integration with other guidance, policies, objectives and strategies

3.1 In preparing this [licensing policy](#) ~~gambling licensing policy~~ the council has had regard to, and sought to integrate the ~~licensing policy~~ [gambling licensing policy](#) with, the following strategies:

- Dorset Council's Plan
- Dorset Council Community Safety Plan
- Dorset Council's Local Plan and Development Framework
- Dorset Council's Economic Growth Strategy
- Dorset Council's Enforcement Policy
- Dorset Council's Strategy for children and young people

3.2 The council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the three licensing objectives it may have regard to them when making licensing decisions.

3.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the [licensing policygambbling licensing policy](#) on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the [licensing policygambbling licensing policy](#). This may include recommendations to amend the [licensing policygambbling licensing policy](#) itself.

### Vision for Dorset

3.4 Dorset Council's vision for Dorset sets out 56 overarching priorities:

- [Driving economic prosperity](#)
- [Creating stronger healthier communities](#)
- [Creating sustainable development and housing](#)
- [Protecting our natural environment, climate and ecology](#)
- 3.4• [Becoming a more responsive, customer focused council](#)
  - [Economic Growth](#)
  - [Unique Environment](#)
  - [Suitable Housing](#)
  - [Strong, Healthy Communities](#)
  - [Staying Safe and Well](#)
  - [Action on the Climate and Ecological Emergency](#)

3.5 Dorset, like other national and international geographic areas, is faced with a number of key challenges. The district's ageing population is set to rise 31% over the next 10 years, its economy is still recovering from the effects of global recession and the consequences of a changing climate have become all too apparent. 12,900 Households are without work and by 2029 150,000 people will retire and 20,000 jobs will be created, leaving 173,000 jobs to be filled.

~~3.53.6~~ COVID-19's economic impact is evident. The tourism, leisure, aviation and marine industries shutdown will have a short-term impact on Dorset. However, Dorset's balanced and resilient economy with high employment levels is unlikely to be among the worst-affected areas in the UK. The coastal towns and younger people/BAME groups may be affected more. <https://www.dorsetcouncil.gov.uk/-/covid-19-climate-and-ecological-emergency>

~~3.63.7~~ In addressing these challenges, Dorset must continue to be forward-looking and have a clear plan for the future, and this is why the Council's Plan is important.

~~3.73.8~~ This [licensing policygambbling licensing policy](#) seeks to promote the licensing objectives within the overall context of the priorities and aims set out in the Council's Plan 2020-24.

### Dorset Council's Health and Wellbeing Strategy

~~3.83.9~~ Dorset Council's Health and Wellbeing [20-23](#) Strategy focuses on three key priorities:

- [Reducing inequalities](#)
- [Promoting healthy lifestyles and preventing ill health](#)
- [Working better together to deliver prevention and early intervention at scale, high quality care and better value](#)
- [Empowering communities](#)
- [Promoting healthy lives](#)
- [Support and challenge](#)

3.10 Whilst public Health is not one of the licensing objectives within the Licensing Act 2003, unlike in Scotland, the council does consider it important that alcohol dependency and alcohol abuse are

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considered within the context of the existing regulatory regime. Alcohol dependency and abuse can lead to crime and disorder and anti-social behaviour and can impact on community wellbeing. It is therefore important that the council considers the impact of licensed premises and the availability of alcohol on the community as a whole.

~~3.93.11~~ There is a growing consensus that gambling-related harm should be viewed as a public health issue. To effectively tackle the negative consequences of gambling, it is important to adopt a public health approach that involves analysing the impact of such harm and determining the necessary measures to mitigate it.  
In carrying out our regulatory duties, we will take into account the effects of gambling on young and vulnerable residents, individuals who are struggling with gambling addiction, their family members and associates, as well as the community as a whole.

#### **Dorset Council's Economic Growth Strategy**

~~3.103.12~~ Dorset Council's Economic Growth Strategy seeks to enhance Dorset as a place to do business and attract inward investment and sets out the Council's priorities for the district:

- Transportation Infrastructure
- Digital Infrastructure
- People – aspirations, skills, education and training

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- Place – sustainable economic development and growth, vibrant towns and investment in coastal resorts / tourism
- Business environment – through business support services, attracting inward investment, delivering ‘business friendly’ services, developing visit Dorset
- Ideas – development of Dorset Innovation park, collaboration with partners and innovation

~~3.143.13~~ The council will encourage investment and growth within the leisure and retail industry within Dorset, and will seek to minimise any potentially negative impacts from existing and new licensed premises operating in the district.

### Strategy for children and young people

~~3.12~~ Dorset council and its’ partners aim to create a bright future for our children. We will work together with families and communities to ensure that Dorset becomes a place where every child thrives. Empowering families and communities is the key to unlocking potential and aspirations. The council is committed to ensuring that the experience of childhood and early adulthood in Dorset is a good one. The council and its partners want every child to have the opportunity to be confident in their relationships, achieving personal success as they grow into adulthood. We believe that by working together as organisations and with families and communities we will achieve this.

~~3.143.14~~ The council’s partner alliance works to the following priorities:

- ~~Information & knowledge~~
- ~~Early action & help~~
- ~~Priorities that matter~~
- ~~New models to deliver services~~
- ~~Whole family working best start in life~~
- ~~Young and thriving~~
- ~~Good care provision~~
- ~~Best education for all~~
- ~~Best place to live~~
- ~~Local family help~~
- ~~Safe at home and in the community~~

~~XXX~~<https://www.dorsetcouncil.gov.uk/children-young-people-and-families-plan-2023-to-33#introduction>

~~3.143.15~~ This policy contributes to all these outcomes and also a number of the priorities within strategy for Children and Young People, including:

- Ensuring that the most vulnerable are protected
- Improving social, emotional, and mental health and wellbeing
- Supporting young people to make good choices and minimise risk-taking behaviours

### 4. The purpose of the Gambling Act 2005 – Statement of ~~Licensing Policy~~ **Gambling Licensing Policy**

4.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.

4.2 Dorset Council consulted widely upon this policy statement before finalising and publishing it. The policy

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was presented for public consultation on the website, and by email and post to solicitors, licensees, support organisations, responsible authorities, ward members, MPs, trade associations, and parish councils. The consultation was also advertised via a press release.

~~4.3~~—The consultation took place between [XXXX and XXXX](#) ~~6 July and 27 September 2020~~ and followed the Cabinet Office’s Code of Practice on Consultation. ~~The consultation elicited seven responses which are available on request. The policy was approved at a meeting of the Full Council on 10 December 2020. The policy came into force on 1 February 2021.~~

## 5. The licensing framework

5.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

5.2 Licensing Authorities have the power to regulate gambling in their respective areas. This includes setting expectations about how gambling will be regulated in the area through issuing a statement of licensing policy. They also have the authority to grant, refuse, and attach conditions to premises licenses. Additionally, they can review premises licenses and attach or revoke conditions as necessary. The Commission has wider functions under the Act, and the Council works with the Commission as dual regulators. However, this document only discusses the role and responsibilities of the Council. The Commission is responsible for issuing operating and personal licenses, which are necessary before the Council can determine an application for a premises license. The Commission also issues Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives and confirms that the Council will take account of all such guidance.  
5.1

5.25.3 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate ~~smaller scales~~ smaller-scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

5.35.4 The council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

## 6. Declaration

6.1 This statement of ~~licensing policy~~ gambling licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

6.2 In producing this document, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

## 7. Responsible authorities

7.1 The Act empowers certain agencies to act as responsible authorities so that they can utilise their expertise in a particular area to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities may also offer advice and guidance to applicants.

7.2 The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are;

- the need for the body to be responsible for an area covering the whole of the licensing authority's area

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- the need for the body to be answerable to democratically elected people, rather than any particular vested interest group etc.

7.3 In accordance with the regulations the council designates the Pan-Dorset Safeguarding Children Partnership for this purpose. Pan-Dorset Safeguarding Children Partnership can provide advice and training for operators and partners in children's safeguarding which can be found at <https://pdscp.co.uk/>. Applicants may find this resource useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.

7.4 The contact details of all the responsible authorities under the Gambling Act 2005 are available on the council's website within the guidance documents at <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/gambling-licences/gambling-licences.aspx>

## **8. Interested parties**

8.1 Interested parties are people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

8.2 The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
- Within this framework the council will accept representations made on behalf of residents and tenants associations.
- In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

8.3 The council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

## **9. Exchange of information**

9.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other parties listed in Schedule 6 to the Act.

9.2 The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that applicable data protection legislation will not be contravened. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **10. Licensing authority functions**

10.1 Licensing authorities are responsible under the Act for:

- licensing premises where gambling activities are to take place by issuing premises licences



- issuing provisional statements
- regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issuing Club Machine Permits to commercial clubs
- granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
- receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- maintaining registers of the permits and licences that are issued under these functions.

~~10.2—The Gambling Commission is responsible for issuing licences to provide facilities for remote gambling (as defined in Part 1, Section 4 of the Gambling Act 2005) to consumers in Great Britain. The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.~~

## Part B – Promotion of the licensing objectives

### 11. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

11.1 The Gambling Commission will take a lead role in keeping gambling crime free through its vetting process for applicants for personal and operator licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there (see paragraph 14.8 and 14.9) and whether conditions may be required such as the provision of door supervision (see paragraph 14.31).

11.2 There is a distinction between disorder, anti-social behaviour and nuisance. In order to make the distinction, when incidents of this nature occur, the council will consider a number of factors such as whether police assistance was required and how threatening the behaviour was.

11.3 Issues of nuisance cannot always be specifically addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.

11.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### 12. Ensuring that gambling is conducted in a fair and open way

12.1 The council is aware that except in the case of tracks (see section 18) generally, the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

12.2 However, the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising, or any absence of required game rules or other matters as set out in the Gambling Commission’s Licence Conditions and Code of Practice.

12.3 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### 13. Protecting children and other vulnerable persons from being harmed or exploited by gambling

#### Protection of children

13.1 This licensing objective means preventing children from taking part in most types of gambling. The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas or other conditions as appropriate.

13.2 The Act provides the following definition for a child and young adult in Section 45: Meaning of “child” and “young person”

- (1) In this Act “child” means an individual who is less than 16 years old.
- (2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

13.3 The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

13.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

#### Protection of vulnerable people

13.5 The council is aware of the difficulty in defining the term “vulnerable person”. ~~Since the production of the previous Statement of Gambling Policy, there has been a gradual acceptance that a definition of vulnerability could extend to specific life events or changes to personal circumstances. In most recent literature it is not a term that is used, with the term “adults at risk of abuse or neglect” or “adults at risk” being the preferred terms.~~

13.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” but will, for regulatory purposes assume that this group includes people:

“...who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”

~~The Gambling Commission have identified five main factors that can contribute to an individual's vulnerability. These include personal and demographic factors such as poor physical or mental health, physical or cognitive impairment, side effects from a brain injury or medication, or addiction. Situational factors such as financial difficulties, homelessness, domestic or financial abuse, caring responsibilities, life changes, or sudden change in circumstances~~

[can also make a person vulnerable. Behavioural factors such as high levels of trust or a high appetite for risk can also contribute to vulnerability. Market-related factors such as engaging in highly complex activities with a lack of knowledge and experience of the market can increase vulnerability. Lastly, access factors such as poor literacy or numeracy skills, lack of knowledge, or dyslexia can make it difficult for individuals to access information.](#)

- 13.7 The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.
- 13.8 The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case (whether under this Part or otherwise) and, if so, what and by whom. “Abuse” includes financial abuse; and for that purpose “financial abuse” includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.
- 13.9 Department of Health document “No Secrets” from 2000 offers a definition of a vulnerable adult as a person:
- “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”
- 13.10 In 2016 Beckett University published research into Problem Gambling (*Kenyon, Ormerod, Parsons and Wardle, 2016*). This research looked specifically at identifying groups of the society that could be considered vulnerable to problem gambling:
- 13.11 **Young people** – rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (Wardle, 2015).
- 13.12 **Minority ethnic groups** – There is consistent evidence that those from Asian or Black backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox (Wardle, 2015).
- 13.13 **Unemployed and constrained economic circumstance** – generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011).
- 13.14 There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (Meltzer et al, 2012). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.
- 13.15 **Area deprivation** – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. This was despite having roughly the similar levels of past year gambling participation to those who live in less deprived areas.

13.16 Wardle (2015) looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (Astbury & Wardle, 2016).

13.17 Homeless – Homeless people in the UK are more vulnerable to gambling problems than the general population. According to a study by Sharman et al (2014), 11.6% of the homeless population in London had a gambling problem compared to only 0.7% in the general population. The study found that engagement with gambling tends to be problematic among the homeless population, and more research is needed to understand the complex relationship between gambling and homelessness. The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group. Sharman, S., Dreyer, J., Aitken, M., Clark, L., & Bowden-Jones, H. (2014). Rates of problematic gambling in a British homeless study: A preliminary study. *Journal of Gambling Studies*, 31, 13-17 (2), pp. 525-532.

13.18 **Mental ill health** – There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.

13.19 Being a problem or at risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm the conclusion that the relationship between problem gambling and mental ill health may be cyclical.

13.20 **Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (Wardle, 2015). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (Dowling et al, 2015). There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time.

13.21 **Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (Johansson et al, 2009). However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

13.22 **Problem gamblers seeking treatment** – Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right (Wardle, 2015).

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13.23 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Dorset Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.

13.24 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice regarding social responsibility. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young people
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion
- Employment of children and young people

13.25 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

13.26 Applicants may also like to make reference to documentation published by Dorset Safeguarding Adults Board which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This guidance can be accessed via <https://www.dorsetcouncil.gov.uk/care-and-support-for-adults/information-for-professionals/dorset-safeguarding-adults-board.aspx>

13.27 Applicants should consider the following proposed measures for protecting and supporting vulnerable people, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable ~~(see 12.4.1)~~
- Ensuring that all customer facing staff interact with customers in a way which minimises the risk of customers experiencing harms associated with gambling. This includes identifying and interacting with those who may be at risk of gambling harm.
- Gaining an understanding of the impact and effectiveness of customer interactions undertaken.
- training personnel ~~for the purpose of to~~ identify potential gambling related harming and providing support to those who are potentially vulnerable people
- self-exclusion schemes and procedures for ensuring that self-excluded individuals are not sent marketing materials and cannot access gambling for the duration of their exclusion.
- Participation in multi-operator self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements **not** to be positioned or designed to entice children

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or vulnerable people.

13.28 It should be noted that ~~many~~some of these measures ~~form part of the mandatory conditions~~are ~~regulatory requirements for non-remote operators, as set out within the Social Responsibility Codes issues by the Gambling Commission.~~placed on premises licences.

~~13.29 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.~~

## Part C – Premises licences

### 14. General Requirements

14.1 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

14.2 The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.

~~14.3 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.~~

~~14.4~~14.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each operational area for which they must have regard. The council will also have regard to these Codes of Practice.

#### Definition of “premises”

~~14.5~~14.4 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

~~14.6~~14.5 The council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable, so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

~~14.7~~14.6 The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

14.814.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

#### Location

14.914.8 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations, in terms of the licensing objectives, can. The council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.

14.1014.9 With regards to these objectives, it is the council's policy, upon receipt of any relevant representations, to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- levels of organised crime in the area.

14.1114.10 In order for a specific location to be considered as inappropriate for a premises licence to be issued, the council will need to be satisfied that there is sufficient evidence that the granting of a premises licence at the proposed location would be detrimental to the licensing objectives.

14.1214.11 Although the council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the cumulative impact this will have on residents, including children and other vulnerable groups.

#### Local Risk Assessments

14.1314.12 From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees (except for those which hold betting licences for tracks) to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

14.1414.13 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

14.1514.14 The council will expect the local risk assessment to consider the urban setting:

- The proximity of the premises to schools.
- The commercial environment.

- Factors affecting the footfall.
- Whether the premises is in an area of deprivation.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups.
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.

14.1614.15 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

- The training of staff in intervention when customers show signs of excessive gambling, the ability of staff to offer intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusion schemes and incidences of underage gambling.
- Arrangements in place for local exchange of anonymised information regarding self-exclusion and gambling trends.
- Gambling trends that may mirror financial payments such as pay days, pay day loans or benefit payments.
- Arrangements for monitoring and dealing with underage people and vulnerable people, which may include:
  - dedicated and trained personnel,
  - leaflets and posters,
  - self-exclusion schemes,
  - window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to game rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

14.1714.16 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of place where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

14.1814.17 Other matters that the assessment may include:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.



- The layout of the premises so that staff have an unobstructed view of people using the premises and in particular the gaming machines and fixed odds betting terminals.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.
- Provisions to ensure the health and welfare of staff engaged in lone working.

14.1914.18 Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

14.2014.19 This policy does not preclude any application being made and each application will be decided on its own merits, with the onus being upon the applicant to show how the concerns can be mitigated.

#### Local Area Profile

14.2114.20 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council may publish a local area profile. This profile, compiled in conjunction with key partners and approved by the Licensing Committee, can be obtained from the Licensing Team.

14.2214.21 The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

14.2314.22 The council recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

#### Duplication with other regulatory regimes

14.2414.23 The council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The council will not consider whether a premises is likely to be awarded planning permission or building regulation approval, in its deliberations. It will though, listen to, and consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.

#### Conditions

14.2514.24 The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

14.2614.25 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will attach specific conditions to address this.

14.2714.26 Any conditions attached to a licence issued by the council will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
- fairly and reasonably related to the scale, type and location of premises;
- consistent with the licensing objectives, and;
- reasonable in all other respects.

14.2814.27 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively

14.2914.28 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances.
- Supervision of machine areas.
- A reduction in the number of betting machines (betting premises).
- The manning of premises.
- Physical separation of areas.
- Location of entrance points.
- Notices/signage.
- Specific opening hours.
- A requirement that children must be accompanied by an adult (in premises where children are allowed).
- Enhanced DBS checks of the applicant and/or staff.
- Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse.
- Support to people with gambling addiction, including brief intervention.
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays.
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble.
- Obscuring windows where appropriate and labelling premises so it's clear that they are gambling premises.

14.3014.29 The list provided above is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

14.3114.30 There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winnings or prizes.

#### Door supervision

~~14.32~~14.31 The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.

#### 15. Adult gaming centres

- 15.1 Adult gaming centres are a category of premises introduced by the Act that are most closely related to adult only amusement arcades.
- 15.2 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.
- 15.3 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 15.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to address such issues.

#### 16. Licensed family entertainment centres (FECs)

- 16.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).
- 16.2 Where category C or above machines are available in premises to which children are admitted then the council will ensure that;
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high

- only adults are admitted to the area where the machines (category C) are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18.

16.3 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

16.4 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

16.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include;

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises
- the arrangements for the supervision of the premises either by staff or the use of a suitable CCTV system. Advice regarding the suitability of a CCTV system can be obtained from Dorset Police.

16.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.

16.7 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

## 17. Casinos

17.1 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

17.2 The Dorset Council area does not have any casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.

### Licence considerations / conditions

17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and

Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for converted casino licences.

- 17.4 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 17.5 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues.
- 17.6 Detailed information on the Large Casino Application Process can be found in Appendix 4.

#### **18. Bingo premises**

- 18.1 There is no official definition for bingo in the Gambling Act 2005 however there is a category of premises licence specifically for bingo premises, which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (see Appendix 1).
- 18.2 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will expect that;
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
  - only adults are admitted to the area where the machines are located
  - access to the area where the machines are located is supervised at all times
  - the area where the machines are located is arranged so that it can be observed by staff
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
  - children will not be admitted to bingo premises unless accompanied by an adult.
- 18.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.
- 18.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

#### **19. Betting premises**

- 19.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at race courses as well as the general betting premises licences that track operators will require.

19.2 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the premises.

#### Betting machines [and Gaming Machines](#)

19.3 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other factors, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

19.4 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable people, highlighted in section 13.

19.5 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

#### **20. Tracks**

20.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totaliser" or "tote"), and also general betting, often known as "fixed-odds" betting. Multiple betting outlets are usually located on tracks such as 'on-course' betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be 'off-course' betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

20.2 All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

20.3 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.

20.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.

20.5 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Licensing Team.

- 20.6 Children and young people will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 20.7 The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

#### Betting machines

- 20.8 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.
- 20.9 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the council may consider licence conditions to address such issues.

#### 21. Travelling fairs

- 21.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the 2005 Act.
- 21.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1).
- 21.3 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 21.4 The council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

#### 22. Provisional statements

- 22.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which they expect to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence under the Act. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).

22.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters;

- a) which could not have been raised by objectors at the provisional licence stage; or
- b) which in the authority's opinion reflect a change in the operator's circumstances.

22.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

## Part D – Permits, notices and lottery registrations

### 23. Unlicensed family entertainment centre gaming machine permits (UFECs)

23.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

23.2 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states "In preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

23.3 In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

#### Statement of Principles

23.4 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

23.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include;

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Dorset Police and the licensing

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authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and licensing authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

- 23.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.
- 23.7 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
  - That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and
  - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 23.8 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.
- 23.9 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.

#### **24 Gaming machine permits in premises licensed for the sale of alcohol**

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any particular premises if;
- provision of the machines is not reasonably consistent with the promotion of the licensing objectives;
  - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.
- 24.2 If a premises wishes to have more than two machines, an application for a permit will be required and the licensing authority must consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*" The council considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable people from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.
- 24.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable people from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.
- 24.4 Measures which may satisfy the council that people under 18 years will be prevented from using the

machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable people, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.

- 24.5 The council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 24.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s), [access to gambling by young people, and complaints and disputes](https://www.gamblingcommission.gov.uk/authorities/codes-of-practice/guide/page/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence); <https://www.gamblingcommission.gov.uk/authorities/codes-of-practice/guide/page/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence>. Responsibility for compliance with this Code of Practice should be responsibility of the designated premises supervisor (as required under the Licensing Act 2003).
- 24.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 24.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.

## 25. Prize gaming permits

- 25.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.
- 25.2 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 25.3 The Gambling Act 2005 contains provision for local authorities to prepare a “Statement of Principles” that they propose to consider in determining the suitability of an applicant for a permit. Schedule 14, Para 8 of the Act states, “in preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

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25.4 In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:

#### Statement of Principles

25.5 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

25.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include;

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of Dorset Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation. <https://assets.publishing.service.gov.uk/media/5a7ee8dced915d74e62273b7/09-05-UK-Police-Requireme22835.pdf>

25.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.

25.8 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible
- That the gaming offered is within the law.

25.9 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.

25.10 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.

25.11 There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are;

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises

- on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

## 26. Club gaming and club machine permits

26.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D).

26.2 Commercial clubs may apply for a 'club machine permit' only.

26.3 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

26.4 Clubs must have regard to the protection of children and vulnerable people from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include;

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

26.5 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.

26.6 The council may only refuse an application on the grounds that;

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
- the applicant's premises are used wholly or mainly by children and/or young people;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

26.7 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are;

- that the club is established primarily for gaming,
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming;

or

- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

## **27. Temporary use notices**

- 27.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 27.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 27.3 Only people or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 27.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 27.5 The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

## **28. Occasional use notices (for tracks)**

- 28.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.
- 28.2 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a ‘track’ and whether the applicant is entitled to benefit from such notice.

## **29. Small society lottery registrations**

- 29.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 29.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be

regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

- 29.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Dorset and want to run such lottery.
- 29.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 29.5 To be 'non-commercial' a society must be established and conducted;
- for charitable purposes,
  - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
  - for any other non-commercial purpose other than that of private gain.
- 29.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council.
- 29.7 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

## Part E - Enforcement

### 30. Enforcement principles

- 30.1 The council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation. Specifically the council is subject to the Regulators' Code which provides the following six provisions which the Council should follow in its enforcement activities, unless it concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or outweighed by another relevant consideration.
1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
  2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
  3. Regulators should base their regulatory activities on risk
  4. Regulators should share information about compliance and risk
  5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
  6. Regulators should ensure that their approach to their regulatory activities is transparent
- 30.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:

- Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent:** rules and standards must be joined up and implemented fairly;
- Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- Targeted:** regulation should be focused on the problem, and minimise side effects.

30.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

30.4 Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were three Primary Authority arrangements with host local authorities:

[Milton Keynes – Ladbrokes/Corals](#)

[Milton Keynes – Welcome Break](#)

[Reading – Paddy Power](#)

[Reading – BACTA](#)

[Reading – MOTO](#)

[Reading – William Hill](#)

<a href="#">William Hill</a>	<a href="#">City of Westminster</a>
<a href="#">Ladbrokes/Coral</a>	<a href="#">Milton Keynes</a>
<a href="#">Paddy Power</a>	<a href="#">Reading</a>

30.5 Further information, including an index of all Primary Authority arrangements can be found at <https://www.gamblingcommission.gov.uk/authorities/guide/page/list-of-primary-authority-gambling-agreements> <https://primaryauthorityregister.info/par/index.php/home>

30.6

30.7.5 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review (-Reducing administrative burdens: effective inspection and enforcement, Philip Hampton, 2005)

30.8.6 The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.

30.9.7 The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

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~~30.1030.8~~ The council's enforcement/compliance protocols/written agreements will be available upon request.

### **31. Reviews**

31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.

31.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is;



- i) in accordance with any relevant code of practice issued by the Gambling Commission
- ii) in accordance with any relevant guidance issued by the Gambling Commission
- iii) reasonably consistent with the licensing objectives and
- iv) in accordance with this authority's Gambling Act 2005 – Statement of [Licensing Policy Gambling licensing policy](#).

31.3 In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

31.4 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## Appendix 1 – Gaming Machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current ~~proposals for the different~~ categories with the maximum stakes and prizes that will apply for each type of machine. This table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
<del>A (no category A gaming machines are currently permitted)</del>	Unlimited	Unlimited
B1	£5	£10,000  (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
<sup>1</sup> B2	<del>£100</del> £2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8  (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£15  (of which no more than £8 may be a money prize)

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<sup>1</sup> The category B2 ~~is not actually a traditional slot machine. It~~ refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a ~~new~~ type of gaming machine which generally appear in licensed bookmakers. ~~FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.~~ The Government ~~has brought in~~ announced a reduction in the stakes of B2 machines ~~from £100 to £2, in April 2018. In April 2019.~~

Table 2

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo Premises <sup>1</sup>					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*	No limit C or D machines	
Adult gaming centre <sup>2</sup>					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*	No limit C or D machines	
Licensed family entertainment centre <sup>3</sup>							No limit C or D machines
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits <sup>4</sup>					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises							1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol licensed premises with licensed premises gaming machine permit						Number of category C-D machines as specified on permit	
Travelling fair						No limit on category D machines	
	A	B1	B2	B3	B4	C	D

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2. Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

6. The UK government has proposed that a modification of the current machine ratios (as described in sections 1 and 2 of this list) should form part of the amendments to be considered as part of the White Paper reforms being consulted on at the time of drafting this report.

7. Following on from section 6 above, the White Paper proposals also include consideration of an increase in the number of machines allowed in casino premises.

8. The White Paper consultations may also bring about changes to the categorisation of those Category D machines which look similar to higher category gaming machines, but which are currently subject to a voluntary gambling industry agreement which sees them restricted to those over the age of 18.

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## Appendix 2 – Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.

Term	Description
Licensing Objectives	The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are: <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>• Ensuring that gambling is conducted in a fair and open way.</li> <li>• Protecting children and other vulnerable people from being harmed or exploited by gambling.</li> </ul>
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).
Mandatory condition	A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: <ol style="list-style-type: none"> <li>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</li> <li>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</li> </ol>
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).

Term	Description
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed. For Dorset the RAs include Dorset Police, The local Safeguarding Children Board, Dorset Council's Planning Department as well as several others.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

### Appendix 3 – Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Cribbage &amp; dominoes</u> No limit  <u>Poker</u> £100 per premises per day  <u>Other gaming</u> £5 per person per game
<b>Limits on prizes</b>	No limit	No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £100 per game  <u>Other gaming</u> No limit
<b>Maximum participation fees – per person per day</b>	<u>Bridge and/or whist*</u> £20  <u>Other gaming</u> £3	£18 (without club gaming permit)  £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £3 (commercial club) £1 (members club)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided





**Further copies of this document can be obtained from:**

**Licensing Team**

Dorset Council  
South Walks House  
South Walks Road  
Dorchester  
DT1 1UZ

Tel: 01305 251010

Email: [licensingteamb@dorsetcouncil.gov.uk](mailto:licensingteamb@dorsetcouncil.gov.uk)

Web: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/gambling-licences-1https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/alcohol-and-entertainment-licences/alcohol-licensing.aspx>

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# Equality Impact Assessment – Gambling Policy 2021-24

Version number	DRAFT Version 5
Date last reviewed:	Sept 2023
Approved by:	John Newcombe
Date approved:	
Next review date:	Sept 2024
Saved as:	Equality Impact Assessment – Gambling Policy 2024-2027

## 1. Management of the EqIA

The EqIA has been prepared by John Newcombe, Service Manager, Licensing and Community Safety and Aileen Powell, Licensing Team Leader. It has been prepared as part of the policy drafting process prior to circulation of the draft policy for a period of consultation. It will be reviewed directly following the consultation period close and updated with reference to any feedback from consultees which may have a bearing on the assessment. The assessment has been circulated as part of the report clearance process and updated accordingly.

## 2. Identification of policy aims, objectives and purpose

Licensing authorities are required by the Gambling Act 2005 to publish a Statement of Principles that they propose to apply when exercising their functions under the 2005 Act. The Statement must be published at least every three years and can be reviewed from “time to time” with any amended parts re-consulted upon.

The 2024-2027 Statement will be circulated for consultation for a minimum period of 4 weeks.

The objective of the Statement of Principles is to inform interested parties of the principles the licensing authority proposes to apply when exercising its functions under the Gambling Act 2005. The authority must have regard to the licensing objectives as set out in section 1 of the Act:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- Ensuring gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing authority aims to permit the use of premises for gambling:

- In accordance with any relevant Code of Practice issued by the Gambling Commission.
- In accordance with any guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives
- In accordance with the Authority’s Statement of Licensing Principles.

## 3. Scope / focus of the EqIA

The Equalities Impact Assessment has attempted to assess the likely impact of the revised policy on persons living, visiting and working within District.

There are 56 licensed gambling premises within the district; these currently consist of 5 bingo premises, 26 adult gaming centres and 25 betting shops. These are located across the District with concentrations in certain areas.

The Gambling Statement of Principles has scope to advance equality by promoting good relations and reduce inequality/protect vulnerable persons. The Statement supports a culture of openness where appropriate information can be accessed by all parties, hearings are generally held in public and enforcement is in line with the principles promoted within the enforcement concordat.

Partnership working and exchange of information (within legal constraints) is also supported by the Statement. In this way we hope to promote understanding between those providing gambling opportunities and those potentially affected by them. As with applications under other laws such as the Licensing Act 2003, we will seek to mediate between applicants and objectors and reach negotiated settlements wherever possible.

From April 2016 gambling operators must conduct local risk assessments for their premises to demonstrate that they understand local issues and to show what measures they propose to introduce to mitigate against the risk of harm to children and vulnerable persons. (Gambling Commission's Licensing Conditions and Codes of Practice responsibility code provision 10.1.1)

Vulnerable people should be protected from harm. Who 'vulnerable people' are or the ways in which they may be vulnerable is not defined by the 2005 Act, though the Gambling Commission states that for regulatory purposes this is likely to include: *"people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs."* (GC, 2012)

The Gambling Commission's Licence Conditions and Codes of Practice and Social Responsibility Code Provisions state that licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence;  
and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

The council will expect the local risk assessment to consider the urban setting:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- Whether the premises is in an area of deprivation.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups.
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.

The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of information regarding self-exclusion and gaming trends.

- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information,
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate etc.

The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of places where children congregate such as bus stops, cafes, shops etc.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

Other matters that the risk assessment may include:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

The policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

The following identifies how specific groups may be affected by the revised policy;

### **Class or socio- economic disadvantage**

#### **Low (positive impact)**

Deprivation has a significant impact on health and wellbeing. The Dorset Council areas of deprivation are largely located in the most urban areas - in particular the former borough of Weymouth & Portland - but many of Dorset's rural communities could also be considered deprived in terms of barriers to housing and essential services.

English Indices of Deprivation (2015), DCLG show

12,900 households are workless

There are ten areas (out of a total of 219) in Dorset within the top 20% most deprived nationally for multiple deprivation, down from 12 in 2010. Nine of these are within the former borough of Weymouth and Portland, one is in the former West Dorset District area.

46% of Dorset's population lives in rural areas. Barriers to housing and essential services are significant in Dorset reflecting rurality and distance from services. 66 Dorset neighbourhoods fall in the 20% most deprived nationally for this measure: in the former council areas, 21 are in West Dorset and 20 in North Dorset.

Seven neighbourhoods in Dorset fall into the top 20% nationally for income deprivation (up from five in 2010) - seven of these are in the former borough of Weymouth and Portland

Weymouth and Portland residence based weekly earnings are £503 per week compared with £571 in Great Britain (Annual Survey of Hours and Earnings (2018), ONS (full time gross weekly earnings))

Statistics for the Gambling Commission contained within the NatCen "Gambling behavior in Great Britain" show that adults in employment or training were most likely to have gambled in the past 12 months, with almost two thirds (63%) having spent money on any gambling activity. Over half of retirees (53%) and those who were unemployed (54%) had gambled in the past year, closely followed by adults who were otherwise economically inactive (49%). Those in full time education had the lowest levels of participation with around a third (32%) having gambled in the past 12 months. Excluding participation in National Lottery draws only, there was a different pattern of participation; in particular, unemployed adults had similar rates of gambling to those in employment or training (45% and 48% respectively). Those in employment were again the most likely group to gamble online, with 13% having done so in the past year. However, around one in ten (9%) full time students and those who were unemployed had gambled online in the past 12 months. Retirees were the least likely group to have gambled online, with 2% having done so. <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2016.pdf>

## Age

### Low (positive impact)

There are nearly 59,800 children (0-15) living in Dorset. This represents 15.9% of the total population and is lower than the 19.1% national average. The number of 0-15yr olds is expected to fall slightly over the next 25 years, continuing the trend in place since 2007.

There was also a net loss of 15-19 year olds from Dorset to other parts of the UK, with net gains mostly among those aged 30+

28% of Dorset's population is aged over 65

Over the period 2007-2017, the number aged 65+ grew by 22,500 – up by 27%.

<https://apps.geowessex.com/insights/AreaProfiles/UnitaryAuthority/dorset-council>

Statistics for the Gambling Commission contained within the NatCen "Gambling behavior in Great Britain" show overall, the highest participation rates in any form of gambling activity were among adults aged between 25 and 64 (between 60% and 62%), while the lowest rates were found among the youngest and oldest age groups; 46% of 16 to 24 year olds and 47% of those aged 75 and over had gambled in the past year. <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2016.pdf>

Actions and objectives are stated in the policy that will help protect vulnerable and young people and it is proposed to consult with head teachers of all schools within the District on the revised Licensing Statement of Principles.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of age.

### **Disability**

#### **Low (positive impact)**

According to 2011 Census data, 72,167 Dorset residents had a long-term health problem or disability, this means people whose day-to-day activities are limited a lot or a little by a disability or long term medical condition. <https://apps.geowessex.com/insights/Topics/Topic/Diversity>

In the policy applicants are requested to have regard to the type of people that are likely to visit their premises in their application when identifying the steps they will take to promote the licensing objectives. Applicants will be expected to propose steps to ensure that the physical layout of the premises does not present any risks to 'vulnerable' people, some of whom may be disabled.

During inspections, officers will refer any relevant details to planning if it is suspected there may be accessibility issues or a lack of planning permission.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of disability.

### **Pregnancy and maternity**

#### **Low (positive impact)**

Dorset has a lower number of births than deaths giving a net decline in natural population. <https://apps.geowessex.com/insights/Topics>

It is not however anticipated that the proposed policy will have a negative effect on the grounds of pregnancy and maternity/paternity.

### **Race**

#### **Low (positive impact)**

Dorset has much lower levels (4.4%) of Black and Minority ethnic (BME) residents than the country as a whole (19.5%)<sup>2</sup>. The highest proportion of Dorset's BME population are classified as 'White Other' who make up approximately 41% of Dorset's BME population. This classification includes people who identify as white but who do not have UK national identity (English, Welsh Scottish, Northern Irish and British). An example would be Polish. <https://apps.geowessex.com/insights/Topics>

Statistics for the Gambling Commission contained within the NatCen "Gambling behavior in Great Britain" show gambling participation was highest among White adults; six in ten (59%) White adults had gambled in the past 12 months, compared with 46% of Black adults, 45% of adults in other minority ethnic groups and 32% of Asian adults. A similar pattern was evident among those who gambled on activities other than the National Lottery draws only. For online gambling the pattern was slightly different; similar proportions of adults in the White group and other minority ethnic groups had gambled online (both 10%), compared with 5% of Black adults and just 2% of Asian adults. <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2016.pdf>

The Local Authority has established procedures for engaging with the diverse range of businesses within the Council area. Consultation on the new Statement of Licensing Principles will be undertaken with statutory consultees, including representatives from the business community.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of race.

### Religion/belief

#### Low (positive impact)

2011 census data shows The five major non-Christian world religions Islam, Buddhism, Hinduism, Judaism and Sikhism constitute 1% of Dorset's residents' religious beliefs

Dorset's main non-Christian religious groups are concentrated in Dorset's towns. Weymouth has just over 300 residents of Muslim faith. There are also concentrations around military establishments such as Blandford Camp where the Gurkhas and their families live who are predominantly Hindu in their religious belief. <https://apps.geowessex.com/insights/Topics>

The Local Authority has established procedures for engaging with the diverse range of businesses within the borough.

Consultation on the new Statement of Licensing Policy will be undertaken with statutory consultees, including representatives from the business community.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of race.

### Sex (gender)

#### Low

Statistics for the Gambling Commission contained within the NatCen "Gambling behavior in Great Britain" show overall, men were more likely to participate in most forms of gambling than women. Offline bingo was the only activity where men were less likely to participate than women (3% and 7%, respectively). Men were significantly more likely than women to have used an online bookmaker (13% and 2%, respectively) and to have placed an offline bet on a horse (12% and 7%, respectively) in the past year. Slot machines were also more popular among men than women (8% and 4%, respectively). And men were also more likely to have bet on sports events offline than women, with 9% of men and 1% of women. <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2016.pdf>

The revised Statement of Principles would have a neutral impact on the protected characteristic of Sex (gender).

### Sexual Orientation and Transgender

#### Low

There is no data available on the spatial distribution of lesbian, gay, bisexual, transgender and transsexual people in the area, and there are no obvious places of congregation of such groups equivalent to those elsewhere in the country. There are 1,866 people are living in a same sex relationship. <https://apps.geowessex.com/insights/Topics>

The revised Statement of Principles would have a neutral impact on the protected characteristic of Sexual Orientation

### Rural isolation

#### Low

46% of Dorset's population lives in rural areas. Barriers to housing and essential services are significant in Dorset reflecting rurality and distance from services. 66 Dorset neighbourhoods fall in



the 20% most deprived nationally for this measure: in the former council areas, 21 are in West Dorset and 20 in North Dorset.

## Armed forces background

### Low

Research suggests that the rate of Armed Forces veterans with mental health conditions could be as high as 10%, compared to around 3% for the general population (House of Commons Defence Committee, Mental Health and the Armed Forces, Part One: The scale of mental health issues. 11th report 2017 – 19)

The council in partnership with Dorset Armed Forces Covenant Programme is working to ensure that the Armed Forces Community in Dorset has access to the services and assistance it requires.

### 3. Relevant data, research and consultation

In addition to the data sources contained within the assessment above, all relevant parties and organisations situated and operating within the area will be consulted on the draft policy and any responses will be fully considered by the licensing authority and licensing committee.

This assessment will be updated following the consultation period. The consultation will include;

- A draft Policy available at Libraries, Local Service Centres and the offices of the Licensing Team
- Emails to all Councillors, Mayors, and MPs
- Internal consultation process to relevant officers and Corporate Management Teams
- Public notices in the Dorset Echo
- Public consultation advertised on the Council website
- Letters to Premises licence holders and other interested parties
- Responsible Authorities– including Dorset Police, Wiltshire and Dorset Fire Brigade
- Letters to BCP Council, Wiltshire Council and South Somerset Council
- Letters to all Head teachers of schools and education establishments located within the Area
- Armed forces community
- The Gambling Commission

In order to assist applicants when completing or reviewing their risk assessments, the Council may publish a local area profile. The Council has commissioned a local area profile which is expected to be completed during 2021 and once approved by the Licensing Committee, it will be made available through the licensing team.

The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing subcommittee when they determine an application that has received representations.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

The local area profile will include the following data (where available);

Index	Criteria	Indicator/measure	Data source	Date
People at home	Ethnic groups	Number of residents from Asian/Asian British, Black/African/Caribbean/Black	Census 2011 table KS201UK Ethnic Group	2011
	Unemployment	Number of economically active unemployed residents	Census 2011 table QS601UK Economic Activity	2011
	Youth	Emerging adults and younger children - number of residents aged 10-24 years	Census 2011 table QS103UK Age by single	2011
	Poor mental health	Number of patients recorded on the GP register with schizophrenia, bipolar affective disorder and other psychoses, and other patients on lithium therapy or with depression	Quality Outcomes Framework (QOF)	2018
People away from home	Problem gamblers	Gamblers Anonymous meetings	Gamblers Anonymous UK	2018
		Gamcare locations	Gamcare	2018
	Unemployment	Job centre locations	Department for Work and Pensions	2018
	Youth	Education institutions with students of 13-24 years	Edubase2	2016/2017
	Substance abuse/misuse	Accommodation for persons who require treatment for substance misuse	Care Quality Commission	2018
People at home	Homelessness	Accommodation for vulnerable people/homeless	Local Authority lists	2018
	Poor mental health	Number of resident outpatient attendances to acute hospitals relating to treatment function specialities 710 (adult mental illness), 722 (liaison psychiatry), 723 (psychiatric intensive care)	HSCIC hospital episode statistics via Local Authority Public Health teams	2015/2016
People away from home	Substance abuse/misuse	Drug and alcohol treatment and recovery centres/clinics	Local Authority lists	2018
		Needle exchanges	Local Authority lists	2018
		Accommodation for persons who require treatment for substance	Local Authority lists	2018
		Alcoholics and narcotics anonymous meetings	Alcoholics and narcotics	2018
	Financial difficulties/de	Payday loan shops	Local Authority lists	2018
		Food banks	Local Authority lists	2018

**4. Assessment of Impact and outcomes**

Protected characteristics	Issues taken from evidence	Judgement (positive / negative)	Recommendations
Class or socio-economic disadvantage	No adverse impact	Low (positive)	N/A
Age	No adverse impact	Low (positive)	N/A
Disability	No adverse impact	Low (positive)	N/A
Pregnancy and maternity	No adverse impact	Low (positive)	N/A
Race	No adverse impact	Low (positive)	N/A
Religion / belief	No adverse impact	Low (positive)	N/A
Sex (gender)	No adverse impact	Low	N/A
Sexual orientation	No adverse impact	Low	N/A
Transgender	No adverse impact	Low	N/A
Rural isolation	No adverse impact	Low	N/A
Armed forces background	No adverse impact	Low	N/A

Equality Impact Assessment Action Plan for [insert name of policy]						
Issues identified and groups affected	Actions to be taken	Timescales of actions	Who is responsible for delivery	Intended outcomes	Performance measures	Reference to service or other plans
No gap identified with regards to equalities and diversity and the Statement of Licensing Principles under the Gambling Act 2005	Will ensure premises are considering their own impact on vulnerable persons such as persons with disabilities or with gambling addictions Continued engagement with the trade to ensure local area risk assessments are undertaken and these are suitable. Equality monitoring forms will be distributed in these instances	Draft Policy consultation min. 4 weeks	J Newcombe Licensing Team	Policy Adopted for use	N/A	Corporate Plan Enforcement Policy

6. **Formal agreement**
7. **Publication of results**
  - a. Date EqIA published on Council website (full or summary version)
8. **Monitoring and review**
  - a. Set dates and mechanism for monitoring and reviewing

## Licensing Committee

11 October 2023

## Licensing Act 2003 Policy – review of Cumulative Impact Area

### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** All Councillors

**Executive Director:** J Sellgren, Executive Director of Place

**Report Author:** John Newcombe  
**Title:** Service Manager Licensing & Community Safety  
**Tel:** 01305 838027  
**Email:** [john.newcombe@dorsetcouncil.gov.uk](mailto:john.newcombe@dorsetcouncil.gov.uk)

**Report Status:** Public

### Brief Summary:

The Council, as Licensing Authority under the Licensing Act 2003, is required to publish a Licensing Policy at least every five years. The purpose of the policy statement is to define how the Council will exercise its responsibilities under the Act. The Statutory Guidance issued under section 182 of the Licensing Act 2003 advises however that any Cumulative Impact Area(s) are reviewed every three years. The Dorset Licensing Policy contains one Cumulative Impact Area in Weymouth Town Centre. Officers have reviewed the evidence base for the Weymouth Cumulative Impact Area and a report is attached for consideration by the Committee. It is proposed to undertake a public consultation regarding the retention of the Cumulative Impact Area, with the results of the consultation being considered by the Licensing Committee and a recommendation made to Full Council.

### Recommendation

- 1.1 To agree that a public consultation exercise be undertaken on the retention of the Cumulative Impact Area with the results of the consultation being considered by the Licensing Committee and a recommendation made to Full Council.

## **Reason for Recommendation**

- 1) To comply with legislative requirements, and
- 2) To ensure openness and transparency in the Council's decision making, and
- 3) To ensure that those persons affected by the policy are given the opportunity to have an input into it.

## **2. Background**

2.1 The Licensing Act 2003 requires the Council, acting as the Licensing Authority under the Act, to determine and publish a Statement of Licensing Policy at least once every five years.

2.2 The Statement of Licensing Policy 2021-2026 can be reviewed and updated at any time during the life of the document. The Council keeps the Statement of Licensing Policy under constant review and, from time to time, may commission research to inform changes to policy.

2.3 The Statement of Licensing Policy sets out how the Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:

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

2.4 Activities regulated under the Licensing Act 2003 include:

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

2.5 The Statement of Licensing Policy was prepared and adopted in line with the requirements of the Licensing Act 2003, as well as the Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

2.6 The Statement of licensing policy was prepared with regard to, and sought to integrate with, the following Council strategies:

- Dorset Council's Plan
- Dorset Council Community Safety Plan
- Dorset Council's Local Plan and Development Framework
- Dorset Council's Economic Growth Strategy

- Dorset Council's Enforcement Policy
- Dorset Council's Strategy for children and young people

- 2.7 In addition to setting out how the Licensing Authority intends to promote the licensing objectives, and the Authority's expectations of licensed premises operators and applicants, the Authority is also able to designate particular areas of stress amounting from a proliferation of licensed premises within a particular area. This specially designated area is known as a Cumulative Impact Area.
- 2.8 A Cumulative Impact Area can be integrated within a Council's Statement of Licensing Policy if it can be shown that the number or type of licence applications granted in a particular area are having a cumulative impact and this is leading to problems which are undermining the licensing objectives. There is a rebuttable presumption that any new applications, or applications to substantially alter existing permissions, will be refused unless the applicant can demonstrate to the Authority that the proposals will not add to the existing problems in the area.
- 2.9 The current Licensing Policy contains one Cumulative Impact Area in the Weymouth Town Centre. A copy of the current Licensing Policy is attached at Appendix 1.
- 2.10 In order to assist with the decision regarding retention of the existing Cumulative Impact Area, up to date statistics have been included at Appendix 2 within this report which indicates that there remains a negative cumulative impact of licensed premises and licensable activities within the area as previously identified.
- 2.11 It is proposed to undertake a public consultation regarding the retention of the Cumulative Impact Area, with the results of the consultation being considered by the Licensing Committee and a recommendation made to Full Council.

### **3. Financial Implications**

The funding for the preparation and consultation of the Cumulative Impact Area contained within the Council's Licensing Policy will come from existing budgets and there are no further financial implications arising from the recommendations of this report.

### **4. Natural Environment, Climate & Ecology Implications**

There are no implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

## **5. Wellbeing and health implications**

There are no implications arising from the recommendations contained within this report in terms of meeting the Council's wellbeing and health obligations.

## **6. Other Implications**

There are no implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

## **7. Risk Assessment**

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

## **8. Equalities Impact Assessment**

An Equalities Impact Assessment was prepared as part of the Policy consultation when originally adopted.

## **9. Appendices**

Appendix 1 Dorset Council Licensing Policy 2021-26

Appendix 2 Cumulative Impact Assessment

## **10. Background Papers**

Licensing Act 2003

Revised guidance issued under section 182 of the Licensing Act 2003 (Aug 2023)





**Statement of Licensing Policy  
2021 - 2026**

**Licensing Act 2003**

**1 February 2021**

**Further copies of this document can be obtained from:**

Licensing Team  
Dorset Council  
South Walks House  
South Walks Road  
Dorchester  
DT1 1UZ

Tel: 01305 251010

Email: [licensingteamb@dorsetcouncil.gov.uk](mailto:licensingteamb@dorsetcouncil.gov.uk)

Web: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/alcohol-and-entertainment-licences/alcohol-licensing.aspx>

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## Executive Summary

The Licensing Act 2003 came into effect in 2005.

Under Section 5 of the Licensing Act 2003 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every five years.

Any decision taken by the Council in regard to determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

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

The policy covers the licensable activities as specified in the Act which are:

- Sale by retail of alcohol
- Supply of alcohol on behalf of a club
- Regulated entertainment
- Late night refreshment

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Additionally, the council has regard for a number of other local strategies such as Dorset Council's Plan, Economic Growth Strategy and Community Safety Plan.

The council has the ability to grant licences for premises and certificates for club premises. It also grants personal licences and accepts temporary event notices.

Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. In addition to this policy the council has included guidance specific to certain parts of the Dorset Council area to assist applicants in preparing their applications and operating schedules.

Where relevant, the council consults with the responsible authorities as described in the Act.

Local people and Members of the council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications for premises licences or requesting reviews of licences where problems arise.

The policy includes information on the area(s) that the council considers to be suffering from the cumulative impact of licensed premises.

Enforcement of the legislation is a requirement of the Act that is undertaken by the council. This policy describes the council's enforcement principles and the principles underpinning the right of review.

### Purpose of the policy

- 1.1 This policy is prepared under Section 5 of the Licensing Act 2003 and was approved by Dorset Council as Licensing Authority on 10 December 2020 to come into effect on 1 February 2021. It will be kept under periodic review and as a minimum will be reviewed after a maximum of 3 years for any Cumulative Impact Areas and after a maximum of 5 years otherwise, unless statute changes. Unless otherwise stated any references to the council are to the Dorset Licensing Authority.
- 1.2 In preparing this policy the council has consulted with and considered the views of a wide range of people and organisations including:
- Representatives of local business
  - Local residents and their representatives
  - Local Councillors
  - Parish and town councils
  - Local members of parliament
  - Representatives of existing licence holders including
    - The British Beer and Pub Association
    - UK Hospitality
    - The British Institute of Innkeeping
    - CAMRA
    - Licensing solicitors
  - The responsible authorities namely:
    - Dorset Police
    - Dorset Fire and Rescue Service
    - Dorset Council – Public Health (Primary Care Trust)
    - Dorset Council – Environmental Health
    - Dorset Council – Planning Authority
    - Dorset Council – Children’s Services, Social Care and Health
    - Dorset Council - Trading Standards
    - Secretary of State (Home Office Immigration Enforcement)
  - Charitable organisations that deal with the social impact of alcohol misuse
  - Other charitable organisations
  - Adjoining Councils
- 1.3 This policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 1.4 The council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. Following relevant representations the council will refuse applications, restrict hours and activities or impose conditions where it is appropriate to do so to promote the licensing objectives

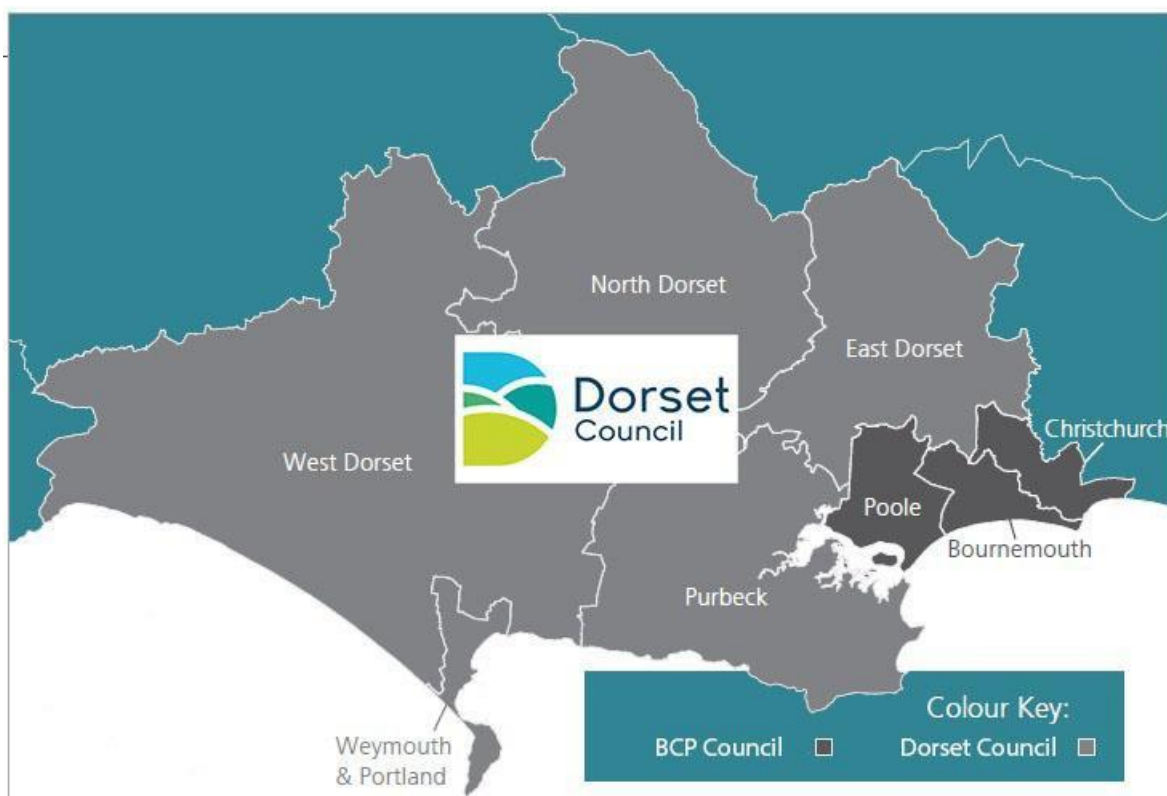
and/or use effective enforcement to address premises, in partnership with key agencies such as Dorset Police, Dorset Fire and Rescue Service , Health and Safety Executive, Crime and Disorder Reduction Partnerships, Director of Public Health, and Dorset Council's Trading Standards and Environmental Health services.

- 1.5 This policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the council attaches to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.
- 1.6 The council will monitor the effect of this policy throughout the period it covers through licensing liaison meetings with representatives of licence holders such as PubWatch meetings and also by way of regular meetings with the responsible authorities.

### **Scope of the policy**

- 1.7 This policy covers licensable activities within the Dorset Council district as defined by the Licensing Act 2003. These are:
  - The sale of alcohol
  - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
  - The provision of regulated entertainment
  - The provision of late-night refreshment
- 1.8 Advice on whether a licence is required for premises or an event can be obtained from the Licensing Team.
- 1.9 Throughout this policy the wording will refer to 'applicants' for licences. However, it should be noted that the principles set out within this policy apply equally to new applications, applications for variations and consideration of any request to review a licence.
- 1.10 The scheme of the Licensing Act is that applicants should make applications and assess what matters, if any, need to be included within the operating schedule to address the licensing objectives. If an application is lawfully made and no relevant representations are received then the council must grant the application. Only if relevant representations are made will the council's discretion be engaged.
- 1.11 Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take in order to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues where representations have been made.





- 2.1 Dorset Council was formed on 1<sup>st</sup> April 2019 following a restructure of the previous local government arrangements. The Council is one of two unitary authorities formed from the predecessor district, borough and county councils and consists of the former authorities of West Dorset, Weymouth & Portland, Purbeck, East Dorset and North Dorset as well as the former Dorset County Council. The plan above shows the geographic boundary of the new Dorset Council area, along with the locations of the former district and borough councils.
- 2.2 Dorset (Council area) has a population of 375,000 residents, 28% of whom are aged 65 and older (compared to 18% in England and Wales).
- 2.3 Dorset is an attractive place for people to settle in their retirement – it has a large population of older people, and relatively low birth rates. Currently there are over 7,000 people in Dorset living with dementia, and the number is increasing. Younger people often move away from the area. The population continues to grow slowly, driven by people moving into the county and longer life expectancy. The greatest part of population growth is among over 65s. Dorset’s working age population is expected to see a marginal decline over the next 25 years.
- 2.4 The Dorset rural idyll can conceal hidden deprivation: there are pockets of deprivation, mostly in urban areas (mainly Weymouth and Portland). But there is also some rural deprivation due to isolation and difficulty accessing housing, transport and essential services. Crime is generally low in Dorset.
- 2.5 The population is predominantly white British, with 4.4% of our residents black and minority ethnic.

- 2.6 Dorset's natural environment is a great asset. 95 miles of coast in Dorset and Devon are classified as a UNESCO Natural World Heritage Site – the only one in England. Over half of Dorset is covered by the Area of Outstanding Natural Beauty designation; 7% of Dorset is protected as a Site of Special Scientific Interest; and Dorset has one of the largest areas of protected lowland heath in Europe. These designations together mark Dorset as a special place but also present challenges in terms of available land for delivering housing and employment development.
- 2.7 Dorset also has a rich historic environment, with one in twenty of all the protected ancient monuments in England, a well preserved pre-historic landscape and around 10,000 listed buildings.
- 2.8 Employment in Dorset is high but, like the UK, our economy has a productivity gap. Manufacturing, health, retail, education and hospitality are all big employers in Dorset. 20,000 businesses are based in Dorset: 86% are micro firms and fewer than 1% are large firms. Dorset's economy is worth around £7.1 billion and provides 143,000 jobs. Dorset has an above average number of advanced engineering and manufacturing businesses. But there is also a continuing seasonal, low skill, low wage economy with tourism and agriculture significant industries. The area is rich in valuable minerals, including stone, sand/gravel and oil.
- 2.9 Earnings are below average and house prices are high with affordability issues for many young people and keyworkers. In 2017, lower end house prices were more than ten times higher than lower end earnings in Dorset.
- 2.10 Dorset has no motorway but over 2,500 miles of roads. 95.1% of premises in the Dorset Council area have access to superfast broadband. 3.1% of premises in the Dorset Council area have access to full-fibre broadband.
- 2.11 Each part of the Dorset Council area has its own character and challenges. The council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. To assist them the council has provided links to data sources where information specific to localities in Dorset in which there is concern relating to impact of licensed premises on the four licensing objectives can be found. Applicants may also consult with the Licensing Team to ensure they have as much information as possible before making their application.

### **Cultural Activities in Dorset**

- 2.12 Dorset has strong artistic and sporting traditions and has some of the best attended outdoor events in the country. the Dorset Council area also boasts a wealth of community based sports heritage and recreational facilities. There is a vibrant voluntary sector including hundreds of groups and societies.
- 2.13 Dorset Council is a major provider of facilities for public recreation. The Council has a tradition of promoting a wide range of cultural activity for the benefit of residents and visitors alike.
- 2.14 Commercially promoted events take place in a variety of locations throughout the Dorset Council area.
- 2.15 Within local communities, groups and associations use church and village halls and community centres for social and fund raising activities. Within the Dorset Council area there are a large number of church halls, village halls and schools licensed for regulated entertainment and/or the sale or supply of alcohol.
- 2.16 Dorset has a long established reputation for the encouragement of community and diverse cultural

events and public entertainment as an essential aid to community involvement and an increasing sense of common identity.

- 2.17 Weymouth has a particularly vibrant night time economy area and the council is keen to support businesses who operate responsibly. The council is proud to support the Purple Flag achievements of Weymouth and keen to acknowledge the benefits that a well run night time economy can bring to an area in terms of economic, cultural and community benefits.

## Section 3 Integrating other guidance, policies, objectives and strategies

- 3.1 In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with, the following strategies:
- Dorset Council's Plan
  - Dorset Council Community Safety Plan
  - Dorset Council's Local Plan and Development Framework
  - Dorset Council's Economic Growth Strategy
  - Dorset Council's Enforcement Policy
  - Dorset Council's Strategy for children and young people
- 3.2 The council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives it may have regard to them when making licensing decisions.
- 3.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

### Vision for Dorset

- 3.4 Dorset Council's vision for Dorset sets out 6 overarching priorities:
- Economic Growth
  - Unique Environment
  - Suitable Housing
  - Strong, Healthy Communities
  - Staying Safe and Well
  - Action on the Climate and Ecological Emergency
- 3.5 Dorset, like other national and international geographic areas, is faced with a number of key challenges. The district's ageing population is set to rise 31% over the next 10 years, its economy is still recovering from the effects of global recession and the consequences of a changing climate have become all too apparent. 12,900 Households are without work and by 2029 150,000 people will retire and 20,000 jobs will be created, leaving 173,000 jobs to be filled.
- 3.6 In addressing these challenges, Dorset must continue to be forward-looking and have a clear plan for the future, and this is why the Council's Plan is important.

3.7 This licensing policy seeks to promote the licensing objectives within the overall context of the priorities and aims set out in the Council's Plan 2020-24.

### **Dorset Council's Health and Wellbeing Strategy**

3.8 Dorset Council's Health and Wellbeing Strategy focuses on three key priorities:

- Reducing inequalities
- Promoting healthy lifestyles and preventing ill health
- Working better together to deliver prevention and early intervention at scale, high quality care and better value

3.9 Whilst public Health is not one of the licensing objectives within the Licensing Act 2003, unlike in Scotland, the council does consider it important that alcohol dependency and alcohol abuse are considered within the context of the existing regulatory regime. Alcohol dependency and abuse can lead to crime and disorder and anti-social behaviour and can impact on community wellbeing. It is therefore important that the council considers the impact of licensed premises and the availability of alcohol on the community as a whole.

### **Dorset Council's Economic Growth Strategy**

3.10 Dorset Council's Economic Growth Strategy sets out the Council's priorities for the Dorset Council area:

- Transportation Infrastructure
- Digital Infrastructure
- People – aspirations, skills, education and training
- Place – sustainable economic development and growth, vibrant towns and investment in coastal resorts / tourism
- Business environment – through business support services, attracting inward investment, delivering 'business friendly' services, developing visit Dorset
- Ideas – development of Dorset Innovation park, collaboration with partners and innovation

3.11 The council will encourage investment and growth within the leisure and retail industry within Dorset, and will seek to minimise any potentially negative impacts from existing and new licensed premises operating in the Dorset Council area.

3.12 The Licensing Act 2003 was meant to encourage the growth of a continental style café culture with staggered closing times and a light touch regulatory regime and the council will seek to support this ethos, when encouraging new businesses to set up in the Dorset Council area and the expansion of existing businesses.

3.13 Where the Council considers that there has already been an unsustainable proliferation of licensed premises and that area is suffering from the effects of too many licensed premises, or an unbalanced mix of cultural offerings, then it will introduce a cumulative impact policy to attempt to limit the negative effects of such proliferation of premises. This does not mean that new premises will not be able to open within the proposed Area, if adopted, but will instead seek to ensure that the area has a cosmopolitan mix of activities to attract consumers.

### **Strategy for children and young people**

3.14 The council is committed to ensuring that the experience of childhood and early adulthood in Dorset is a good one. The council and its partners want every child to have the opportunity to be confident

in their relationships, achieving personal success as they grow into adulthood. We believe that by working together as organisations and with families and communities we will achieve this.

- 3.15 The council's partner alliance works to the following priorities:
- Information & knowledge
  - Early action & help
  - Priorities that matter
  - New models to deliver services
  - Whole family working
- 3.16 This policy contributes to all these outcomes and also a number of the priorities within strategy for Children and Young People, including:
- Ensuring that the most vulnerable are protected
  - Improving social, emotional, and mental health and wellbeing
  - Supporting young people to make good choices and minimise risk-taking behaviours

## Section 4 Promotion of the licensing objectives

- 4.1 The council will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives. These are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 4.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the council at all times.
- 4.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.
- 4.4 The council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.
- 4.5 Applicants are reminded that responsible authorities or other people may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.
- 4.6 The council recommends early consultation with responsible authorities. Many responsible authorities have produced guidance which applicants can take into account, when assessing whether they need to include any measures in their application to promote the licensing objectives. In addition, responsible authorities are prepared to discuss matters with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities are available from the Licensing Team. Guidance issued by the responsible authorities can be sourced by

contacting the relevant responsible authority direct or by contacting the licensing team.

### **Crime and Disorder**

- 4.7 Under the Crime and Disorder Act 1998, the council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.
- 4.8 Where its discretion is engaged, the council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports Dorset's Community Safety Plan.
- 4.9 There are many steps an applicant may take to prevent crime and disorder. The council will look to the Police for the main source of advice on these matters.
- 4.10 If relevant representations are received in relation to a premises licence or club premises certificate, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises, and access to them, where this relates to licensable activities and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave. Conditions will be targeted on deterrence and the prevention of crime and disorder. The council may consider:
- The need for and location of CCTV cameras
  - The need for door supervision
  - The need for a text or radio pager system allowing communication between premises and with the Police
  - Conditions setting capacity limits where this is necessary to prevent overcrowding likely to lead to disorder and violence
  - Membership of a recognised pub watch or similar scheme
- 4.11 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity, and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety, or the protection of children from harm if they relate to the occasional use of the premises for adult entertainment.

### **Public Safety**

- 4.12 The public safety objective is concerned with the physical safety of people using the premises. Public safety includes safety of performers appearing at any premises.
- 4.13 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The council will not seek to impose fire safety conditions as conditions on licences where the Order applies.
- 4.14 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.
- 4.15 Applicants are advised to consult with the Environmental Health, Health and Safety Team, who can offer advice as to appropriate measures to be included in risk assessments, and potentially in operating schedules. On receipt of a relevant representation, the council will have regard to the views

of the Health and Safety Team. The team can also offer advice in relation to workplace health and safety matters, including compliance with the Health Act 2006 (smokefree).

- 4.16 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence on each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals, and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on premises.
- 4.17 Special events in the open air or temporary structures raise particular issues. Applicants are referred to other sections of this document where guidance on holding these types of event is given.

### **Public Nuisance**

- 4.18 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on people living and working in the area around the premises which may be disproportionate and unreasonable. The council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other people living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and pests or where its effect is prejudicial to health.
- 4.19 Where applicants are completing operating schedules, the council encourages them to have regard to the location of the proposed or actual premises, and in particular whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, old people's accommodation, hospitals, hospices or places of worship.
- 4.20 Applicants are recommended to consult Environmental Health for advice on measures that may need to be incorporated into an operating schedule.
- 4.21 If relevant representations are made, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.
- 4.22 The council will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.
- 4.23 When considering such matters, the council will have regard to representations made by responsible authorities including Environmental Health, and by local residents.
- 4.24 The council may consider the following matters:
- Whether doors and windows will or can be kept closed after a particular time.

- Whether other noise control measures such as acoustic curtains or other speaker mounts are required.
- The fact that lighting outside the premises may help to prevent crime and disorder, but may give rise to light pollution for neighbours.
- Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the needs of residents.
- The size and location of smoking areas and any facilities provided may encourage patrons to use the external areas more extensively than for just smoking.
- Provision of litter bins in the vicinity of premises serving hot food after 11pm.
- Display of contact details or a direct telephone link to a private hire/taxifirm.
- Emptying of bins and/or bottle receptacles and the times permitted.

4.25 The council recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities, and those who wish to use such facilities.

4.26 Ultimately if it is necessary for the prevention of public nuisance where conditions do not adequately address the issues an application can be refused.

### **Protection of children from harm**

4.27 The council recognises various responsible authorities are concerned with promoting the licensing objective of the protection of children from harm and are able to make representations in relation to applications and/or apply for the review of a premises licence should it consider that an operator was not sufficiently promoting the licensing objective of the protection of children from harm

4.28 The protection of children from harm includes protection from physical and psychological harm, neglect and exploitation.

4.29 The council notes that the admission of children to premises holding a premises licence or club premises certificate should be freely allowed unless there is good reason to restrict entry or exclude children completely. Unaccompanied children under 16 are not allowed on premises licensed to sell alcohol for consumption on the premises after midnight, or where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

4.30 Issues about access of children to premises may give rise to concern:

- Where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;
- Where there have been convictions or warnings to the current management for serving alcohol to minors;
- Where there have been convictions or warnings to the current management in relation to child protection issues;
- Where the premises have experienced incidents of allowing under-age drinking;
- Where requirements of proof of age is not the norm;
- Where premises have a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises; and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

4.31 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition, licensees may identify that the access of children to particular parts of the premises poses more risk than others, and seek only to exclude children from areas of highest risk.



- 4.32 On receipt of relevant representations, the council will consider whether conditions are necessary. If conditions are necessary these may include:
- Limitations on the hours when children will be present  
Limitation on the presence of children of certain ages when specified activities are taking place
  - Limits on the parts of the premises to which children may have access
  - General age limitations of access
  - Limitations or exclusions only when certain activities are taking place
  - Requirements for an accompanying adult
  - Full exclusion of people under the age of 18, or higher when any licensable activities are taking place.
- 4.33 In such cases, representations by responsible authorities and the Police will be given considerable weight where they address issues regarding the protection of children from harm.
- 4.34 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. However, the council favours the Challenge 25 type scheme and such a scheme volunteered as part of an operating schedule, will be given the appropriate weight when the council determines the licence application.
- 4.35 No condition will be imposed by the council requiring the admission of children to any licensed premises except in the case of exhibition of film, where a mandatory condition is applied to all licences with this activity.

## Section 5 General principles

- 5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merits, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy the council will give clear and cogent reasons for doing so.
- 5.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.

### Human Rights

- 5.3 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
  - Article 8 that everyone has the right to respect for his home and private life.
  - Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions.

### Protection of Privacy and Data

- 5.4 In line with General Data Protection Regulation and Data Protection Act 2018, the Council and Dorset

Police are Joint Data Controllers of the information you provide as part of your licence application. The Council and the Dorset Police have a statutory duty to process and maintain licences and permissions and conduct enforcement activities in accordance with the Licensing Act 2003 as part of a legal obligation to meet the statutory requirements for the licensing of the sale of alcohol, regulated entertainment and late-night refreshment.

- 5.5 We may share the following information with the third parties listed below: details of the licensed premises, licence status, the names, addresses and company numbers of persons and companies named on a licence. This may be shared with services in the Council, for example, Development Control, Environmental Health and Community Safety.
- 5.6 In addition we will share with external third party organisations including Government departments, Information Commissioners Office (for National Fraud Initiative), the Health and Safety Executive, Dorset Fire and Rescue Service to make further enquiries regarding your application under the Licensing Act 2003 or where required by law for the detection and prevention of crime.
- 5.7 The personal information you provide as part of your application for a premises licence, club premises certificate or personal licence will be held for a period of 6 years following the surrender, lapsing or expiry of the licence/permit. The personal information held for Temporary Event Notices will be held for a period of 2 calendar years following the event. Details of all transactions are recorded permanently as an entry on the licensing register.
- 5.8 The Council's corporate privacy notice, which includes details of the authority's Data Protection Officer and your information rights is available at: <https://www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/data-protection.aspx>
- 5.9 Dorset Police's full privacy notice can be found here <https://www.dorset.police.uk/news-information/about-dorset-police/accessing-information/data-protection/>

### **Equality Act 2010**

- 5.10 The council is committed to eliminating unlawful discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations within and between our communities.
- 5.11 It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of:
- Age
  - Being or becoming a transsexual person
  - Being married or in a civil partnership
  - Being pregnant or on maternity leave
  - Disability
  - Race including colour, nationality, ethnic or national origin
  - Religion, belief or lack of religion/belief
  - Sex
  - Sexual orientation.
- 5.12 In order to promote equality, and to fulfil its statutory duties under the Equality Act 2010, the council asks that applicants aim to achieve inclusive access to their venues and events. For example discrimination will be experienced if access to the venue is denied due to lack of a ramp or if the venue does not provide means for someone to book a ticket who cannot speak. Further guidance is available at <https://www.gov.uk/guidance/equality-act-2010-guidance#guidance-on-the-equality-act>

- 5.13 The council cannot enforce the Act but those who experience discrimination may take legal action following a complaints procedure. Where complaints are received by the council we advise the complainant of their rights under the Equality Act.
- 5.14 In addition, the planning process, which is likely to be relevant to new premises or events, will also seek to support the council's local plan and local development framework.
- 5.15 Further guidance on how the Equality Act affects pubs is available from the British Beer and Pub Association. <http://beerandpub.com/wp-content/uploads/2017/LicenseeGuidance/Accessibility-guide.pdf>

### **Impact of Licensed Activity**

- 5.16 Where no representations are made the council will grant a licence subject to conditions consistent with the operating schedule.
- 5.17 When determining any application where relevant representations are made, the council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. The council will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises. Where relevant representations are made in relation to a premises licence, club premises certificate or temporary event notice the following factors will normally be taken into account when the council is looking at the impact of the activities concerned:
- The style of operation, the numbers of customers and customer profile likely to attend the premises
  - The location of the premises and the proximity of noise sensitive properties
  - The proposed hours of operation
  - Any proposed methods for the dispersal of customers
  - The scope for mitigating any impact
  - The extent to which the applicant has offered conditions to mitigate the impact
  - How often the activity occurs.
- 5.18 In considering any application for a variation to a premises licence or club premises certificate where a relevant representation has been received, the council may take into account, in addition to the above matters, any evidence:
- Of past demonstrable adverse impact from the activity especially on local residents or businesses
  - That if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.
- 5.19 Other relevant matters may be considered as the individual case dictates.

### **Special Events in the Open Air or in Temporary Structures**

- 5.20 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the Dorset Council area.
- 5.21 However, the success of such events by way of contribution to the council's cultural and tourist strategies depends upon the quality, levels of safety and consideration for the rights of people who

live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

- 5.22 In recognition of the special factors that are relevant, particularly with respect to major open air events such as a concerts or festivals, the council has established a multi-agency safety advisory group to assist organisers in co-ordinating such events. This includes council departments who have an interest in, or legislative role relevant to, such events, together with representatives of the emergency services.
- 5.23 Members of the forum are notified about all proposals to hold such events and where necessary a special meeting will be organised in order to consider any issues that will require to be addressed and to open up lines of communication with organisers.
- 5.24 The Health and Safety Executive provide specialist guidance on event safety through their website at [www.hse.gov.uk](http://www.hse.gov.uk)
- 5.25 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This can also apply if the event is proposed under a Temporary Event Notice.

### **Community Applicants**

- 5.26 Whilst this policy is aimed at all licensable activities under the Licensing Act 2003 it should be noted that the council sees a distinction between large or permanent activities, such as those proposed by commercial operators, and small or temporary activities such as those which might be proposed by cultural or community groups.
- 5.27 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same resources in terms of skill or expertise or access to professional advice. Such groups may seek assistance and guidance from the council by contacting the Licensing team.
- 5.28 Whatever the nature of the applicant and activity proposed, the overriding matter is that the council will consider the individual merits of the application and act so as to promote the licensing objectives.

### **Other Regulatory Regimes**

- 5.29 The licensing policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour and environmental crime but nonetheless is a key aspect of such control and the licensing policy and licensing decisions are intended to be part of an holistic approach to the delivery of the council plan and the management of the evening and night time economy of the Dorset Council area.
- 5.30 In preparing this policy the council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However on occasions it has been necessary to set out some of the detail in this policy for ease of understanding. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with other statutory requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

### **Application Process**

- 5.31 Applications must be made to the council in the form prescribed by Regulations. Guidance is available

to applicants setting out the detail of the process. Applicants should be aware that the council will have appropriate checks in place to ensure that applications are properly notified to the relevant responsible authorities and advertised in accordance with the regulations. The council publishes a list of all applications for new and variations to premises licences on its website and may also notify Ward Councillors, Town and Parish Councils, Resident Associations and other relevant organisations regarding applications as part of the licensing administrative process.

### **Licensing Committee**

- 5.32 The council has appointed a licensing committee of 10-15 Councillors. Licensing functions will often be delegated to a licensing sub-committee of 3 Councillors or, in appropriate cases to officers of the council.
- 5.33 Local Councillors will not sit on a sub-committee which is dealing with an applicant or licence that is located within the ward that they represent.
- 5.34 Councillors will have regard to the Council Code of Conduct for Members. Where a Councillor who is a member of the Licensing Committee or sub-committee has a disclosable pecuniary interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application.
- 5.35 A sub-committee may adjourn an application to another sub-committee or to the Licensing Committee where it is unable to deal with the application because of the number of members unable to vote on the matter in question.
- 5.36 The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question.

### **Representations**

- 5.37 Depending on the type of application representations may be made by a responsible authority or other people (as defined by the Licensing Act 2003). The council has agreed protocols with responsible authorities and issued guidance to other people making representations, setting out the detail of the process. Guidance is available on the council website or by contacting the Licensing team.
- 5.38 Members of the public who wish to submit a representation in regards to a premises licence or club premises certificate application should be aware that their personal details will be made available to the applicant. If this is an issue they may contact a local representative such as a ward, parish or town councillor or any other locally recognised body, such as a residents association about submitting the representation on their behalf. The council is not able to accept anonymous representations. In addition the council cannot accept petitions which do not follow the guidance on the council's website.
- 5.39 Where a representation is received which is not from a responsible authority the council will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.
- 5.40 'Relevant representations' are representations which are;
- about the likely effect of the premises licence on the promotion of the licensing objectives, and
  - which have not been withdrawn and are not, in the opinion of the council, frivolous or vexatious.

- 5.41 Where relevant representations are received about an application the council will hold a hearing to consider them unless the council, the applicant and everyone who has made representations agree that the hearing is not necessary. Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented.
- 5.42 Where hearings are required as a result of relevant representations, the council may extend the time limits involved in calling hearings in order to allow the parties to negotiate suitable conditions to be added to the operating schedule and avoid the need for a hearing. Such an extension of time is considered to be in the public interest.

### **Reasons for Decisions**

- 5.43 Every decision made by the Licensing Committee, sub-committee or officers shall be accompanied by clear reasons for the decision.

### **The Role of Ward Councillors**

- 5.44 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations in their own right. For example, ward councillors may apply for a review of a licence if problems at a specific premises which justify intervention are brought to their attention.
- 5.45 Ward councillors may choose to consult with residents locally in addition to the statutory publication carried out by the applicant.
- 5.46 Local residents and businesses may wish to contact their local ward councillors in respect of a licence application. Details on how to contact ward councillors may be obtained from the Council's website or by telephoning 01305 251 000.
- 5.47 If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.
- 5.48 Ward councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if:
- They have made a personal representation or
  - They have made a representation on behalf of local residents or businesses as 'community advocates' or
  - They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented by them at the hearing.

## **Section 6 Premises licences and club premises certificates**

- 6.1 A premises licence and club premises certificates authorises the sale or supply of alcohol, regulated entertainment and late night refreshment (sale of hot food and drink after 11pm). Businesses wishing to apply for a licence or certificate must use the prescribed form which includes details of the hours of operation, any hours for licensable activities and an operating schedule.

## Planning

- 6.2 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 6.3 In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 6.4 Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 6.5 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

## Licensing Hours

- 6.6 The Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Act gives the Council the power to make decisions regarding licensed opening hours based on local knowledge and in consultation with other responsible authorities.
- 6.7 In some circumstances, staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is effectively managed. The intention behind this is to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which currently lead to disorder and disturbance.
- 6.8 Providing the customers with greater choice is an important consideration in the development of a thriving and safe evening and night-time economy. However, any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.
- 6.9 The council supports the development of a wide ranging and culturally diverse night-time economy. However, this must be achieved in conjunction with the promotion of the four licensing objectives and without compromising local services associated with the night-time economy such as street cleansing.
- 6.10 Under the Act there are no set 'permitted hours' for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their existing licences if they wish to open beyond their current permitted hours. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.
- 6.11 If relevant representations are made the council will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that:
- the applicant has properly considered what is appropriate for the local area in terms of

hours and activities;

- the potential effect on the licensing objectives is not significantly detrimental;
- the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses

6.12 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern and operating times of other licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not have a detrimental impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

6.13 As a general rule, shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at all times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

#### **Local, national and international occasions**

6.14 It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, for example bank holidays, and to incorporate appropriate opening hours for these occasions in their operating schedules.

6.15 Additional occasions for which extensions may be required may be covered by a Temporary Event Notice.

6.16 The Secretary of State also holds the ability to prescribe certain national occasions as special events and issue an order to permit licensable activities.

#### **Drinking up time**

6.17 The traditional 'drinking up time' was not carried over into the Licensing Act 2003 from the previous regime. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical, and therefore applicants of premises licensed for the on-sale of alcohol are advised to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the local area.

6.18 Where relevant representations are made the council will consider imposing a condition on drinking up time where such a condition is appropriate in order to promote the licensing objectives in any individual case.

#### **Operating Schedules**

6.19 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. They are expected to have regard to this Statement of Licensing Policy. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

6.20 Operating schedules are the key to ensuring that the four licensing objectives are promoted. An



operating schedule should include enough information to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.

6.21 Applicants should make their own enquiries and demonstrate how they have considered the following in their operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young people may congregate;
- Any risk posed to the local area by the proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local taxi-marshalling schemes, street pastors, purple flag, best bar none and other schemes), which may help mitigate potential risks.

6.22 Whilst applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The council encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

6.23 Applicants may find contacting their local ward councillor helpful. Dorset councillors provide a voice to the people living in the ward that they represent. They are aware of the needs of their community and are in touch with the issues that local people face. As well as influencing council decisions on funding and development, they work with other organisations, such as the police, local schools and health services to help bring about improvements to services and the environment for their local community.

6.24 Other publicly available sources which may be of use to applicants include:

- The Police.gov website;
- Neighbourhood Statistics websites;
- Websites or publications by local responsible authorities;
- Websites or publications by local voluntary schemes and initiatives; and
- On-line mapping tools.

6.25 The council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on rather than in general or standard terms. Information should be given to demonstrate how the individual application proposes to address and promote the licensing objectives. Applicants are referred to the paragraphs in this section which contain information on carrying out a risk assessment.

6.26 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed, with a request to complete the forms correctly before the application is accepted by council.

### **Risk assessments**

6.27 The council recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the council and responsible authorities to assess how they will seek to promote the licensing objectives.

6.28 The council is aware that any risk assessment will vary according to the nature of the business. It is for applicants to decide what is appropriate in each case. To assist applicants in completing their operating schedules the council has devised a risk assessment proforma and suggested wording for

volunteered conditions. A copy may be obtained from the Licensing team. A special risk assessment proforma designed for outdoor events and broadly based on the 'Purple Guide' is also available.

- 6.29 The risk assessment contains many of the key factors which the responsible authorities will be expecting applicants to meet in order to fulfil the licensing objectives. The contents are not exhaustive but the risk assessment approach will reduce the likelihood of representations.
- 6.30 It is recognised that some areas of the risk assessment may duplicate issues which applicants have previously addressed in order to satisfy other legislation. Where this does occur the operating schedule may cross reference to alternative documents.
- 6.31 The council recognises that it cannot insist on a risk assessment. However, an applicant who decides not to complete or provide a risk assessment may face additional representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.

### **Children's Safeguarding**

- 6.32 If you are providing services to children/families and your staff may come in to contact with children in the course of their working day, there is an expectation that you will provide a safeguarding policy in line with the expectation of the Pan-Dorset Safeguarding Children Partnership. <https://pdscp.co.uk/>

### **Local Concerns**

- 6.33 If you live in some of the more deprived areas of Dorset you can expect your life expectancy to be lower than that of residents in other parts of the Dorset Council area. There are a number of contributory factors to a reduced life expectancy including alcohol, obesity and smoking. The Licensing Act 2003 authorises the activities of the sale by retail of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in these areas.
- 6.34 In these more deprived areas there is concern about:
- Sale of alcohol
  - The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.
  - The contributory factor and possible links between violent crime and domestic violence which may be exacerbated by the availability of alcohol sold in these areas.
  - The higher proportion of premises licensed for alcohol for consumption off the premises.
  - The ability for people with mental health or alcohol problems to easily obtain alcohol.
  - The ability for people who are already intoxicated to easily obtain more alcohol.
  - The pack size super strength white cider is sold in, which leads to people with alcohol dependency issues to drink more than they need to.

#### **Protection of children**

- The normalisation of alcohol abuse and the effect this has on children living in the area
- The sale and supply of alcohol to young people and children and the impact this has on the behaviour in the community and impact on their health.

#### **Public nuisance**

- The accumulation of premises providing takeaway food and off sales of alcohol

- Littering of food wrappers and waste food originating from takeaways
- Harassment of persons by those drinking in the streets

6.35 The availability of alcohol is a major concern, as harmful and hazardous drinking is a contributory factor in many of the concerns mentioned in this policy. As such the council would expect anyone wishing to open or extend premises that sell alcohol, or sell hot food to provide extra measures to ensure these problems are not exacerbated.

6.36 An application for premises in deprived areas which includes the sale by retail of alcohol or the sale of hot food and drink may attract representations from a number of interested people. Applicants are encouraged to contact the Licensing team, Dorset Police, Environmental Health and Public Health to see if there are any specific measures that can be included in the operating schedule to mitigate local concerns.

6.37 The Licensing team provides a Proforma Risk Assessment which is a list of suggested measures applicants may like to include in their operating schedule. Applicants in the deprived areas should carefully consider if the measures relating to the following concerns could be offered as part of their operating schedule:

#### Crime and disorder

- Measures that control the display of alcohol including proximity to the door, display of spirits and high strength alcohol
- The sale of high-strength lager and cider
- CCTV coverage of alcohol displays

#### Prevention of public nuisance

- Hourly checks of the surrounding area and removal of litter

#### Protection of children

- Display of alcohol, name of premises and windows advertising which normalise the availability of alcohol

### **Dispersal**

6.38 There has been concern for many years that a lack of transport provision in the town centres during the early hours of the morning may contribute to an increase in disorder incidents and operators will be expected to consider suitable dispersal policies to address such concerns.

### **Excessive Consumption of Alcohol**

6.39 The council is acutely aware of the link between the supply of alcohol, that is subject to certain promotions, and the possibility of resultant incidents of alcohol related crime and disorder arising and implications on the four licensing objectives

6.40 The council also recognises the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an impact on public health.

6.41 The British Beer and Pub Association states that a promotion is irresponsible where it encourages or incites individuals to drink to excess, behave in an anti-social manner or fuels drunkenness. The council, as the licensing authority, will use the powers contained within the Licensing Act 2003 to ensure operators' promotional activities do not undermine any of the licensing objectives.

- 6.42 In April 2010 mandatory conditions came into effect which:
- Ban irresponsible promotions;
  - Ban the dispensing of alcohol directly into the mouth; and
  - Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- 6.43 The legislation makes it clear that an irresponsible promotion is one that is “carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carried a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children”.
- 6.44 As a consequence any on-trade premises that participates in irresponsible drinks promotions will be breaching licence conditions and will be dealt with in accordance with the council’s Enforcement Policy, which is available from the council’s website, and may also be subject to a review of their licence.

### **Conditions**

- 6.45 The council may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.
- 6.46 The council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.
- 6.47 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.
- 6.48 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the council.
- 6.49 There is a pool of sample conditions attached to this policy at Appendix B. This is a generic resource which can be utilised by applicants, responsible authorities, persons making representations and committee members alike. The council will never attach any set of conditions as a matter of routine and would not expect applicants to do so either. Any conditions which are applied to a licence must be as a result of conducting a risk assessment or attached by committee following due consideration of the merits of each individual application, any representations received and the specific measures required to promote the licensing objectives.

### **Designated Premises Supervisor**

- 6.50 An application for a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given the day to day responsibility for running the premises. The DPS will also be required to hold a personal licence issued under the Licensing Act 2003.
- 6.51 The Act does not require the presence of the DPS at all times and the authorisation for the sale of alcohol may be made by another personal licence holder. The council would expect that this

authorisation is made in writing.

- 6.52 If a DPS is not specified on the licence no sale or supply of alcohol may be made. Similarly no sale or supply of alcohol can be made if the DPS does not hold a personal licence.

### **Staff Training**

- 6.53 The council recommends that all people employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibilities and particularly of the offences contained within the Act. Similarly, people employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all staff involved in managing or supervising the premises.
- 6.54 It is also recommended that people employed on premises providing entertainment for children and youths attend training programmes in basic child protection and safety, and if appropriate have the necessary DBS checks.
- 6.55 All people employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

### **Club Premises Certificate**

- 6.56 The Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason qualifying clubs may apply for a Club Premises Certificate as an alternative to a premises licence.
- 6.57 A Designated Premises Supervisor or Personal Licence Holder is not required where a Club Premises Certificate is in force. However, an applicant for a Club Premises Certificate is still required to act in a manner which promotes the licensing objectives. An application for a Club Premises Certificate must be in the form prescribed by regulations.
- 6.58 Any qualifying club may choose to obtain a Premises Licence if it decides that it wishes to offer its facilities commercially for use by the public, including the sale of alcohol. Any individual on behalf of the club may also provide Temporary Events Notices. The Licensing team can give further guidance regarding this process on request.

### **Community Halls**

- 6.59 The management committees of community premises can apply to remove the requirement of a Designated Premises Supervisor and the authorisation of the sale of alcohol by a Personal Licence Holder. If they do so all sales of alcohol are authorised by the management committee. The Licensing team can give further guidance regarding this process on request.

### **Minor Variations**

- 6.60 It is possible to make small changes to premises licences or club premises certificates through the minor variation process, which is cheaper, quicker and simpler than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. The Licensing team can give further guidance regarding this process on request.

## Alcohol Deliveries

- 6.61 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:
- The person they are selling alcohol to is over the age of 18
  - That alcohol is only delivered to a person over the age of 18
  - That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer
  - The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

## Live Music Act & licensing deregulation

- 6.62 The Live Music Act 2012 came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:
- Amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
  - Amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
  - Unamplified 'live' music between 8am and 11pm in all venues
  - The provision of entertainment facilities.
- 6.63 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.
- 6.64 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.
- 6.65 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 came into force on 27 June 2013.
- 6.66 The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:
- A performance of a play in the presence of any audience of no more than 500 people
  - An indoor sporting event in the presence of any audience of no more than 1000 people
  - A performances of dance in the presence of any audience of no more than 500 people.
- 6.67 Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.
- 6.68 The 2014 Order deregulated entertainment licensing in the following ways:
- The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.
  - The audience limit for a performance of live amplified music in relevant alcohol licensed

premises or in a workplace between 08.00-23.00 on the same day was raised from 200 to 500.

- Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500. [ Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.
- Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling are now deregulated between 08:00-23:00 for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.

6.69 The exhibition of films in community premises has also been deregulated as a result of section 76 of the Deregulation Act 2015. No licence is required for an exhibition of film on community premises between 08:00 and 23:00 on any day provided that:

- The film entertainment is not provided with a view to profit;
- The film entertainment is in the presence of an audience of no more than 500 people;
- The admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
- A person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

### **Suspension of Licence for non-payment of annual fees**

6.70 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend Premises Licences and Club Premises Certificates if the holder of the relevant authorisation fails to pay their annual fee.

6.71 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.

6.72 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.

A premises licence or certificate that has been suspended does not therefore authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.

6.73 Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

## Section 7 Cumulative Impact

- 7.1 The concept of “cumulative impact” has been described in the Section 182 guidance issued by the Home Office since the commencement of the Licensing Act 2003. Cumulative impact assessments were introduced at Section 5A in the Licensing Act 2003 by the Policing and Crime Act 2017. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 7.2 In some areas, where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 7.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 7.4 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.
- 7.5 Once away from the licensed premises, a minority of customers will behave badly. Other mechanisms for addressing such concerns may be more appropriate than cumulative impact, or may work alongside licensing policy. For example:
- Planning controls
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Purple Flag, Best bar None, Pubwatch or BIDs
  - Community Protection Orders
  - The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleansing and litter patrols
  - Public Spaces Protection Orders
  - Police enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)



- Late Night Levy
- Early Morning Restriction Orders
- Other licensing measures such as fixed closing times, staggered closing times and zoning.

### **Cumulative Impact Assessments**

- 7.6 A cumulative impact assessment (CIA) may be published by a licensing authority to help it limit the number or type of licences granted in an area where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 7.7 Weymouth and Portland Borough Council, one of the predecessor councils which were merged into Dorset Council on 1<sup>st</sup> April 2019 had an existing Cumulative Impact Area (CIA) in Weymouth town centre, designated following consultation and consideration of a Cumulative Impact Assessment. The CIA applies to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates within the Area.
- 7.8 The initial assessment included a call for evidence from the responsible authorities, including crime statistic reports commissioned from Dorset Police and ASB/nuisance statistics provided by the council's Licensing, Community Safety and Environmental Health Services. Local residents were also given the opportunity to comment on the proposals through the consultation period and relevant elected ward councillors and Community Committees during the development of the cumulative impact assessment.
- 7.9 As required by the law, the council is conducting a formal consultation process on retaining the cumulative impact Area with:
- The responsible authorities
  - Licensees and those representing licensees
  - Local residents and businesses
  - Those representing local residents and businesses.
- 7.10 Responses from these consultations will be reviewed and reports are available from the Licensing team.
- 7.11 The council will review the cumulative impact policy area at least every three years, as required by the legislation. The Cumulative Impact Assessments are available on the council's website. Applicants should contact the Licensing team to ensure they are in possession of the latest information before making their application.

### **Cumulative Impact Areas**

- 7.12 The cumulative impact assessment has shown that the number or type of licence applications granted in the following area(s) are having a cumulative impact and this is leading to problems which are undermining the licensing objectives.

#### Weymouth Town Centre

- 7.13 The council has considered the available data and has determined that there is an area that is suffering from the cumulative impact of licensed premises and as a consequence this is leading to problems which are undermining the licensing objectives.

- 7.14 Weymouth Town Centre is an area where the impact of the licensed premises is considered so severe that the council's position is that any application for a new licence or the variation of an existing licence within the area should be refused, unless the applicant can show how their application would not lead to an increase in the detrimental impact of licensed premises in this area. Maps showing the exact geographical area can be found in the cumulative impact assessment at Appendix A to this Policy.
- 7.15 In this area the nature of the problems are alcohol related violent crime being perpetrated by people visiting and using this area during specific peak hours. More information on the evidence can be found in the cumulative impact assessment.
- 7.16 It would be inconsistent with the council's duty to promote the licensing objectives to grant new and variation application for any premises licence (on sales, off sales and late night takeaways), that seek to operate during the peak hours described in the cumulative impact assessment for the town centre.

#### **Applications within a cumulative impact area**

- 7.17 Applications for premises situated within a designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area and so give good reason for the council to depart from its own policy.
- 7.18 An applicant wishing to obtain a new or varied licence for premises falling within the cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that they intend to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the problems already being experienced.
- 7.19 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their planned operation. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.
- 7.20 The existence of a cumulative impact assessment for a specific area does not relieve the responsible authorities or any other person of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the cumulative impact assessment, or the fact that a cumulative impact assessment has been published for that area. It remains incumbent on all responsible authorities and other people to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the Licensing Act 2003, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted as part of the application.
- 7.21 The council recognises that cumulative impact policies should not be absolute. The circumstances of each application will be considered properly on its own merits and applications for licences that are unlikely to add to the cumulative impact on the licensing objectives may still be granted, depending on the individual circumstances. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its policy and cumulative impact assessment in the light of the individual

circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

7.22 When considering an application where the subject premises is in a cumulative impact area, the council will need to be satisfied that the grant of the licence or variation will not impact on the cumulative impact of existing licensed premises in the area and as the burden of proof is on the applicant, they will often suggest measures which they assert will demonstrate there will be no impact. Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, though are not limited to:

- Small premises who intend to operate up to midnight.
- Premises which are not alcohol led and only operate during the day time economy
- Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
- Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.
- Premises which will bring a variety of cultural activities to the area and expand the range of activities on offer for customers.

7.23 Examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run (as all licensed premises should meet this standard)
- That the premises will be constructed to a high quality standard
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint

7.24 Any relevant representations submitted in support of an application will be taken into consideration by the council when making its determination.

### **Representations based on cumulative impact outside cumulative impact areas**

7.25 In cases where either responsible authorities or other people seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not already designated as such, which would undermine one or more of the licensing objectives, they will be expected to:

- Identify the boundaries of the area from which it is alleged problems are arising
- Identify the licensing objective which it is alleged will be undermined
- Identify the type of licensable activity alleged to be causing the problem (e.g. sale of alcohol, late night refreshment)
- Provide full details and evidence to show the manner and extent to which it is alleged that the licensing objectives are being, or at risk of being, undermined in the area
- Provide evidence to show that the undermining of the objective is caused by the patrons of licensed premises in the area.

7.26 The reason for this is to ensure that there is an evidential basis for the licensing sub-committee to reach a decision and in the case of a representation submitted by persons other than responsible authorities, their objections are neither frivolous nor vexatious.

## Section 8 Early Morning Alcohol Restriction Orders

- 8.1 The power conferred on licensing authorities to make, vary or revoke an EMRO is set out in section 172A to 172E of the Licensing Act 2003. This power was brought into force on 31<sup>st</sup> October 2012 and the Government has provided guidance as part of the S182 Guidance to Licensing Authorities.
- 8.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 8.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 8.4 It is the council's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.
- 8.5 An EMRO:
- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
  - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
  - Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
  - Applies to the whole or any part of the licensing authority's area
  - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
  - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
  - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

### EMRO Request

- 8.6 It is expected that the need for an EMRO may be identified by a number of different organisations. For example the request for an EMRO may originate at an area committee, residents association or the local Neighbourhood Policing Team. It may come via the Licensing Enforcement Group which is a group of partner agencies who meet regularly to discuss issues relating to the sale of alcohol and the provision of entertainment. It is likely that more than one organisation may be involved in the process.
- 8.7 It is anticipated that the request would be referred to the Licensing team where a designated procedure will be applied to determine if an EMRO is appropriate. If appropriate, the request would be referred to the Licensing Committee. Members would be supplied with evidence of the issues being experienced in the area in support of the EMRO. The Licensing Committee will decide if, on the strength of the evidence provided, that an EMRO is appropriate for the promotion of the licensing objectives and if further work is to be undertaken to support the case. Members may decide that other measures would be more effective in dealing with the problems, or that licence holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

## Evidence

8.8 The Section 182 Guidance to Licensing Authorities states that:

*“The licensing authority should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement should be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premise licences. The licensing authority should consider the evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine when an EMRO would be appropriate for the promotion of the licensing objectives.”*

8.9 The level of evidence Licensing Committee will consider to support an Early Morning Alcohol Restriction Order is:

- Police evidence of reported alcohol related crime
- Nuisance statistics compiled from complaints made to Environmental Health in relation to noise, odour and litter nuisance
- Data gathered from complaints made to the Licensing team on matters which affect the licensing objectives.
- Anecdotal evidence from residents organisations, ward members and other representatives of people living in a specific area
- Evidence obtained during the public consultation and associated public meetings

8.10 In addition the S182 guidance suggests other sources of evidence such as

- Health related statistics such as alcohol-related emergency attendances and hospital admissions

8.11 This should, in part be provided by the organisation or group who are proposing an EMRO should be in force.

8.12 Once the Licensing Committee is satisfied that an EMRO is required to address the issues in an area, and all other measures have been tried and failed to address these issues, the formal process of implementing an EMRO will begin. The design of the EMRO will include:

- The days (and periods on those days) on which the EMRO would apply
- The area to which the EMRO would apply
- The period for which the EMRO would apply
- The date from which the proposed EMRO would apply

## Consultation

8.13 The proposed EMRO will be advertised for at least 42 days. The proposal will be published on the council’s website and in a local newspaper. A notice will be sent to all affected people in the area who hold a premises licence or club premises certificate, or people who use TENs or who hold a provisional statement. A notice will be displayed in the area, and sent to responsible authorities and adjacent licensing authorities.

8.14 Anyone affected by the EMRO has 42 days in which to make a representation on any aspect of the EMRO design. If relevant representations are received then a hearing will be held to consider them. If there are a number of representations, the licensing authority may consider whether to hold the hearing over several days. The hearing will be commenced within 30 working days of the end of the

notice period.

As a result of the hearing the licensing authority has three options:

- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives
- To decide that the proposed EMRO is not appropriate and therefore the process should be ended
- To decide that the proposed EMRO should be modified. In this case it may be necessary to advertise again.

### Formal Decision

- 8.15 Once the licensing authority is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination will be put to full Council for its final decision. Once the EMRO is made, the authority will send a notice to all affected people and make it available for 28 days on the website.
- 8.16 A variation or a revocation of an order will follow the same process. However, an order could be applied for a specified time and in this case the order ceases to apply on the final day.
- 8.17 Once an EMRO is in place, the licensing authority will update this policy as soon as possible to include reference to the EMRO in this section.
- 8.18 There are currently **no** EMROs in place in the Dorset Council area.

## Section 9 Late Night Levy

- 9.1 The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 9.2 The levy is a power and the Government has recognised that some licensing authorities will not consider that it is appropriate to exercise it.
- 9.3 The licensing authority is **not** currently satisfied that it is appropriate to introduce a Late Night Levy.
- 9.4 At the present time this licensing authority does not have a large number of premises which are licensed to sell alcohol during the late night supply period.
- 9.5 The decision to introduce the levy is for the licensing authority to make. However the licensing authority will keep the need for a levy under review in consultation with the chief officer of police and police and crime commissioner ("PCC") for the police area.
- 9.6 When considering whether to introduce a levy the licensing authority notes that any financial risk (for example lower than expected revenue) rests at a local level and this will be fully considered prior to making any decision about local implementation.
- 9.7 The licensing authority will decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process.

- 9.8 If the licensing authority decides to give further consideration to the introduction of a levy in the future, it will do so in accordance with the relevant regulations and with reference to any relevant guidance issued by the Home Office.
- 9.9 Any decision to introduce, vary or end the requirement for the levy will be made by the full Council. Other decisions in relation to the introduction and administration of the levy would be delegated to the Licensing Committee.

## Section 10 Power to deregulate late night refreshment premises

- 10.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.
- 10.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.
- 10.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:
- on or from premises which are wholly situated in a designated area;
  - on or from premises which are of a designated description; or
  - during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).
- 10.4 The licensing authority does **not** currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.
- 10.5 If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and the impact on the locality.

## Section 11 Personal Licences

- 11.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence holder at all times but if any sales are made when a Personal Licence Holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales.
- 11.2 The council would expect that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders.
- 11.3 The council recognises it has no discretion regarding the granting of personal licences where;
- the applicant is 18 or over and
  - possesses an accredited licensing qualification and
  - has not had a licence forfeited in the last five years and
  - has not been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty and

- the applicant has the right to work in the UK.

- 11.4 An application for a personal licence to sell alcohol must be made in the form specified in Government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant should also produce evidence of the relevant qualifications and their right to work in the UK.
- 11.5 Applicants should produce a basic disclosure certificate issued by the Disclosure and Barring Service along with the application form. The certificate must be recent (less than 30 days old) and comply with the regulations applicable to personal licence applications. Applicants are also expected to sign a declaration as to whether or not they have been convicted of a relevant offence or a similar offence outside England and Wales.
- 11.6 Where the application discloses relevant unspent convictions the council will notify the police of that application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged a hearing must be held.
- 11.7 The council will, at such a hearing, consider carefully whether the grant of the licence will potentially compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

### **Suspension & revocation**

- 11.8 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a Licensing Authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.
- 11.9 When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Prior to 6 April 2017 only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions.
- 11.10 The process which must be undertaken by the Licensing Authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee.
- 11.11 The Licensing Authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the Licensing Authority may not take action until the time limit for making an appeal has expired.
- 11.12 If a Licensing Authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court



if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.

- 11.13 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.
- 11.14 The Licensing Authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the Licensing Authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the Licensing Authority from deciding to take action itself. Licensing Authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision regarding the licence.
- 11.15 If the Licensing Authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the Licensing Authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.
- 11.16 Any representations made by the chief officer of police must be taken into account by the Licensing Authority in deciding whether to suspend or revoke the licence.
- 11.17 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the Licensing Authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the Licensing Authority area, because it is the local chief officer who must provide representations if the Licensing Authority proposes not to revoke the licence.
- 11.18 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the Licensing Authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.
- 11.19 In deciding whether to suspend or revoke a personal licence, the Licensing Authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
  - The duty to promote the licensing objectives
  - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
  - The seriousness of the relevant offence
  - The sentence or penalty imposed on the licence holder for the relevant offence
  - Any representations made by the Police or Home Office Immigration Enforcement
  - Any representations made by the holder of the licence
  - Any evidence as to the previous character of the holder of the licence.
- 11.20 The Licensing Authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the Licensing Authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the

licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

11.21 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made, if it becomes necessary to do so in order for the Licensing Authority to be able to carry out their functions.

11.22 The Licensing Authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

## Section 12 Temporary Event Notices

12.1 The system of permitted temporary activities is intended as a 'light touch' process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event (a "temporary event notice" or TEN).

12.2 Temporary event notices are subject to various limitations. These are concerned with:

- The number of times a premises user may give a TEN – 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
- The number of times a TEN may be given for any particular premises (15 times in a calendar year);
- The maximum duration of an event authorised by a TEN is 168 hours (seven days);
- The maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
- The maximum number of people attending at any one time (fewer than 500); and
- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

12.3 The most important aspect of the system of temporary event notices is that no permission is required for these events from the council. Only the police or Environmental Health may intervene to prevent such an event from occurring or modify the arrangements for such an event. The council will only intervene of its own volition if one or more of the specified limits listed above were to be exceeded.

12.4 Many premises users giving temporary event notices will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, and those which may stage public events to raise funds, at which licensable activities will take place. The council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.

12.5 Where a community event takes place and where TEN applications are submitted, time restrictions may be agreed to reduce the noise and ASB impact on the local community to support the safe running of the event and promote the licensing objectives.

12.6 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A

standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. In both instances this does not include the date of the event or the date the council receives the notice.

- 12.7 The council encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through multi agency forum meetings.
- 12.8 The council will provide local advice about proper respect for the concerns of local residents, of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

### **Police and Environmental Health Intervention**

- 12.9 The Act provides that in exceptional circumstances, the police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The police or Environmental Health must issue an objection notice within three working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled by way of serving a counter notice and licensable activities are not authorised.
- 12.10 The ability of police and Environmental Health to serve such a notice is a further reason why event organisers are strongly encouraged by the council not to rely on giving the minimum amount of notice and to contact the local police and Environmental Health at the earliest possible opportunity about their proposals.

### **Additional limitations**

- 12.11 The council, on receiving temporary event notices, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.
- 12.12 The Act defines an associate as being:
- The spouse or civil partner of that person;
  - A child, parent, grandchild, grandparent, brother or sister of that person; or
  - An agent or employee of that person;
  - The spouse or civil partner of a person listed in either of the two preceding bullet points.
- 12.13 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

## **Section 13 Enforcement and reviews**

- 13.1 The Licensing Act contains measures to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives. The council and responsible authorities are committed to encouraging a thriving day time and night time licensed

economy but will not tolerate those premises whose activities break the law or infringe upon the quality of life for local residents and businesses.

- 13.2 The council has established a multi-agency enforcement protocol which sets out the framework for the risk based enforcement of the Licensing Act 2003 following the principles of better regulation advocated by the Department for Business, Energy and Industrial Strategy (BEIS). The protocol allows for carrying out of joint inspections with the police, the fire authority and other relevant agencies.

### **Prosecution of breaches**

- 13.3 In accordance with the enforcement protocol, the council adopts a multi-agency approach to the prosecution of offences under the Licensing Act.
- 13.4 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental protection, environmental health and trading standards also have their own powers.
- 13.5 The council has adopted the principles of the Hampton Report in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 13.6 The council has a zero tolerance to antisocial behaviour and environmental crime.

### **Reviews of Licences**

- 13.7 The council recognises that the ability of the police, other responsible authorities and other people to apply for a review of a premises licence.
- 13.8 On receipt of a relevant request to carry out a review the council has a range of options available to it under the Act. These include:
- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
  - To exclude a licensable activity from the scope of the licence (permanently or temporarily)
  - To remove the Designated Premises Supervisor
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence
- 13.9 The council will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.
- 13.10 The council has agreed protocols with responsible authorities and published guidance on the review process which is available from the Licensing team.
- 13.11 Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the council must carry out a review of the licence.
- 13.12 Where a Magistrates Court makes a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the police will usually ask the council to carry out a review of the licence.
- 13.13 Where a closure order has been made under the Anti-Social Behaviour, Crime and Policing Act 2014

(on grounds of noise) the council's Environmental Health section will normally request a review of the licence.

13.14 Where any agency provides evidence of the keeping of smuggled goods, such as counterfeit alcohol or tobacco, or the employment of persons who do not possess the right to work in the UK, the relevant agency may request a review of the premises licence.

### **Matters to be considered**

13.15 When considering a review request or the possibility of enforcement action the council will take into account use of the premises for criminal activities such as the supply of drugs or money laundering

- failure to promptly respond to a warning properly given by a responsible authority
- failure to engage with the RAs in an effective manner
- previous convictions for licensing offences
- previous failure to comply with licence conditions

### **Summary reviews**

13.16 The Violent Crime Reduction Act 2006 amended parts of the Licensing Act 2003 and now expands police and council powers to deal with problem premises in a more expedient manner.

13.17 A power to carry out summary reviews in serious cases of crime and disorder is brought in at section 53A of the Licensing Act 2003. Where a review application is accompanied by a certificate issued by a senior police officer, the Licensing Authority is required within 48 hours to consider whether it is necessary to take any interim steps pending the completion of the review process. This may include the immediate suspension of the premises licence.

### **Immigration Act 2016**

13.18 The Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

13.19 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

13.20 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

13.21 Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;

13.22 Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;

13.23 Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;

- 13.24 The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- 13.25 The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.
- 13.26 The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Dorset Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

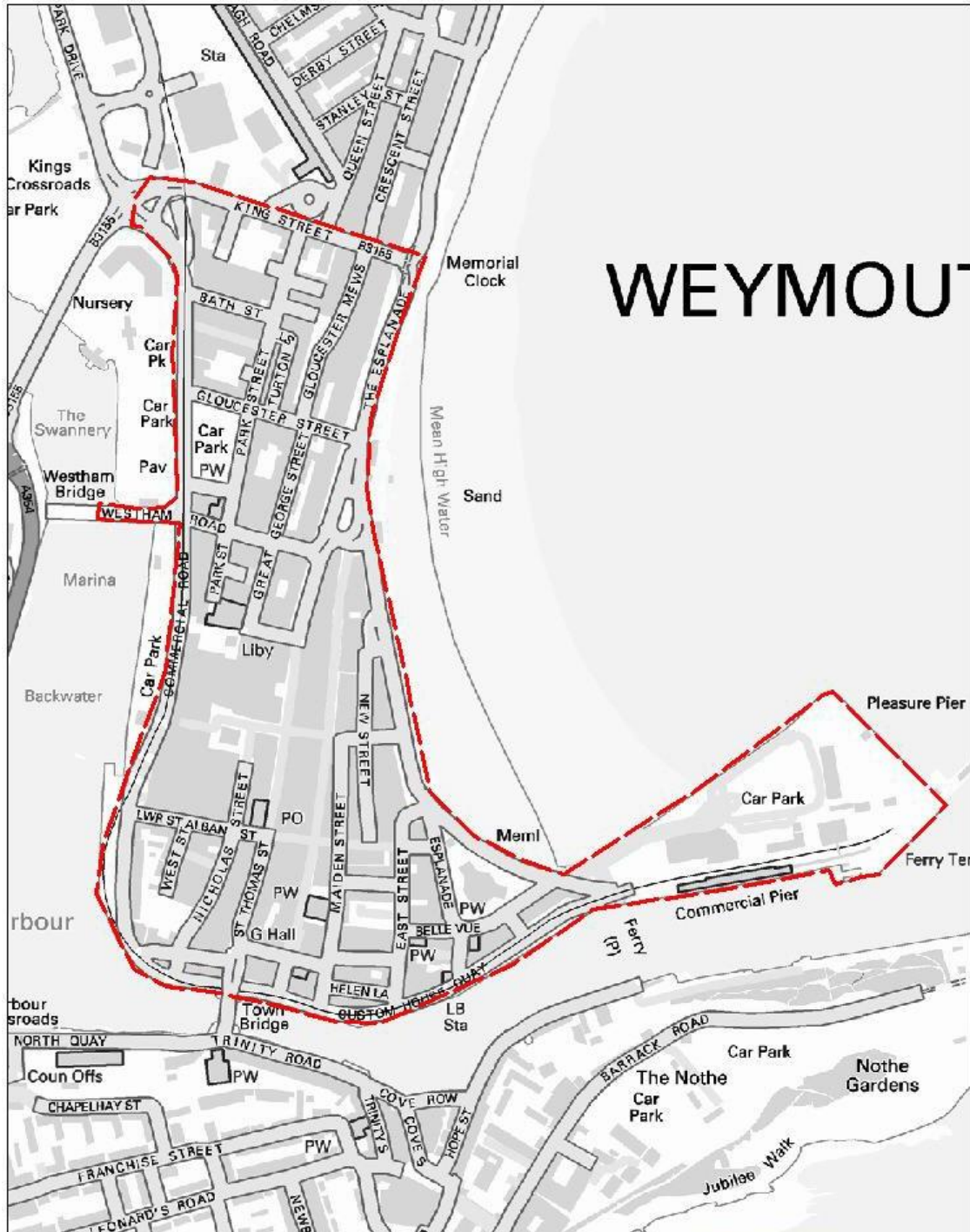
### **Public Space Protection Order (PSPO)**

- 13.27 Public Space Protection Orders were introduced in October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014. They are designed to deal with a particular nuisance or problem in a specific area (a public place) that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure public places can be enjoyed by all and kept free from anti-social behaviour (ASB).
- 13.28 A PSPO can cover multiple restrictions, so one order can prohibit several activities such as the drinking of alcohol and dog fouling. Enforcement will be undertaken by authorised officers, with the support of police officers.
- 13.29 If anyone breaches the requirements of the PSPO, or fails to comply with a request from an authorised officer or Police Officer to cease the prohibited activity, they would be committing a criminal offence and may be issued a Fixed Penalty Notice of £100 or upon conviction a fine of up to £1000.
- 13.30 There is a current PSPO designated area for alcohol consumption in Weymouth. Full details of the Public Spaces Protection Order 2018, and related Schedules, (detailing the restricted areas), can be found here: <https://www.dorsetcouncil.gov.uk/your-community/community-safety/anti-social-behaviour/anti-social-behaviour-in-the-weymouth-and-portland-area.aspx>

## Section 12 Table of Delegations

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If Police objection is made owing to unspent relevant convictions.	In all cases unless a Police objection is made owing to unspent relevant convictions.
Application for premises licence/club premises certificate	If a relevant Representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate under sections 34 and 84 of the Act	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate under sections 41A and 86A of the Act - minor variations  1. To consider and determine applications for minor variations, whether representations have been made or not, when such applications relate to: i) Changes to the layout and arrangements at premises ii) Reductions in the hours of licensable activities; iii) The removal of licensable activities from a licence. iv) The removal or alteration of defunct or unenforceable conditions on licences; v) Alterations to existing conditions and/or the imposition of new volunteered conditions when such an action has been recommended to the licence holder by a responsible authority.  2. All other minor variation applications	If a relevant representation made	Officers in all cases
Application to vary designated premises supervisor	If a police objection is made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection is made	All other cases
Applications for interim authorities	If a police objection is made	All other cases
Decision on whether a complaint is irrelevant, frivolous or vexatious etc		All cases
Determination of an objection to a temporary event notice	All cases	
Application to disapply the mandatory condition for a Designated Premises Supervisor at community premises	If a police objection is made	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
To serve a counter notice for a 'late' Temporary Event Notice		All cases

Appendix A Weymouth Town Centre Cumulative Impact Area



**Map of proposed Cumulative Impact Area (CIA) for Weymouth.**

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

**Ref:**  
 Date: 15/08/2016  
 Scale 1:5000  
 Drawn By: 7889  
 Cent X: 368161  
 Cent Y: 79175

Dorset Police

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## **Licensing Act 2003**

### **Pool of Sample Conditions**

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## INTRODUCTION

If an application is made for the grant or variation of a premises licence under the Licensing Act 2003 the authority can do so subject to conditions consistent with the operating schedule and mandatory conditions. However further conditions can be imposed if they are considered appropriate and necessary for the promotion of one or more of the four licensing objectives.

The authority must have regard to the Guidance issued under s182 of the Licensing Act 2003 by the Secretary of State which states licensing conditions should be tailored to the size, type, location, characteristics and activities taking place at the individual premises and standardised conditions should be avoided in all circumstances.

These model conditions have been produced to assist prospective licence holders, responsible authorities and other individuals where they consider they would promote the licensing objectives within individual applications. Following an application, all parties are encouraged to work together and where appropriate, utilise the attached list of model conditions to promote a consistent approach when proposing conditions on a premises licence.

Please note the attached model conditions are not an exhaustive list which can be added on a premises licence and there may be instances where alternative conditions are deemed appropriate for the promotion of the licensing objectives. For example specific conditions may be added to a premises licence for an open air event to meet the specific requirements of the Licensing Authority or the Responsible Authorities dependant on the site, the type of entertainment to be held and the anticipated audience.

(NB: Within the list of sample conditions, where a condition contains an instruction to insert any fact, that information must be supplied).

A CAPACITY, CONTROL AND MANAGEMENT OF CUSTOMERS	
A1	There shall be no entry or re-entry to the premises after ( <i>Insert terminal hour for entry</i> ) hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after ( <i>Insert terminal re- entry time</i> ) hours is prohibited and that this prohibition also applies to people wishing to leave the premises to smoke.
A2	There shall be no entry or re-entry to the premises after ( <i>Insert terminal hour for entry</i> ) hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after ( <i>Insert terminal re- entry time</i> ) hours on any morning is prohibited. Persons wishing to leave the building to smoke, may do so, provided that they go to an allocated and supervised outdoor area and they are issued passes which they return upon wishing to re - enter the premises that this prohibition also applies to people wishing to leave the premises to smoke.
A3	The occupancy shall be restricted to ( <i>Insert number</i> ) persons in the premises. ( <i>Limits may be also be appropriate for different rooms or floors of premises</i> ) The occupancy figure includes staff, performers and public. The Premises Licence Holder shall ensure that there are appropriate management controls to ensure that the occupancy figure is not exceeded at any time. Appropriate controls shall be put in place to ensure that the occupancy of the premises / specified areas are not exceeded at any time.
A4	There shall be no security passes for admission other than those issued to bona fide staff and to statutory authorities.
A5	Admission shall be by ticket only. When presented for admission, the ticket shall be retained by the organisers.
A6	Admission to the event shall be through the approved entrances ( <u>or specify entrances</u> ). The entrances shall be manned by stewards who shall allow only persons with tickets or security passes into the concert area.
A7	Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.
A8	The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s). (i) The risk assessment(s) must take into account all relevant factors including space, audience density, means of access and egress, toilet provision, load - bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change. (ii) Where necessary separate occupancy levels must be set for different parts of the premises, and when necessary for different premises layouts and different types of events. (v) Measures must be put in place and documented to ensure that the capacity is not exceeded at any time. (vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable. (vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.
A9	Manual ( <i>and/or automatic</i> ) electronic number control systems shall be installed, used and maintained at the premises at all times the premises is open to the public.
A10	An attendant shall be on duty in the cloakroom during the whole time that it is in use.
A11	Admission to the <i>specified function room</i> shall be through the premises lobby area only.
A12	There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

A13	In relation to the <i>specified function room</i> there shall be no admission after (midnight) other than to (1) residents of the hotel and their bona fide guests, or (2) persons attending the pre-booked function
A14	No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section; 'Directly' means: employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through, a third party. 'Specified' Area' means the area encompassed within (insert name of boundary roads.)
A15	The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
A16	Queuing outside the premises shall be restricted to a designated area located at ( <i>specify location</i> )

B CCTV	
B1	<p>A CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition and record the premises 24 hours every day. Recordings to be retained for a minimum of 28 days and be made available to the Police or officers of the Council upon request and be of evidential quality.</p> <p>The equipment MUST have a suitable export method i.e. CD/DVD/USB facility so that the Police and officers of the Council can make an evidential copy of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy. If this format is nonstandard (i.e. manufacturers proprietary), then the licence holder shall within 14 days of being requested supply the replay software to ensure that the video on the CD can be replayed by the Police and officers of the Council on a standard computer. Copies MUST be made available to the police and officers of the Council upon request.</p> <p>Staff working at the premises will be trained in the use of the equipment and a log will be kept to verify this.</p> <p>Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the premises, i.e. capable of identification.</p> <p>There shall be signs displayed in the customer area to advise that CCTV is in operation.</p> <p>Should the CCTV become non-functional this will be reported immediately to the Licensing Authority.</p>
B2	CCTV cameras shall monitor all areas used by premise patrons including any external area to monitor numbers and prevent crime and disorder.
B3	At the commencement of work security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

C CINEMATOGRAPHIC/FILM EXHIBITIONS (these conditions may not be appropriate for film exhibitions that are ancillary to the main purpose of an event)	
C1	There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures- (i) the title of each film to be shown on that day, other than trailers and films of less than five minutes duration; (ii) the approximate times of commencement of each such film; (iii) whether each such film has received a 'U', 'PG', '12A', '15' or '18' certificate from the British Board of Film Classification, and (iv) the effect of such 'U', 'PG', '12A', '15' or '18' certificates in relation to the admission of persons under the age of eighteen years.
C2	The nature of any certificate received in respect of a film from the British Board of Film Classification shall be clearly indicated by the figure 'U', 'PG', '12A', '15' or '18' in any advertisement of the film displayed at the premises.
C3	No category 'R18' film shall be exhibited at the premises.

D CHILDREN	
D1	<p><b>1. "Challenge 25":</b>            The Licensee will adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.</p> <p>The Licensee to prominently display notices advising customers of the "Challenge 25" policy.</p> <p>The following proofs of age are the only ones to be accepted:</p> <ul style="list-style-type: none"> <li>• Proof of age cards bearing the "Pass" hologram symbol</li> <li>• UK Photo Driving licence</li> <li>• Passport</li> </ul> <p><b>2. Staff Competence and Training:</b>            The Licensee will keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p> <p>The Licensee will ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p> <p>The Licensee will ensure that each member of staff authorised to sell alcohol is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.</p> <p>The Licensee will ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under - 18s attempting to purchase alcohol.</p> <p><b>3. Refusals Book:</b>            The licence holder will keep a register of refused sales of all age- restricted products (Refusals</p>

	<p>Book).</p> <p>The refusals book will contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.</p> <p>The Refusals book will be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.</p> <p>The Refusals Book will be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p>
D2	All children under the age of <i>(insert age)</i> shall vacate the premises by <i>(Insert time)</i> hours.
D3	Children under the age of <i>(insert age)</i> must be accompanied by an adult.
D4	There shall be no events for persons under 18 years of age.
D5	A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.
D6	If the recipient of a delivery of alcohol or the collection or delivery of a takeaway meal which includes alcohol, appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
D7	When the premises are providing services to children/families and staff may come in to contact with children in the course of their working day, you shall prepare and put into force a suitable and sufficient safeguarding policy in line with the expectations of the Dorset Safeguarding Children Partnership. A copy shall be made available to the Licensing Authority upon reasonable request.

E CONTROLS FOR SALE OF ALCOHOL	
E1	There shall be no supply of alcohol for consumption off the premises.
E2	There shall be no supply of alcohol for consumption off the premises except in sealed containers.
E3	All containers of alcohol sold from the premises under the licence shall be clearly and permanently marked with the name and post code of the premises.
E5	Alcohol may only be supplied to customers who are engaging in a sit-down table meal, as an ancillary to that meal.
E6	Beers, lagers, stout and ciders sold at the premises should not exceed <i>(insert e.g. 5.0 or 5.5 or 6%)</i> alcohol volume.
E7	Sprits should not be sold in bottles of less than 35cl/70cl.
E8	Beers, lagers, stout, ciders and alcholpops shall be sold in packs of no less than four. <i>or</i> No single cans or bottles beers, lagers stout, ciders and alcholpops shall be sold.
E9	A Personal Licence Holder is to be present at the premises at all times during licensing hours.
E10	A Personal Licence Holder, Premises Licence Holder, or the DPS is to be present at the premises at all times during licensing hours.
E11	Documented delegation of authorisations to sell alcohol shall be maintained at the premises and shall be available on request by an authorised officer of the Licensing Authority or the Police.

E12	Spirits shall be located (insert location). All other alcohol (e.g. beer, lager, cider) for sale are to be displayed in a position that is not obscured from the constant view of the cashier / staff by fixtures.
E13	<i>'off' licences, when the premises has longer opening hours than the times authorised for the sale of alcohol</i> All alcohol shall be made inaccessible to the public within (insert) minutes of the terminal hour for the sale of alcohol. The alcohol shall remain inaccessible until the next commencement time authorised for the sale of alcohol.
E14	There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises
E15	There shall be no self-service of spirits on the premises.
E16	Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
E17	The supply of alcohol shall be by waiter or waitress service only.
E18	With the exception of residents and their bona fide guests, no alcohol shall be consumed more than (XX) minutes after the permitted hour for the supply of alcohol.

<b>F DRUG ACTION</b>	
F1	Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises are searched by door security personnel. In any event where controlled substances or weapons are found, the premises licence holder shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.
F2	The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
F3	The premises licence holder shall ensure that documented security arrangements are implemented at the premises to discourage the sale and consumption of controlled substances. Security arrangements shall include having a member of staff regularly check toilet areas, the date and times of all checks are to be recorded in a bound book kept for that purpose and shall be produced upon request to an authorised officer of the Licensing Authority or a constable. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.
F4	The premises licence shall ensure that, with regard to controlled substances, harm reduction information is displayed within the venue and that there are suitably experienced members of staff, or outreach workers from a local drugs agency, dedicated to providing harm reduction information and to dealing with drug related incidents or emergencies appropriately.
F5	The premises licence holder shall ensure that adequate rest facilities are provided, which are cooler, quieter and preferably separate from the main dance area(s). These 'chill out' areas should offer adequate seating.

<b>G DOOR CONTROL / STEWARDING / SEARCHES &amp; SECURITY</b>	
G1	Door supervisors, shall be used to vet customers and maintain public order. The vetting process must include implementation of the premises' proof of age policy.
G2	There shall be a minimum of (insert number) door supervisors on duty from (Insert hours) hours on each trading day and who shall remain on duty until the premises closes and is empty of patrons.



G3	<p>[A] The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:</p> <ul style="list-style-type: none"> <li>(i) Full name,</li> <li>(ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme approved by the SIA.</li> <li>(iii) The time they began their duty</li> <li>(iv) The time they completed their duty.</li> </ul> <p>This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 28 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or the Police upon request.</p>
G4	<p>The premises licence holder shall ensure that all door supervisors on duty at the premises wear a current identification badge, issued by the Security Industry Authority or under any accreditation scheme recognised by the Security Industry Authority, in a conspicuous position to the front of their upper body.</p>
G5	<p>The Premises Licence Holder shall ensure that an "Incident report register" is kept in a bound book, in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or the Police when required.</p>
G6	<p>Where queuing is allowed outside of a premises door supervisors shall maintain an orderly queue of patrons.</p>
G7	<p>Door supervisors shall be provided at the premises to a ratio of (<i>*insert ratio e.g. 1:2, 1:3 etc</i>) patrons. Where the premises incorporates a dedicated smoking area within its curtilage a minimum of (Insert number) door supervisors shall permanently monitor the smoking area during (Insert appropriate hours).</p>
G8	<p>A minimum of (<i>*insert number</i>) door supervisors shall be permanently stationed at each entrance/exit to the premise, excluding those exits used solely for the emergency evacuation of the premises.</p>
G9	<p>Door Supervisors shall be on duty at the premises on each trading day from (Insert commencement hours) until (Insert terminal hours).</p>
G10	<p>All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.</p>
G11	<p>All door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the front door shall wear some form of 'high visibility' clothing (such as a jacket or waistcoat).</p>
G12	<p>The premises licence holder shall ensure that a documented search policy is implemented at the premises. Any searches shall only be conducted by same sex. Staff training is to be given in the correct procedures and records are to be kept in - a bound book. All documentation shall be produced to an authorised officer of the Licensing Authority or the Police upon request.</p>

G13	Drugs and weapons seized will be placed in a locked receptacle set aside for this purpose. The means for securing or unlocking the receptacle will be retained by the premises licence holder or the designated premises supervisor or in their absence any other responsible person. A record shall be made of the seizure, the time, date and by whom, and to whom the items were handed on to in a bound book specifically kept for that purpose. Such a book to be produced to an authorised officer of the Licensing Authority or the Police upon request. The premises licence holder shall make suitable arrangements with the Police for the - collection of any seized items.
G14	Hand held metal detecting scanners shall be in use at the premises during all trading hours, other metal detecting scanners may be used such as fixed metal detectors at all entrances. Detectors shall be operated by door supervisors or by suitably trained staff when no door supervisors are on duty, and such detectors shall be operative when any licensable activity is taking place. Fixed detectors shall be installed to the satisfaction of the Licensing Authority and the Police.
G15	The premises shall install and maintain a computer based identification entry system. The details of all persons, including staff are to be passed through the system prior to being permitted entry to the premises. The provision and maintenance of such equipment shall be to the reasonable satisfaction of Dorset Police. The details of persons recorded by the system to be made available to police upon reasonable request for the provision of preventing and detecting crime.

<b>H EXTERNAL AREAS/SMOKING AREAS</b>	
H1	The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas (such as terraces and beer gardens) do so in a quiet and orderly fashion.
H2	The (insert name of area i.e. beer garden, upper patio, etc) shall only be open to customers (Insert days) from (insert commencement time) until ( <i>*insert time</i> ). Adequate notices shall be displayed in appropriate locations to ensure that this - information is brought to the attention of patrons.
H3	All outside areas must be closed and cleared of customers by ( <i>*insert time</i> ) Adequate notices shall be displayed to inform patrons of this requirement.
H4	A risk assessment shall be conducted and regularly reviewed to assess the numbers of persons that the outside area can safely accommodate. The premises licence holder shall ensure that there are measures in place to monitor the external area to ensure that a safe occupancy figure is not exceeded.
H5	Smoking Area: If patrons are to be allowed to use an outside area for smoking then: <ul style="list-style-type: none"> <li>(i) The area must be adequately monitored by door staff and CCTV to ensure that patrons do not cause a nuisance, patrons do not obstruct access to adjoining premises and risk of crime and disorder in this area is adequately controlled.</li> <li>(ii) If there is a risk that patrons may acquire illegal items such as drugs or weapons whilst in this area then they must be searched before being allowed to re- enter the premises.</li> <li>(iii) Patrons must not be allowed to take drinks to the smoking area.</li> <li>(iv) The area must be provided with suitable ashtrays/bins, the use of which is monitored by door staff.</li> <li>(v) The area must be regularly swept to remove cigarette ends</li> <li>(vi) Adequate arrangements must be made to prevent overcrowding or disorder in the area</li> </ul>
H6	All tables and chairs shall be removed from the outside area by (Insert hours) each day.
H7	There shall be no sales of hot food or hot drink for consumption off the premises (after XX.00).

<b>J GENERAL SAFETY AND EVACUATION</b>	
J1	No person shall be permitted to sit or stand in any gangway, unless by express permission of the Licensing Authority who shall stipulate the space allowed for standing and the number of persons permitted to stand.

J2	All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other obstructions and from any article or substance which may cause a person to slip, trip or fall.
J3	The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by - an authorised officer of the Licensing Authority or the Police.
J4	Predetermined arrangements shall be made for alerting staff in the event of any emergency. These arrangements shall be of such a nature as to not alarm the public.
J5	All employees or persons involved in the organisation and control of events shall have allotted to them specified duties to be performed in the event of emergencies. Such duties shall aim at the avoidance of panic and the safe evacuation of the - premises where necessary.
J6	Arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated (this includes internal and external areas, for example such as corridors, lobbies, emergency exits, car parks, etc).
J7	Where the premises is part of a shared property and members of the public may require access through areas not under the direct control of the premises licence holder (such as escape routes), the premises licence holder must ensure that he has liaised with the appropriate persons and has in place such arrangements as are necessary to ensure that the safety of members of the public is not compromised by the use of these shared areas and that none of the other licensing conditions may be breached.
J8	Barriers for checking or controlling admission shall not be used save in accordance with a documented policy that includes the following (i) Risk assessments, (ii) Details of type to include design, construction materials, size – e.g. height (iii) Precise location of all elements of the barrier The said document shall kept at the premises and shall be made available to an officer of the Licensing Authority or the Police upon request.
J9	Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when XX days prior notice has been given to the Licensing Authority where consent has not previously been given. <ul style="list-style-type: none"> <li>• dry ice and cryogenic fog</li> <li>• smoke machines and fog generators</li> <li>• pyrotechnics including fire works</li> <li>• firearms</li> <li>• lasers</li> <li>• explosives and highly flammable substances.</li> <li>• real flame.</li> <li>• strobe lighting.</li> </ul>
J10	A currently qualified first aider must be employed on the premises at all times that the premises are open to the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected

<b>K GLASS / BOTTLES</b>	
K1	The License Holder shall ensure that any glass bottles or glass drink containers are removed from persons leaving the premises.
K2	All beverages (including alcoholic and non-alcoholic drinks) shall only be dispensed in polycarbonate, plastic, non-glass containers, or toughened or safety glass to the appropriate safety standard (in that they shall not produce sharp shards when broken). All glass bottles are to be retained behind the bar for safe disposal.
K3	Items of glass-wear (such as glasses, bottles, etc) shall not be permitted in the [*specify area].
K4	Glass bottles containing wine may only be sold in connection with a table meal to customers who are seated in an area for the consumption of food that is away from the main bar.

<b>L NOISE PRECAUTIONS</b>	
L1	Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
L2	Unless contrary to fire precautions/procedures, all access and egress doors and windows shall be kept closed whilst the licence is in use (*or specify time).
L3	No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
L4	Alarms shall be fitted to (*Specify location of external windows/fire doors) to alert staff when (they are) (it is) opened without authorisation.
L5	No music or speech shall be relayed via external speakers other than for events where the prior approval of the licensing authority has been obtained.
L6	A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.
L7	The noise limiting device shall be properly secured so that it cannot be tampered with.
L8	<p>Monitoring</p> <p>The manager, licence holder or other competent person shall carry out observations in the vicinity of the properties at (<i>insert location</i>), on at least (<i>insert time period e.g. hourly</i>) intervals between (<i>insert start time</i>) and (<i>insert finish time</i>) whilst the Premises Licence is in use in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or the Police.</p>
L9	<p>(i) A report shall be submitted to the Council detailing the potential for noise from (<i>insert - amplified music, refrigeration, heating, ventilation and air conditioning plant etc</i>) at the premises from affecting neighbouring noise sensitive properties at (<i>insert</i>).</p> <p>(ii) If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises.</p> <p>(iii) All recommended works shall be completed prior to the commencement of the premises licence and the Licensing Authority is to be notified at least 5 days in advance of the works being completed and the premises being used.</p>
L10	A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

L11	Noise from plant & equipment Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.
L12	Deliveries relating to the licensed activities shall only take place between ( <i>insert hours and days as necessary</i> ).
L13	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

<b>M</b>	<b>SANITARY FACILITIES</b>
M1	Adequate sanitary accommodation shall be provided at the premises in accordance with the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.

<b>N</b>	<b>PROMOTED EVENTS, SPECIAL EFFECTS, NOVEL AND ONE-OFF PROMOTIONS</b>
N1	Where the premises, or parts of the premises are hired out to third parties or used by events promoters, the premises licence holder must ensure that the licence conditions and licensing objectives are not compromised.
N2	In respect of promoted events, that is, any events involving the conduct of licensable activities at the premises that are organised by persons other than the premises licence holder or those under his direct control, the premises licence holder shall ensure that a register is maintained in a bound book kept for that purpose. The register shall be kept at the premises and shall be produced by the designated premises supervisor (or his nominated deputy in his absence) to an authorised officer of the Licensing Authority or the Police upon request. The register shall record the following: (i) Date and time of event and brief description of it; (ii) Name of the promoter(s), that is, the person(s) responsible for organising the event; (iii) Where the promoter is a company, its registered number. (iv) The proper address of the promoter (v) Contact telephone number for promoter
N3	A documented risk assessment of promotional or one-off 'entertainment' events shall be conducted by the licence holder of the premises and such risk assessment shall be available upon request by an authorised officer of the Council or the Police. Promotional or one-off events shall be notified to the Licensing Authority and the Police at least one month prior to the proposed event.
N4	Prior to any "designated sporting event" (as defined in the Sporting Events Control of Alcohol Act 1985) the premises licence holder shall ensure that;  (i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person for a minimum of four hours before the commencement of the relevant designated sporting event; (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated sporting event; (iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated sporting event; (iv) On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting event or in the vicinity of the premises as a result of the designated sporting event;

	<p>(v) All members of staff working at the premises are informed of this condition prior to taking up employment;</p> <p>(vi) On the day of the relevant designated sporting event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the police or until the relevant designated sporting event has finished.</p>
N5	On any occasion in the premises, where a DJ or MC performs to recorded background music, at any time between 10pm and 6am, which is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket, the premises shall be required to provide to police a completed promoted event risk assessment form not less than 14 days prior to the event.
N6	Any person promoting a music event at the premises will be required to hold the BIIAB award for Music Promoters (or equivalent).

<b>P WASTE MANAGEMENT / ODOURS</b>	
P1	No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.
P2	The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odour from food preparation and refuse storage.
P3	The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.
P4	The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.
P5	Activities relating to the onsite disposal ( <i>including placing into external receptacles</i> ) and collection of refuse, bottles and recyclable materials shall only take place between ( <i>insert hours and days as necessary</i> ).
P6	Deliveries relating to the licensed activities shall only take place between ( <i>insert hours and days as necessary</i> ).
P7	The premises licence holder shall ensure that all packaging provided with takeaway food is marked in some way as to show its point of origin.

<b>Q MISCELLANEOUS</b>	
Q1	As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.



**Further copies of this document can be obtained from:**

Licensing Team  
Dorset Council  
South Walks House  
South Walks Road  
Dorchester  
DT1 1UZ

Tel: 01305 251010

Email: [licensingteamb@dorsetcouncil.gov.uk](mailto:licensingteamb@dorsetcouncil.gov.uk)

Web: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/beer-and-entertainment-licences/beer-licensing.aspx>



## An Analysis of Incidents for DWDA Area.

### Description

This report investigates incidents recorded in Niche & Storm for the DWDA area.

The analysis is split into 2 sections:-

- Incidents that specifically mention Alcohol (2021-22 vs 2022-23)
- Other incidents (2022-23):-
  - Violence S20/S47
  - Sexual Offences
  - Robbery/Theft
  - Criminal Damage
  - ASB (Personal; Nuisance; Environmental)

The analysis also looks at these location types:-

- Accom
- Air/Rail
- Business
- Licensed
- Non-Addr
- Street

### Findings

#### **Alcohol Related incidents 2021-22 vs 2023**

The locations for incidents are similar as are the numbers, while street related incidents have improved slightly there has been little change for licensed premises.

A relationship between the location of Licensed premises and the number of incidents can be seen on the heat maps and Licensed premises locations map.

#### **All Incidents**

When combined these mostly occur in the Street with Licensed premises the second most likely location. This is also seen with ASB and Criminal Damage.

For Violence(S20/47) this is mostly seen in Licensed premise and slightly less in the streets.

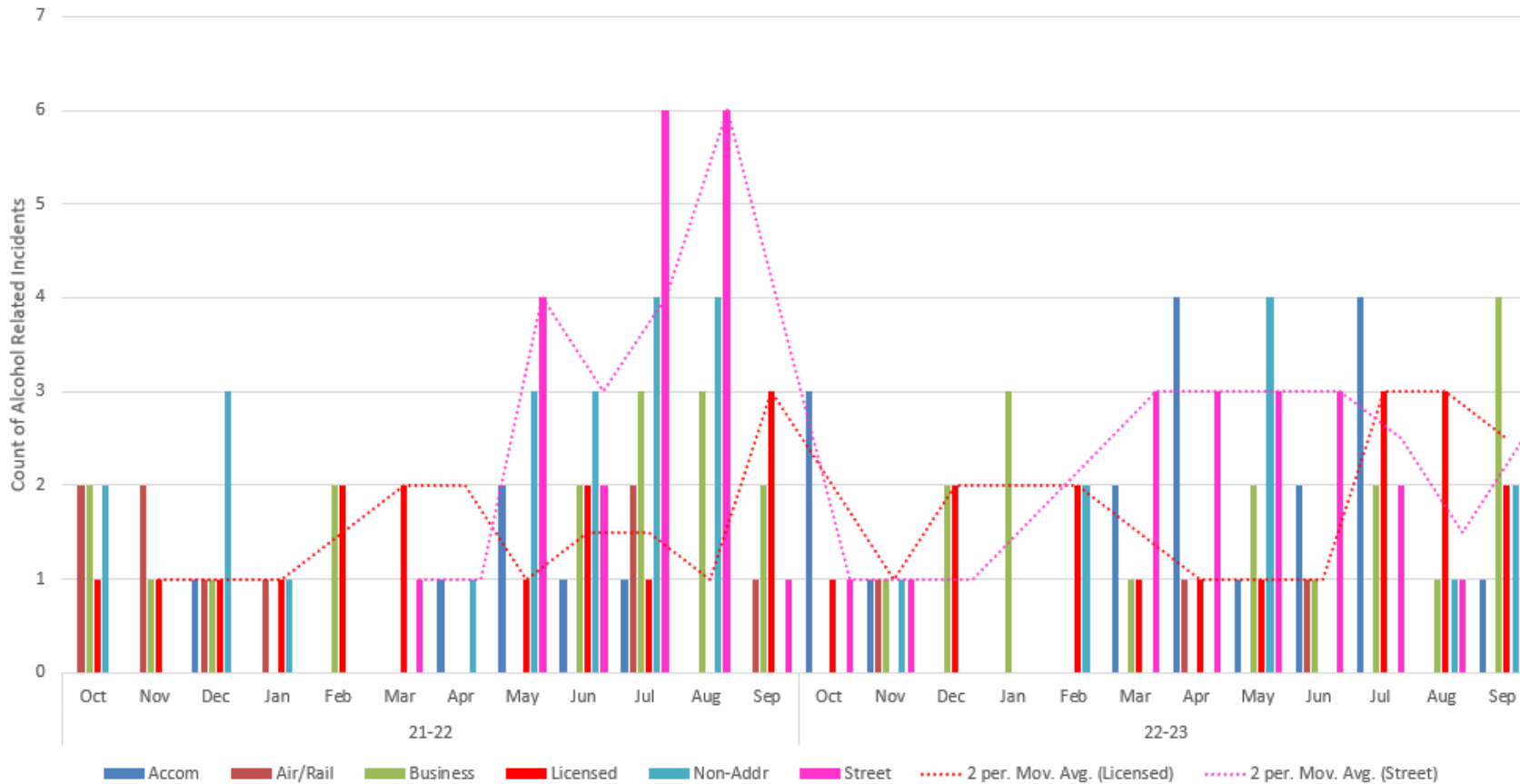
There were more Sexual Offences in licensed premises than other locations – however the numbers were small so this may not be significant.

The street location may be related to licensed premises as incidents may ‘spill’ from the premises to the street.

Alcohol Specific Data 2021/22 vs 2022/23.

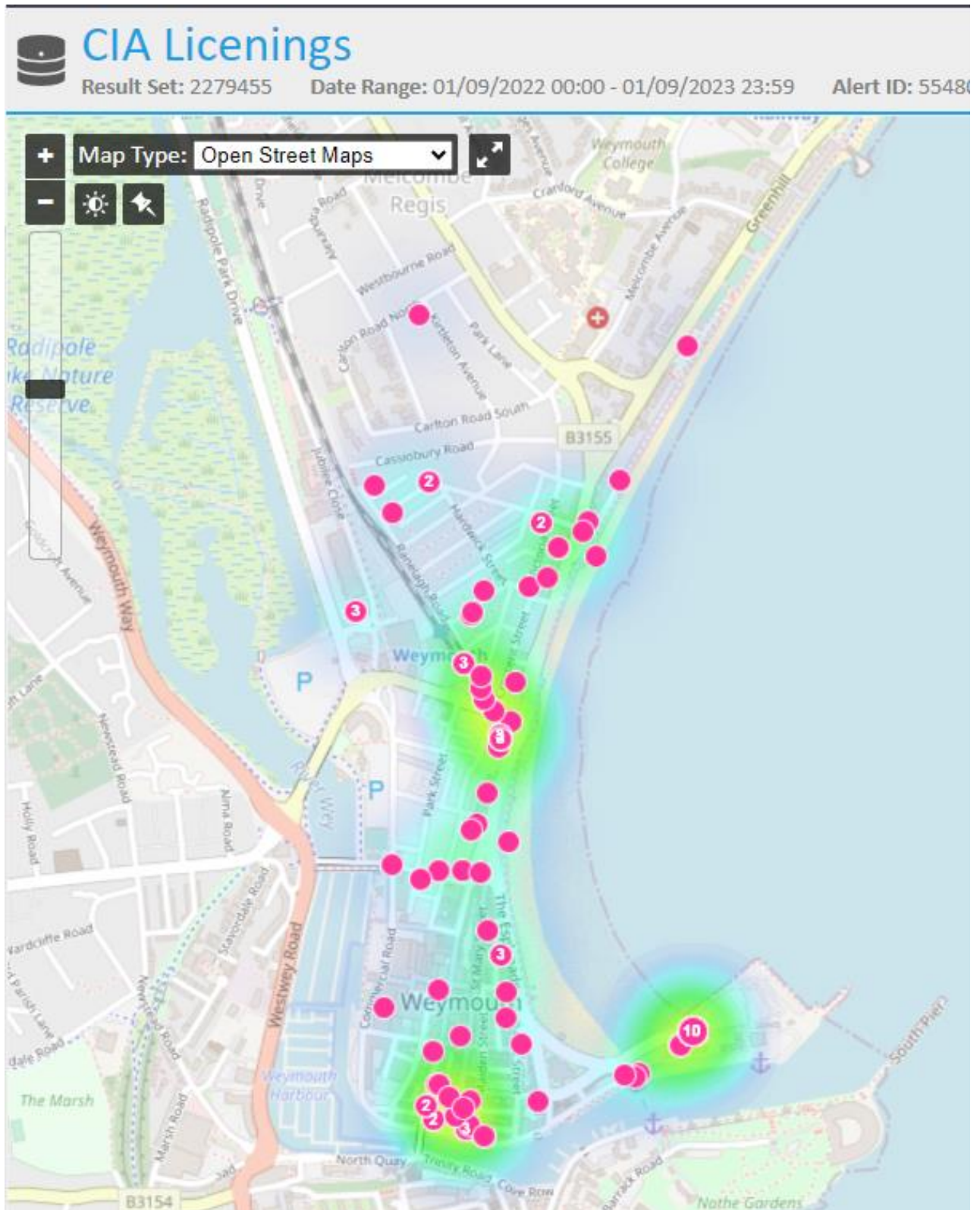
The data was further searched for specific alcohol related incidents – where ‘drink’; ‘drunk’; ‘alcohol’ & ‘intox’ were searched for in Incident details and comments. **\*NOTE** the incidents returned depends on how they were recorded in the system – this data set is probably incomplete but will indicate trends.

Comparison of Alcohol Related Incidents 2021-22 vs 2022-23

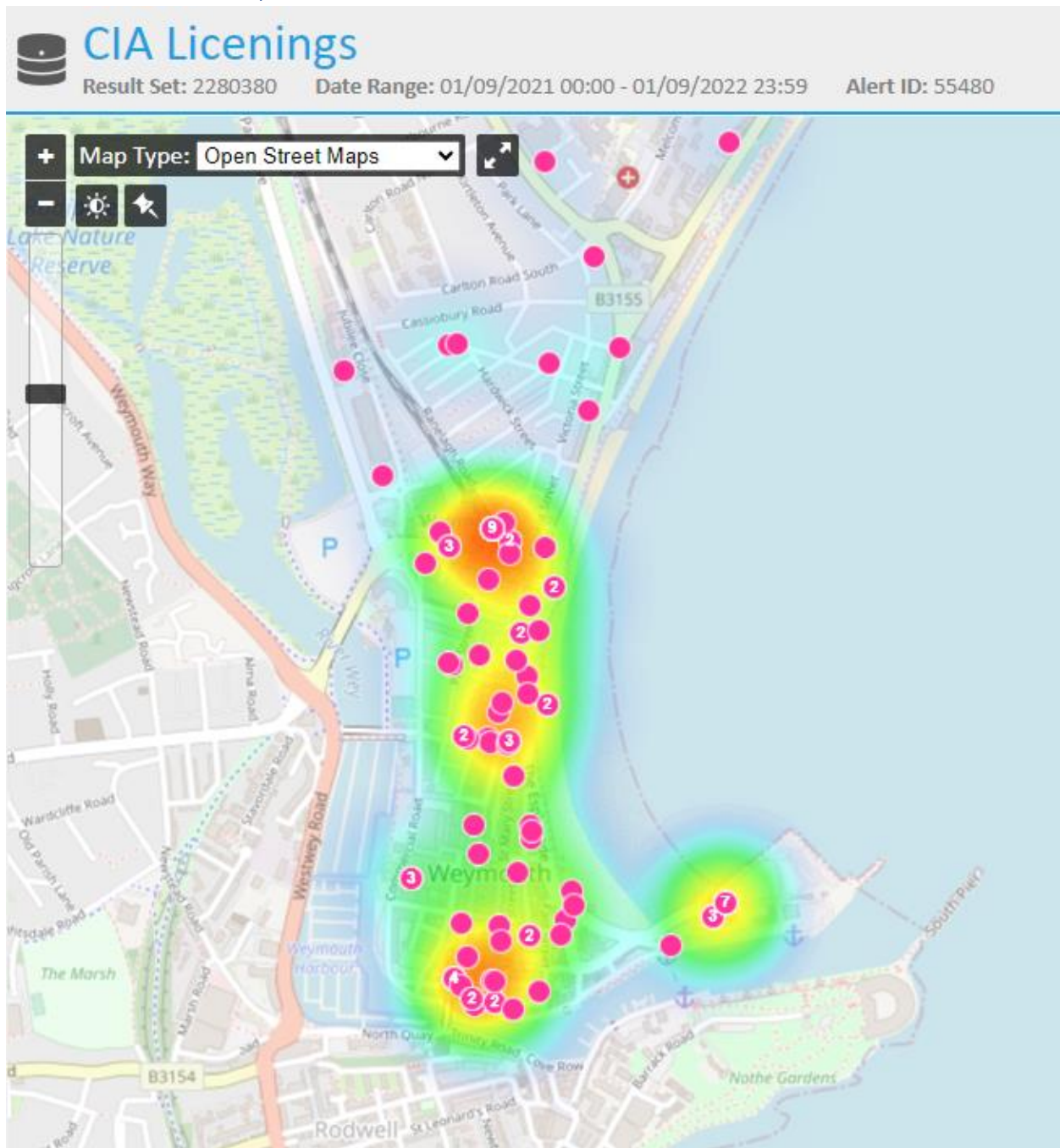


The chart shows the general rise in alcohol related incidents during the summer (Street; Acco & Non-Addr) across both this and last year. However, there was a drop in incidents located in the street for this summer, but this was not seen for incidents in Licensed premises which has stayed fairly steady.

Locations Heat Map – Alcohol Mentioned 2022/23



## Locations Heat Map – Alcohol Mentioned 2021/22

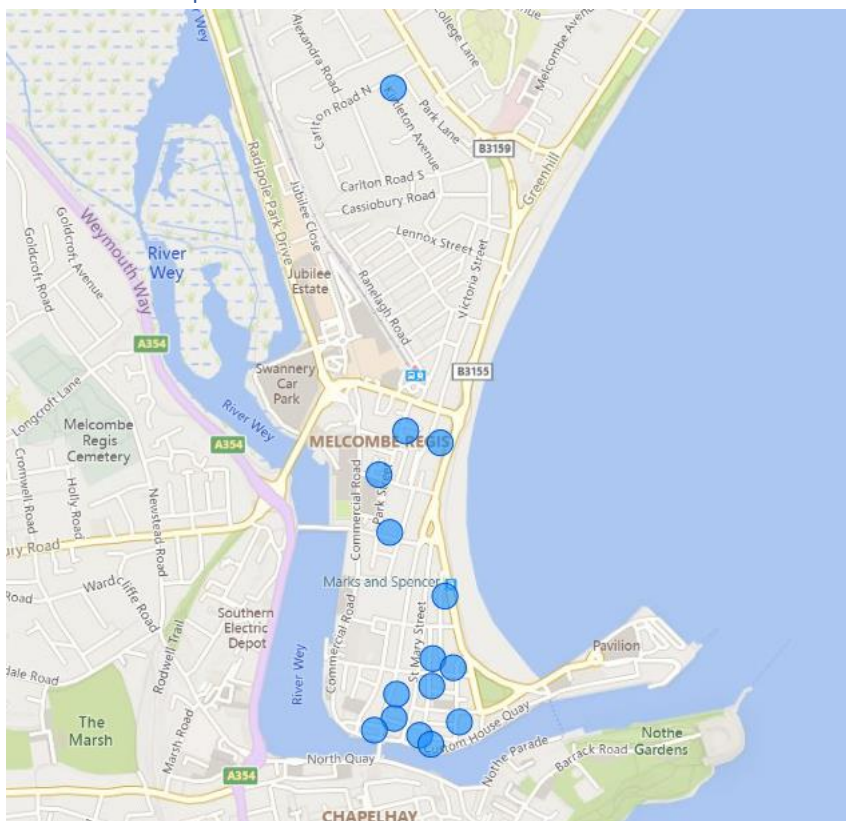


These 2 heat maps show very similar locations for alcohol related incidents over both years and when this is compared with the Licensed premises locations, in the next section the 'hot' areas on both heat maps correlates quite strongly with the licensed premises locations.

## Alcohol Incident Count table for Licensed Named Premises by Year

Name	Post Code	Incident Count	
		21-22	22-23
Ship Inn	DT4 8BE		1
Finns	Westham Rd DT4 8NU	1	1
Golden Lion	St Edmund St DT4 8AR		1
Rafa Wings Club	Maiden St DT4 8AY		1
Rendezvous	St Thomas St DT4 8AW		2
The Closet	Maiden St DT4 8BA		1
The Cutter Hotel	East St DT4 8BP		1
The George Inn	Custom House Quay DT4 8BE	1	2
The Nook	The Esplanade DT4 8DG	1	3
The Swan Inn	St Thomas St DT4 8EH	1	2
Weatherbury Hotel	Carlton Rd DT4 7PX		1
Actors Bar And Club	Maiden St DT4 8BB	1	
Royal Oak	Custom House Quay DT4 8BE	2	
Duke Of Albany	Park St DT4 7DE	1	
The Lazy Lizard	The Esplanade DT4 8DG	1	
The Star	Gloucester St DT4 7AW	1	
The Gloucester	The Esplanade DT4 7AT	1	
Globe Hotel	East St DT4 8BN	1	

## Locations Map



### All incident data for DWDA

This section looks at a range of incidents for DWDA area for the time period Sept 22 – Sept 23. The charts have been broken down into incident Disposal Code type (when reported):-

- Violence S20/More Serious
- Violence S47/Less Serious
- Sexual Offences
- Robbery
- Theft
- Drugs
- Personal (ASB)
- Nuisance (ASB)
- Environmental (ASB)
- Criminal Damage

Not all these incidents will be related to licensed premises but indicate the general level of crime & ASB in the area.

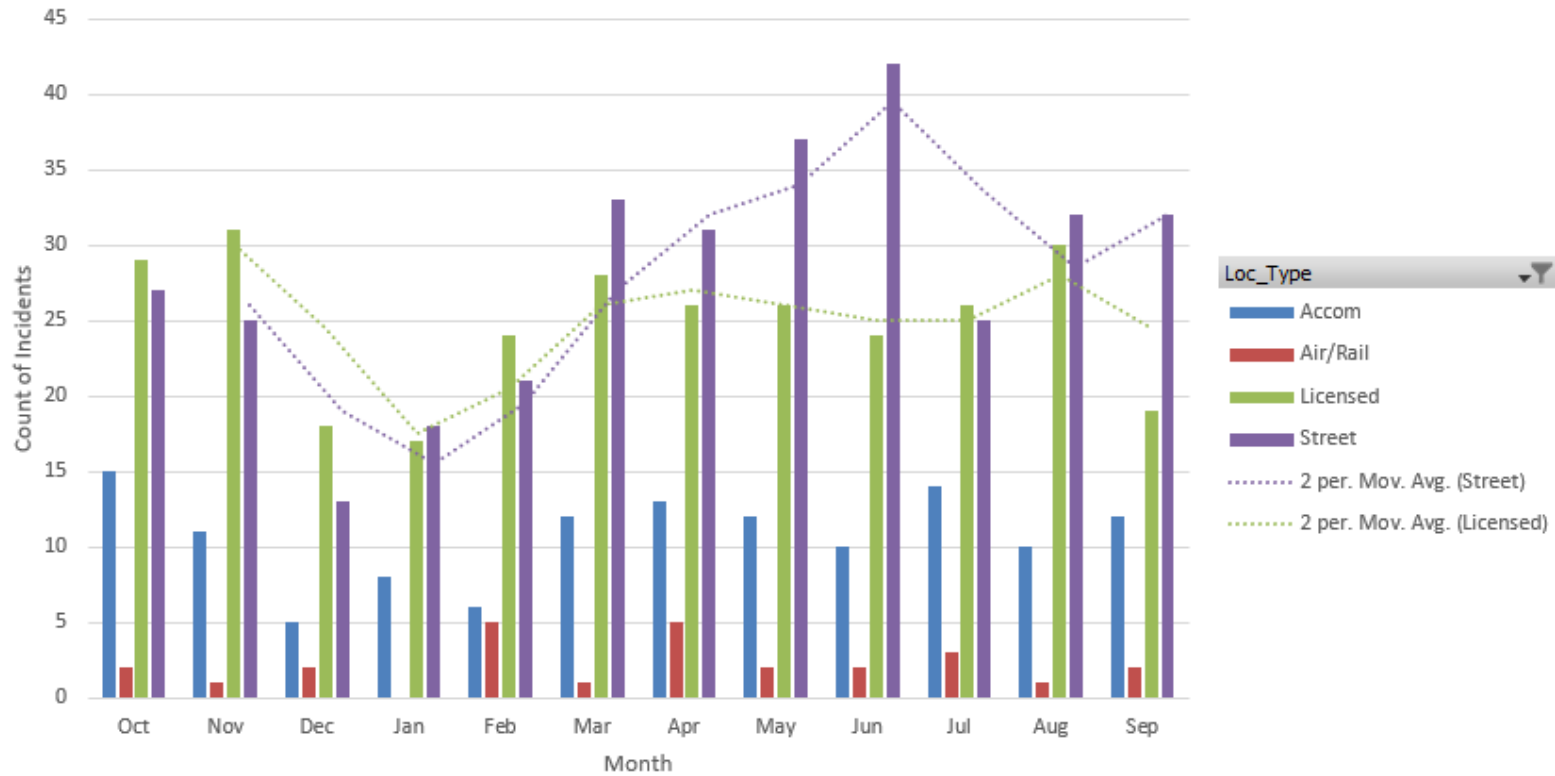
The data shows that most incidents are happening either in the streets or in Licensed premises. The maps confirm that the areas where incidents are happening is around areas with highest density of Licensed premises.

All Disposal Codes

Disposal1 ▾ Loc\_Address ▾

Count of Disposal1

Combined Disposal Codes for DWDA by Month 2023 & Location Type



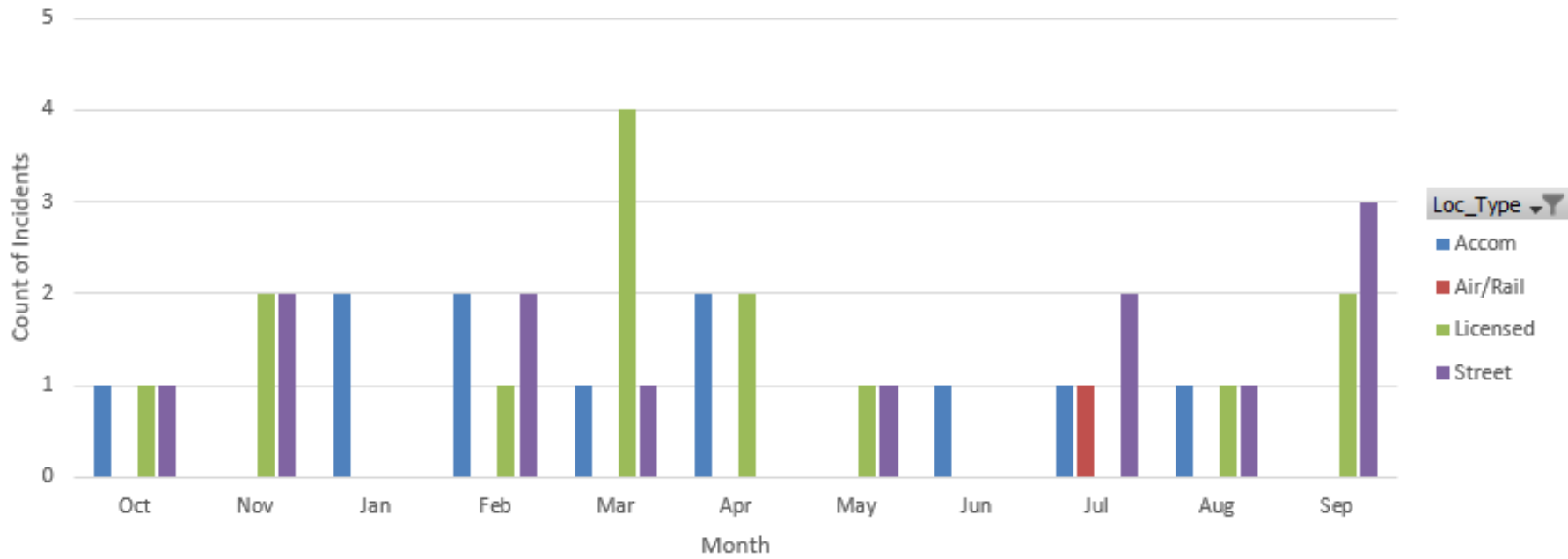
This chart shows that there is a general trend of increased incidents (all) in the street and a slight increase in incidents in licensed premises, over the year. This might be expected as the population increases over the summer months.

## Criminal Damage

Disposal1 ▼ Loc\_Address ▼

Count of Disposal1

### Criminal Damage for DWDA by Month 2023 & Location Type



No clear trends are seen for criminal damage over the year, except for a spike in March in Licensed premises, and a possible spike now (Sept) in the street.

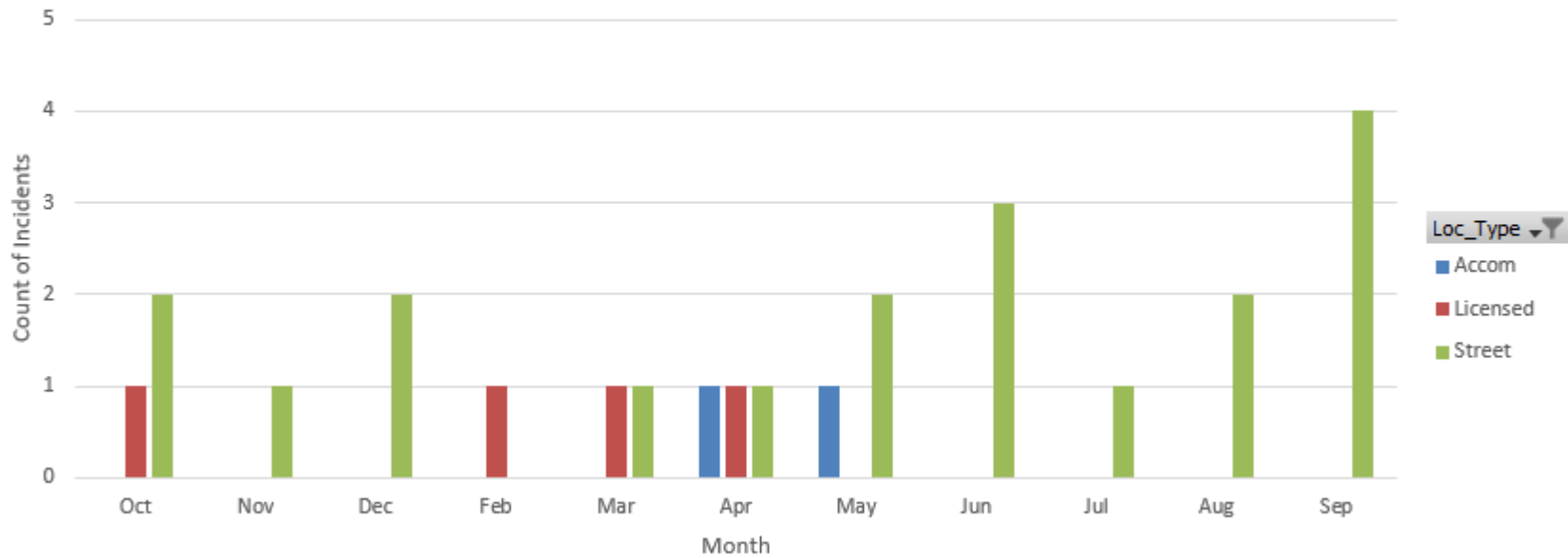


# Drugs

Disposal1 ▾ Loc\_Address ▾

Count of Disposal1

### Drugs for DWDA by Month 2023 & Location Type



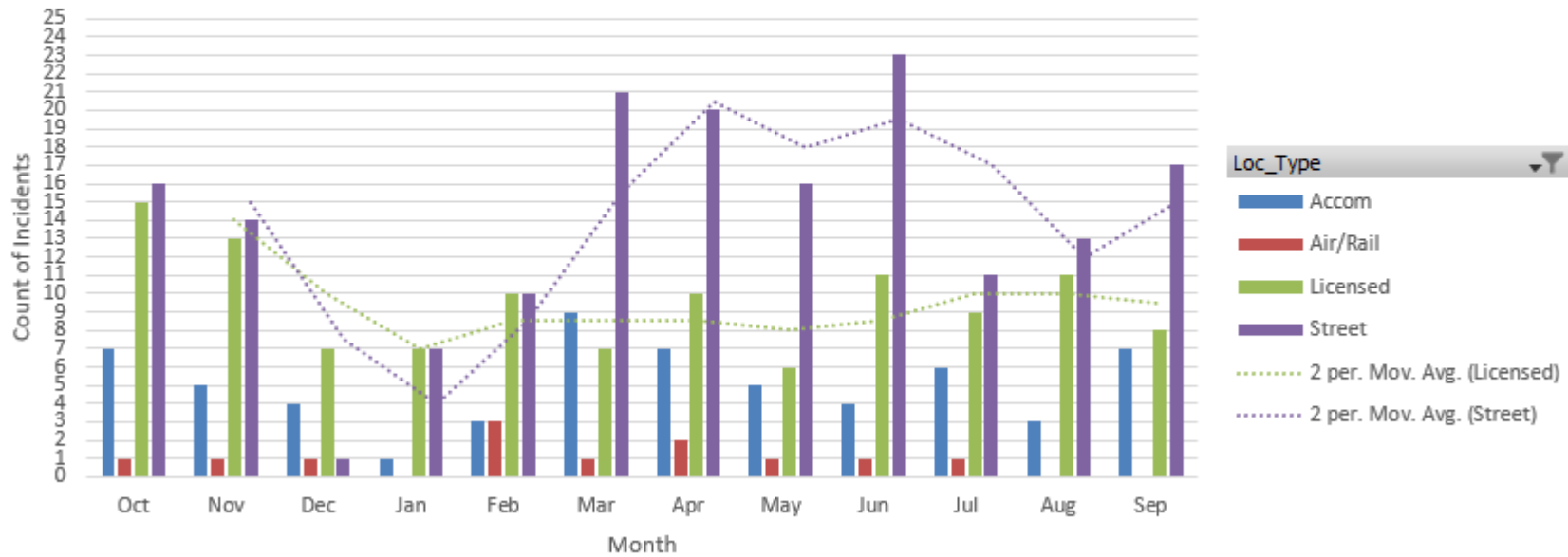
There is no clear trend for drug incidents, as these seem to be happening more on the street than in licensed premises.

ASB

Disposal1 ▾ Loc\_Address ▾

Count of Disposal1

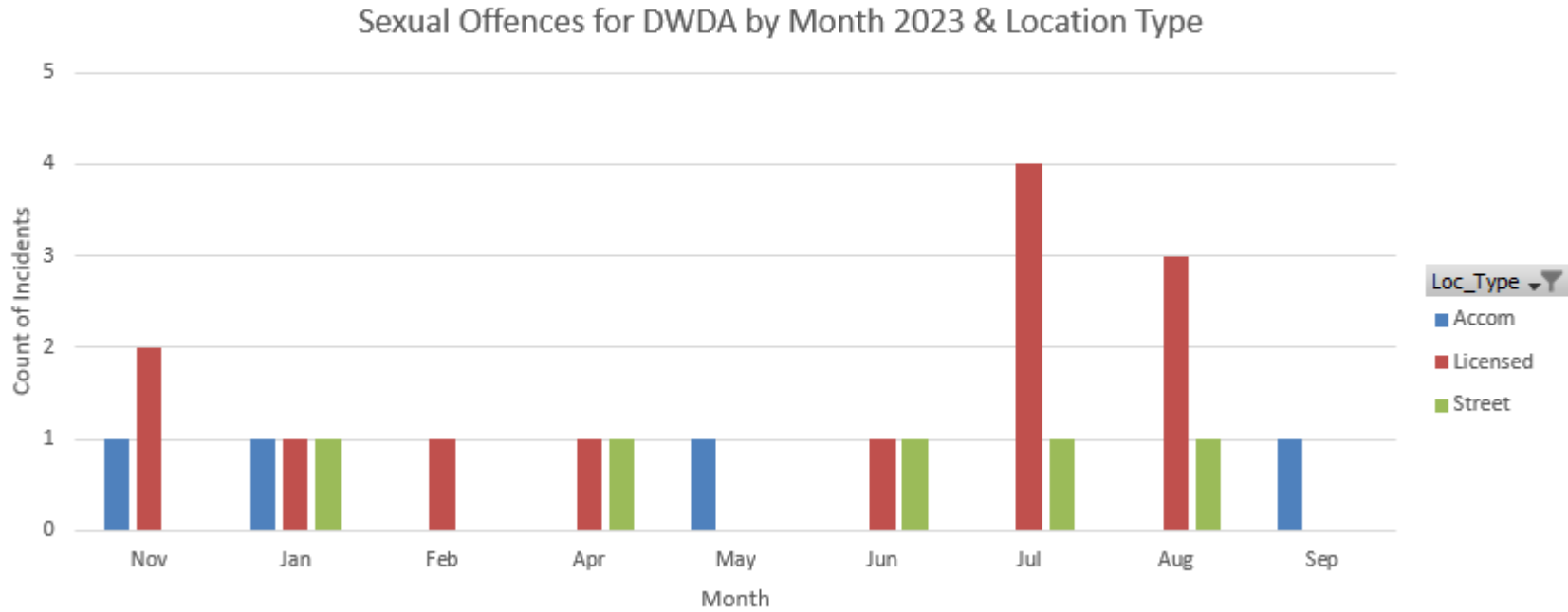
ASB for DWDA by Month 2023 & Location Type



ASB seems to be increasing in the street (especially during the summer months) and although higher in Licensed premises at the end of 2022 (Oct/Nov) it has stayed fairly stable through the year.

Sexual Offences

Disposal1 ▾ Loc\_Address ▾  
Count of Disposal1



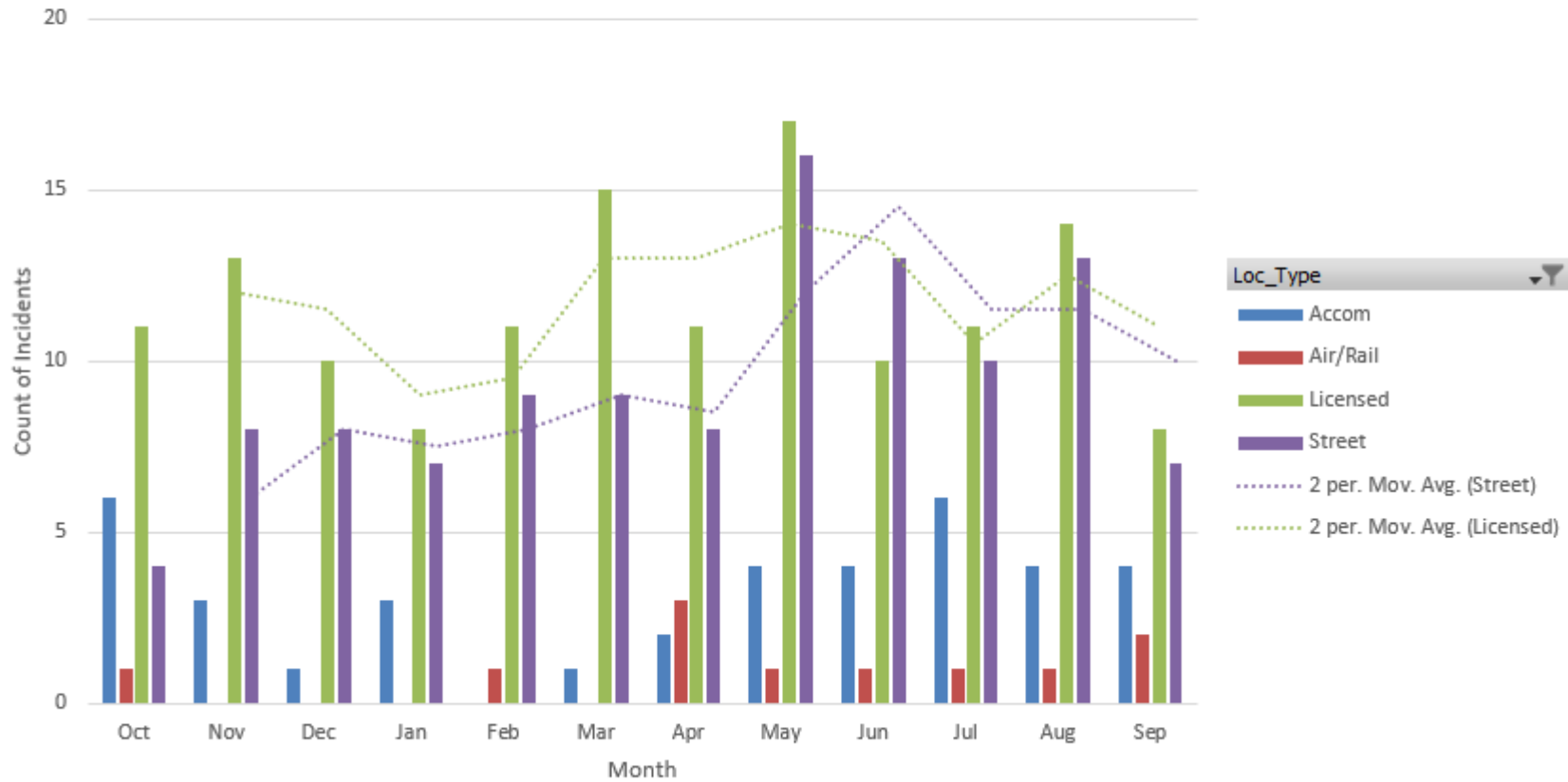
These are generally infrequent compared to other disposals but a spike of incidents can be seen for July & Aug in Licensed premises.

# Violence S20/47

Disposal1 ▾ Loc\_Address ▾

Count of Disposal1

## Violence S20/47 for DWDA by Month 2023 & Location Type

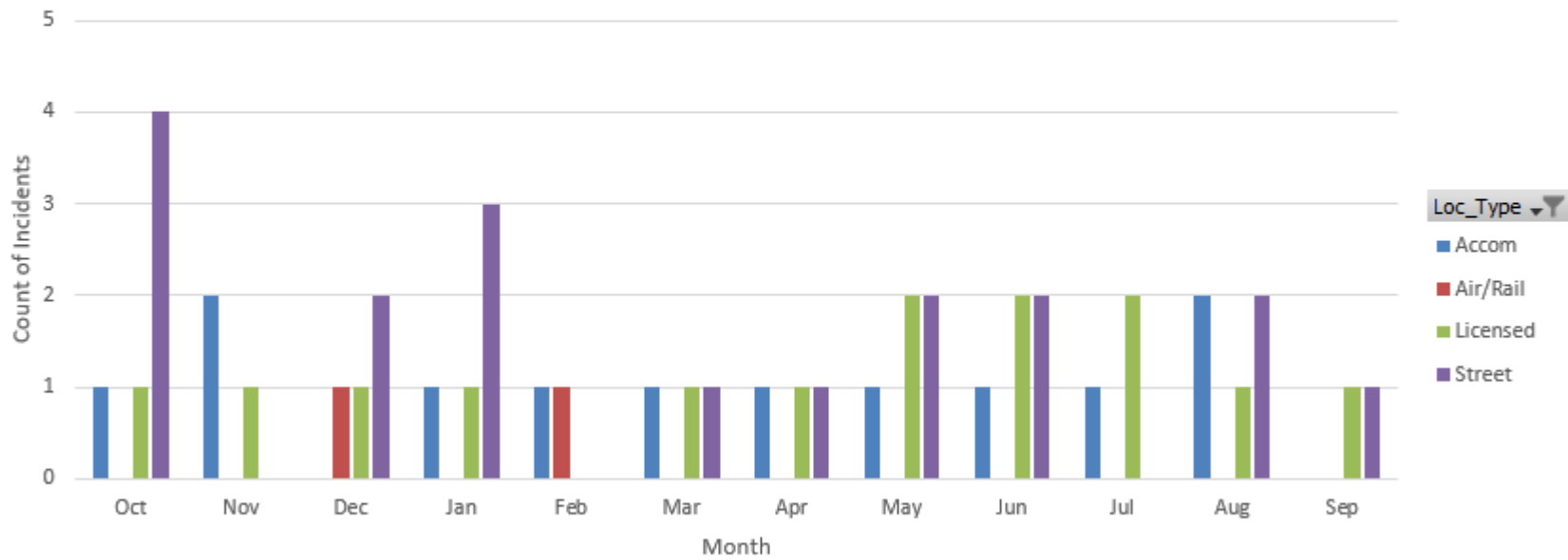


Violence incidents in all locations have been increasing since February – with a peak in May before the busy summer period. September may indicate a start of a drop but it is too early to say yet.

# Theft/Robbery

Disposal1 ▼ Loc\_Address ▼  
Count of Disposal1

## Theft/Robbery for DWDA by Month 2023 & Location Type



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## Licensing Committee

11 October 2023

## Amendments to the Taxi Licensing Policy

### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** All Councillors

**Executive Director:** J Sellgren, Executive Director of Place

Report Author: Aileen Powell  
Job Title: Licensing Team Leader  
Tel: 01258 484022  
Email: Aileen.Powell@dorsetcouncil.gov.uk

**Report Status:** Public

**Brief Summary:** To consider proposed minor amendments to the Taxi Licensing Policy.

### Recommendations:

- i. Insert a paragraph 2.51 under a heading “Meters” to read; -  
All Hackney Carriages will be expected to have a functioning meter set to the Dorset Council Tariff (or a lesser Tariff). If the meter is not a mechanical meter, then that alternative system will need to be approved by a Licensing Officer and procedures must be in place to prevent any tampering to tariffs by either drivers or operators that could set the fare displayed to be higher than the Dorset Council Tariff.
- ii. Amend paragraphs 2.43, 3.37, 3.47 and 3.56 to include suspensions and refusals to reflect changes to the law.
- iii. Paragraph 3.27 is amended to read; -  
Driver’s licences issued for a Combined Driver Licence that will incorporate licences to drive both types of vehicles, a Private Hire Driver Licence or a Hackney Carriage Driver Licence. Licences will be granted for a period of three years. Dorset Council may grant licences for a lesser period if necessary.

- iv. Adding the following wording to paragraph 3.27; -  
Should a driver need to change the type of licence he has, and they have undertaken the relevant knowledge and suitability test, the type of licence can be swapped at any time for the cost of a replacement badge and will be subject to the same dates for renewal etc as the original licence.
- v. Amend paragraph 3.32 to read;-  
Any application where more than one relevant offence is revealed will be referred to a Sub-Committee for a decision.

**Reason for Recommendations:** Making these minor corrections will ensure the policy is as clear and correct as it can be.

## **1. Background**

- 1.1 The current Taxi Policy came into effect in April 2022. It has been in force now for over a year and has been extremely helpful when dealing with taxi licensing in general. It was always intended to keep the policy under review and to make adjustments as required. This report contains a number of suggestions for insertions and clarifications that are required for various reasons, set out below. The current Policy is attached at Appendix 1.

## **2. Amendments Required**

- 2.1 **Meters** - Changes in the way that devices can display tariffs mean that where all Hackney Carriages used to have mechanical meters that were attached to their speedometers, there are now software/location solutions available that can do a similar job and which can be linked in to booking and dispatch systems that operators use. It is therefore recommended that a paragraph is inserted into the policy to clarify what can be used in Hackney Carriages.
- 2.2 **Recommendation** – insert a paragraph 2.51 under a heading “Meters” to read; -

All Hackney Carriages will be expected to have a functioning meter set to the Dorset Council Tariff (or a lesser Tariff). If the meter is not a mechanical meter, then that alternative system will need to be approved by a Licensing Officer and procedures must be in place to prevent any tampering to tariffs by either drivers or operators that could set the fare displayed to be higher than the maximum Dorset Council Tariff.

- 2.3 **Taxis and Private Hire Vehicles (Safety and Road Safety) Act 2022** -  
From 31<sup>st</sup> March 2022 we have been required under the legislation to



include suspensions and refusals as well as revocations on the National database of taxi and private hire drivers (NR3).

2.4 **Recommendation** – Amend paragraphs 2.43, 3.37, 3.47 and 3.56 to include suspensions and refusals to reflect this change to the law.

2.5 **Driver Licences** - When the Taxi Policy was introduced it was intended to issue Combined Licences to all drivers. During the consultation changes were made and paragraph 2.21 was amended to state that whatever type of licence was applied for should be granted. Paragraph 3.27 was not similarly updated.

2.6 **Recommendation** – Paragraph 3.27 is amended to read; -

Driver's licences issued for a Combined Driver Licence that will incorporate licences to drive both types of vehicles, a Private Hire Driver Licence or a Hackney Carriage Driver Licence. Licences will be granted for a period of three years. Dorset Council may grant licences for a lesser period if necessary.

2.7 Furthermore - because driver's licences last for three years, drivers may from time to time wish to drive a different type of vehicle. Officers recommend adding the following to Paragraph 3.27 to include a statement that should drivers wish to change the type of licence they can for the cost of a new badge.

2.8 **Recommendation** – adding the following wording to paragraph 3.27; -

Should a driver need to change the type of licence he has, and they have undertaken the relevant knowledge and suitability test, the type of licence can be swapped at any time for the cost of a replacement badge and will be subject to the same dates for renewal etc as the original licence.

2.9 **Motoring Offences** - Paragraph 3.32 is incorrect as it refers to licences being referred to a Sub-Committee if there is more than 1 current motoring offence. The criminal record policy gives different levels to this with either a serious motoring offence, or minor motoring offences where the points awarded amount to seven or more being referred.

2.10 **Recommendation** – amend paragraph 3.32 to read;-

Any application where more than one relevant offence is revealed will be referred to a Sub-Committee for a decision.

**3. Financial Implications**

None

**4. Natural Environment, Climate & Ecology Implications**

None

**5. Well-being and Health Implications**

None

**6. Other Implications**

**None**

**7. Risk Assessment**

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

**8. Equalities Impact Assessment**

An EQIA was carried out when the Policy was written and not affected by any of the recommended amendments.

**9. Appendices**

Appendix 1 – Dorset Council Taxi Licensing Policy

**10. Background Papers**

[Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#)



## **Taxi Licensing Policy**

**2022**

**1 Dec 2021**

### **Abstract**

A policy to cover the Licensing of Hackney Carriage Vehicles and Drivers and Private Hire Vehicles, Drivers and Operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

**Further copies of this document can be obtained from:**

Licensing Team  
Dorset Council  
Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Tel: 01305 251010

Email: [licensingteamb@dorsetcouncil.gov.uk](mailto:licensingteamb@dorsetcouncil.gov.uk)

Web: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/taxi-private-hire-vehicle-licences/taxi-and-private-hire-vehicle-licences.aspx>

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## Section 1 - Purpose and Scope of the Taxi Licensing Policy

### Purpose

- 1.1. The purpose of licensing drivers, vehicles and operators for public or private hire is for the protection of the public who use this form of public transport. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust that the driver is honest, competent, safe and trustworthy, that the car being used is suitable, safe and well maintained. Passengers should also be confident that the people who take the bookings for those cars are trustworthy and will safeguard confidential information.
- 1.2. This policy will set out how Dorset Council will manage applications, make decisions about who can drive and what vehicles will be licenced, what is expected from those that are licenced and how the Council will deal with complaints. The policy will be used to assist officers, the Licensing Committee and Sub-Committees to make decisions that are fair, clear and consistent. It will also inform the travelling public of what they can expect from a vehicle, driver or operator licensed by Dorset Council.
- 1.3. The Criminal Conviction Policy at Appendix G will come into effect on 1 December 2021. The remainder of this policy takes effect from 1 April 2022.

### Formulating the Policy

- 1.4. In creating this policy, and in all matters relating to the licensing of taxis and private hire vehicles Dorset Council will have regard to:
  - The law<sup>1</sup>
  - The Department for Transport Statutory Taxi & Private Hire Vehicle Standards July 2020 (DfT Standards)<sup>2</sup>
  - The Department for Transport Taxi and Private Hire Vehicle Best Practice Guidance March 2020 (DfT Best Practice)<sup>3</sup>
  - Freight Transport Association Hackney Carriage and Private Hire Vehicles National Inspection Standards August 2012 (FTA National Standards)<sup>4</sup>
  - Institute of Licensing Guidance on Determining the Suitability of Applicants April 2018 (IoL - Safe and Suitable)<sup>5</sup>
  - Dorset Council's Plan 2020 to 2024<sup>6</sup> (DC Plan)
- 1.5. The Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory standards in July 2020 which contains several recommendations that the Department for Transport (DfT) expects Councils to incorporate in their taxi licensing policies unless there is a compelling reason not to. This policy has been prepared incorporating all the recommendations contained within the DfT Standards.

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<sup>1</sup> [Town Police Clauses Act 1847](#), [Local Government Miscellaneous Provisions Act 1976](#), [Transport Act 1980](#)  
[Equalities Act 2010](#)

<sup>2</sup> [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](#)

<sup>3</sup> [Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(publishing.service.gov.uk\)](#)

<sup>4</sup> [GetFile.aspx \(logistics.org.uk\)](#)

<sup>5</sup> [Guidance on Suitability Web Version \(16 May 2018\).pdf \(instituteoflicensing.org\)](#)

<sup>6</sup> [Dorset Council's Plan](#)

- 1.6. Dorset Council was formed on 1 April 2019 from four District Councils, one Borough Council and the County Council. The policies of the five predecessor District and Borough Councils have been considered and areas of good practice within them is contained within the Dorset Council Taxi Licensing Policy.
- 1.7. Several small focus groups consisting of Councillors, the trade, officers and Equality Groups have helped formulate this draft policy and the policy will be put out to public consultation for 12 weeks. All consultation responses will be considered before the final version of the Policy is presented to Full Council for adoption.
- 1.8. Any reference to "Taxi" in this policy includes both Hackney Carriages and Private Hire Vehicles.
- 1.9. This policy will be subject to a full review during 2026 with a view to a revised Policy being implemented at the beginning of 2027. There will also be an annual interim review of the Policy to incorporate any emerging issues that may need to be addressed.

## Consultation

- 1.10. In preparing this policy the council has consulted with and considered the views of a wide range of people and organisations including:
  - Existing licence holders and their representatives
  - Representatives of local business
  - Local residents and their representatives
  - Local Councillors
  - Parish and town councils
  - Local members of parliament
  - Dorset Police
  - Dorset Council – Children's Services
  - Dorset Council – Adults Services
  - Dorset Council – School Contract Service
  - Dorset Council – Highways
  - Dorset Council - Fleet
  - Adjoining Councils
  - Dorset Disability Forum

## Process for Adoption of the Policy

- 1.11. The draft policy will go through a number of committee meetings for consideration prior to adoption;
  - i. Licensing Committee
  - ii. Consultation
  - iii. Place and Resources Overview Committee
  - iv. Licensing Committee

## Section 2 - General Principles

### Importance of the Taxi Trade

- 2.1. Dorset Council recognises that the taxi trade is a fundamental component of the public transport network, especially in more rural areas of Dorset where it can be the only form of public transport. It is a heavily regulated industry for good reason, but Dorset Council will look to reduce the burden to licence holders where possible but only when the primary aim of the regulation, which is the safety of passengers, is not compromised to any degree.
- 2.2. The Council will hold meetings with the taxi trade at least twice a year and will send out regular newsletters to the taxi trade and to the Councillors sitting on the Licensing Committee.
- 2.3. Dorset Council is committed to providing online application processes across all areas to enable interactions with the Council to be completed at a time and in a place that suits the user. Currently applications for licences can be completed online in most areas already, and it is planned that this will be available across the whole area as soon as practicable.

### Protection of Children

- 2.4. Whilst the safety of everyone who uses licensed vehicles is of paramount importance, there are special concerns around children after well publicised cases of Safeguarding in other areas of the country. Most licensed drivers have completed a classroom-based form of Safeguarding training. Dorset Council will continue to support specialised training in this area for all new applicants to ensure they are aware of how to identify, and how to report any concerns they have that may indicate child exploitation, including County Lines involvement, Female Genital Mutilation or children being groomed. For any licensed drivers who have not completed any classroom based Safeguarding training this will need to be completed during the term of their next licence. Training will be regularly updated to incorporate any emerging trends. The licensing team will liaise with both the police and Dorset Council's children's service teams to ensure there is a joined-up approach to protecting young people, and we will undertake to advise drivers and operators of any areas of concern that they need to be aware of. As training evolves and becomes available, it may be incorporated into requirements for the renewal of driver's licences. Before any changes to mandatory training are made, all current drivers and all operators who may take on new drivers will be consulted, and enough time will be allowed for any current licence holder to complete the training during their next licence term.

### Adults at Risk

- 2.5. The DfT Standards were brought in to protect adults who are at risk as well as children. Adults at risk are defined in section 42 of the Care Act 2014 and apply to any adult who; -
  - a. has needs for care and support (whether or not the Authority is meeting any of those needs),
  - b. is experiencing or is at risk of abuse or neglect and
  - c. As a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

Dorset Council and Dorset Police have a joined-up approach to safeguarding and have a Multi-Agency Safeguarding Group which will both pass on and receive information relating to any complaints concerning vulnerable adults and taxis. All complaints that relate to a Vulnerable Adult will be referred to the MASH and there will be a co-ordinated response to any such matters. Taxis are such a vital method of transport for Vulnerable Adults that swift action may be taken if the safety of any Vulnerable Adult is in any way put at risk. It is important that every person travelling in a taxi not only is safe but feels safe as well.

The Council is committed to improving the safety of residents and visitors to Dorset and is currently reviewing the content of its mandatory safeguarding courses to include additional areas for improvement, including for example Domestic Abuse Awareness Training. Taxi drivers are valuable members of the community and can be a first point of contact for vulnerable adults in need of assistance and licence holders will be trained to spot the signs of abuse and respond appropriately where necessary, including signposting to services where potential victims can go for assistance.

## Equalities

- 2.6. Dorset Council is committed to building strong, healthy communities which will support inclusivity<sup>7</sup>. Addressing equality issues has historically involved keeping lists of Wheelchair Accessible Vehicles (WAVs). However not all people with disabilities use wheelchairs and so in formulating this policy Dorset Council is looking to undertake its duty under the Equalities Act by encouraging training in a diverse range of disabilities, creating a rating system based on the completion of training courses which will be advertised on the Council's web site and introducing an Equality Charter to inform drivers and operators of the standards that are expected of them, and to inform the travelling public of what standard of service they may expect.
- 2.7. It is estimated that around 1 in 5 people have one or more disabilities, many of which will be hidden. Rather than thinking in terms of specific disability this policy seeks to set an expectation that ALL people no matter what challenges they face have the same opportunity to access this form of public transport that is vital to being able to travel about in and out of Dorset. We want to ensure that equality is not a matter of treating everyone the same way, it is a matter of making sure that everyone can use a taxi safely and in comfort and that drivers and operators will take actions to ensure that anyone with a disability of any kind does not feel disadvantaged. This goes beyond allowing anyone using a dog to sit with them in a licensed vehicle to actively assisting elderly passengers with frames or walkers, to treating blind people with extra consideration when they exit a vehicle to ensure they are aware of where they are.
- 2.8. The "Equality Charter" (found at appendix A) will be used as a measure to judge complaints by. Dorset Council commit to actively promoting compliance with the Charter and driving out the inequality and the treatment of the disabled as 'second class' citizens and will deal with any reported incidents of either direct or in-direct discrimination by written warning if it is a first complaint or if it is a repeat complaint, by referral directly to a Sub-Committee.
- 2.9. The Council will work with third party providers to create training modules which will be made available that will lead to accreditation and a star rating system. These will be developed to include specific disabilities or types of disabilities and may also expand to training courses in additional

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<sup>7</sup> [Strong, healthy communities \(dorsetcouncil.gov.uk\)](http://dorsetcouncil.gov.uk)

areas for example, in suicide awareness. These courses are introduced to improve the quality of service and it will be a prerequisite that anyone signing up for the course may promote their services via their contact details being included in lists that are available to potential passengers.

- 2.10. We will provide a directory of drivers or operators who have passed specific training modules on our web site and make available in a written or other suitable format to anyone who requests it.

## Suitable Vehicles

- 2.11. Dorset Council recognises that action needs to be taken to protect the environment and the Licensing Team will work with the DC Highways Team to ensure a joined-up approach for any policies or strategies based on sustainability, such as the Electric Vehicle Charging Strategy. The Council will encourage the use of electric vehicles, and other Ultra Low Emission Vehicles by exploring the potential for reduced fees for applications for these types of vehicles. Any fees, or any changes to those fees will be subject to a separate consultation.
- 2.12. There are different approaches that can be taken to ensuring that vehicles are suitable to be licensed either by age, mileage or type. The area covered by Dorset Council is varied and the work carried out by licensed vehicles is equally varied. Therefore, the Council will not stipulate what types of vehicles may be licensed but will only licence a vehicle to carry the number of full-sized adult seats.
- 2.13. The work with focus groups suggest that it is the maintenance and upkeep of vehicles that is the most important consideration to assess the suitability of a vehicle rather than assigning an arbitrary age or mileage limit. For that reason, all vehicles will be inspected twice yearly by an approved garage to ensure compliance with the FTA Inspection Standards<sup>8</sup>, or any subsequent National Standard.
- 2.14. Vehicles may also be subject to spot checks by licensing officers, with or without partner agencies, to ensure they comply with the Vehicle Code of Practice found at appendix C.

## Insurance Write Offs

- 2.15. Insurance write offs will not be licensed if they fall in categories A, B or S as these vehicles will have been written off after suffering structural damage. Vehicles written off under Cat N may be licensed as they will not have been written off for sustaining any structural damage and will have to undergo comprehensive mechanical safety checks<sup>9</sup>.

## Zones

- 2.16. It is the Dorset Council's ambition that all licences should be aligned with the area covered by Dorset Council, in line with the recommendation in the DfT Best Practice<sup>10</sup>. It is recognised that this may cause issues, particularly in the one area where there is a limit on the number of hackney carriages that are licensed. The Unmet Demand Survey carried out in 2020 for Weymouth found that there was no unmet demand in general, although there was some unmet demand for

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<sup>8</sup> [GetFile.aspx \(logistics.org.uk\)](#)

<sup>9</sup> [What is an insurance write-off? Your Guide to Cat A, B, S \(C\) & N \(D\) | RAC Drive](#)

<sup>10</sup> [Paragraphs 89 – 91 DfT Best Practice](#)

wheelchair accessible vehicles (WAVs). Hackney Carriage owners in Weymouth pay an additional premium over three years to cover the cost of the survey, which is in the region of £12K.

- 2.17. Zoning will be removed from all the Dorset Council Areas where there are currently no limits to the number of vehicles. In the area formerly covered by Weymouth and Portland Borough Council the limit of 80 Hackney Carriages will remain in place for a period of three years. The consequence of having a limit is that it enables an authority to refuse any application if it would result in the limit being exceeded. However, because the Survey did find some unmet demand for WAVs, any application for a WAV will not be refused on the basis that the limit would be exceeded.
- 2.18. In addition, to support the climate emergency and to encourage ultra-low emission vehicles (ULEVs) any application for a fully electric hackney carriage will also not be refused on the basis that the limit would be exceeded. This policy will be reviewed in 2023 and affected licence holders will be consulted on any proposals to carry out (and pay for) another survey or to remove the limit of hackney carriages in the Weymouth area instead.
- 2.19. The effect of retaining this zone for Weymouth will mean that for hackney carriages only, those vehicles plated with a Weymouth Plate will be the only vehicles allowed to stand for hire on Weymouth Ranks. Weymouth hackney carriages will only be able to ply for hire within the Weymouth Zone. All other hackney carriages will be able to use ranks in any other area of Dorset, apart from Weymouth.

## Types of Licence

- 2.20. Hackney carriages and private hire vehicles are covered by different Acts of Parliament, with hackney carriages covered by the Town Police Clauses Act 1847 (TPCA47) and the Local Government Miscellaneous Provisions Act 1976 (LGMPA76)<sup>11</sup> and private hire vehicles covered only by the LGMPA76. Both hackney carriages and private hire vehicles can be booked over the phone or via a Booking App, but only hackney carriages can stand for hire on a rank or be hailed in the street.
- 2.21. Dorset Council is committed to cutting unnecessary bureaucracy. The predecessor Councils dealt with licensing drivers in a variety of ways with some of the Councils opting to issue combined driver's licences. As the same standards are applied to test the suitability of driver whether they drive a hackney carriage or a private hire vehicle this seems to be a sensible approach especially as driver's licences typically last for three years and drivers may change the type of vehicle they drive during that three years. Dorset Council will therefore issue drivers with either a combined badge and licences to drive both types of vehicle, a hackney carriage driver licence and badge or a private hire driver licence and badge depending on the needs of the applicant.

## Decisions

- 2.22. This Policy enables officers to grant and issue licences to drivers, vehicles and operators where the criteria of this Policy are fully met, under delegated authority. Any matters that fall outside of the Policy will be referred to a Sub-Committee of three trained Councillors from the Council's Licensing

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<sup>11</sup> [Town Police Clauses Act 1847](#), [Local Government Miscellaneous Provisions Act 1976](#),

Committee<sup>12</sup>. All decisions will be taken with reference to the following, and any new version of them; -

- applicable law,
- this policy
- DfT Standards
- DfT Best Practice Guidance
- NTA National Standards
- IoL - Safe and Suitable

2.23. Applicants, drivers, vehicle owners or operators who are referred to a Sub-Committee will be given a copy of the officer's report containing all the information that the Sub-Committee will consider at least five working days prior to the hearing. Applicants or licence holders will be invited to attend the hearing and give any information they believe is relevant to the Sub-Committee, and they can expect to be asked questions relating to the information contained in the report. Anyone appearing at a Sub-Committee may submit a statement for the Sub-Committee to consider prior to the hearing or at the hearing itself. Applicants and licence holders can bring legal representatives or any other person who will give them support to the hearing. All Sub-Committees will be held in private and will not be open to the public or the press, however decisions that are made may be reported anonymously in a general newsletter. Organising Sub-Committees takes considerable resources and so in the event of an applicant or licence holder not attending a hearing, the Sub-Committee will decide whether to continue in their absence or to adjourn the hearing to another time. If an applicant, driver or operator fails to attend for a second hearing officers will normally recommend that there is no further adjournment and the matter is heard.

2.24. There may be circumstances where immediate decisions need to be taken on matters of importance, in which case, they will be taken by the Service Manager or Licensing Team Leader in liaison with the Chair or Vice Chair of the Licensing Committee. This will only occur in cases where there is an immediate threat to the safety of the public and any delay would be of such a high risk that normal processes do not apply, such circumstances could be in cases of potential sexual exploitation or any other matter that in the Team Leader or Service Manager's opinion pose an imminent threat to the safety of the travelling public.

## Fares

2.25. Dorset Council must balance the ability of drivers to earn a living with ensuring fair access to this important mode of transport for all. Because there will be no zones, apart from the Weymouth and Portland Zone, there will be one maximum tariff set for all hackney carriages across the whole of the Council area. It is recognised that different areas may suit different tariffs and there is a need to allow an open market so there will only be a maximum limit set over which it will be an offence to charge. Vehicle proprietors are free to set their meters to a level that is equal or less than each element of the maximum allowed.

2.26. Vehicle proprietors are encouraged to clearly display the rates that they charge in a manner that can be viewed from the outside of vehicles so that customers are aware what they can expect to be charged.

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<sup>12</sup> [Committee details - Licensing Committee - Dorset Council](#)

## Licensed Vehicles should be easily identifiable.

- 2.27. It is imperative for safety reasons that licensed vehicles are easily recognisable as bona fide, licensed vehicles. All vehicles will be required to have plates on the outside rear of the vehicle, that are clearly visible to anyone travelling behind the vehicle, and smaller internal plates displayed in the windscreen of a vehicle, so they are identifiable from the front as they approach customers.
- 2.28. Door stickers or magnetised signs will be required for private hire vehicles stating “Pre-Booked Only”. These stickers must remain on the private hire vehicle at all times unless, and in exceptional circumstances where they are operating under a plate exemption when they can be removed for the time that the exemption applies. Vehicle proprietors may apply for an exemption to the requirement to have door stickers or magnets of this type.
- 2.29. There may very occasionally be exceptional circumstances where exemptions from the display of private hire vehicle plates will be considered but this will only be in exceptional circumstances, for example where the safety of the passenger(s) being transported in a plated vehicle would be compromised. Any request to obtain an exemption for the display of plates will need to be supported by evidence such as a contract or letter explaining why the passenger’s safety is compromised by the display of a plate. Any vehicle with an exemption certificate will be required to retain their plate in the boot, or other safe place if there is no boot, at all times.

## Advertising.

- 2.30. Previous predecessor Council policies have included restricting third party advertisements on licensed vehicles, however it is the Council’s view that these vehicles form part of the public transport network and other providers are permitted to have advertisements for third parties both inside and outside of vehicles, so taxis should also, within specific parameters.
- 2.31. Advertisements can provide alternative sources of income to taxi proprietors which will be allowed as it means that proprietors do not have to rely solely on fares for their earnings.
- 2.32. This must be balanced with the requirement to ensure that taxis are easily identifiable to any hirer and to ensure the safety and comfort of passengers. Therefore, third party advertisements are permissible, but they must be restricted to areas of the vehicle that do not contain important information such as the name of the operator or any identifying licence plates, signs or numbers.
- 2.33. Any vehicle proprietor should send pictures or diagrams of any proposed advertisements and where they will be placed on the vehicle into the Licensing Team. Officers will only object to their placement if: -
- a) they interfere with the identification of the vehicle or obscure window screens or back windows enough to cause a potential hazard or block the view of passengers, or
  - b) the content of the advertisement contravenes any of the following guidelines;
    - Does not comply with the Advertising Standards Authority’s advertising code; [www.asa.org.uk](http://www.asa.org.uk)



- Does not uphold the rules laid out in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) [www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx](http://www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx)
- Involves unlawful prejudice and/or discrimination.
- Promotes smoking.
- Promotes the irresponsible consumption of alcohol.
- Promotes gambling or betting, except licenced or registered lotteries benefiting local good causes e.g. society or local authority lotteries.
- Promotes pornography or adult content.
- Promotes weaponry.
- Promotes payday lenders or financial organisations with punitive interest rates.
- Appears to promote racial or sexual discrimination, or discrimination on the basis of disability, faith, gender or age (or other protected characteristic.)

Any operator not satisfied with a decision of an officer may request that the matter is referred to a licensing sub-committee.

- 2.34. Any advertisement must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Agency so all advertisements must be legal, decent, honest, and truthful. The code can be found here: <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>

## Codes

- 2.35. In addition to the Equality Charter Dorset Council has set out “codes of practice” which all licensed drivers are expected to adhere to, and which will be used when drivers and vehicles are inspected, when complaints are received and investigated and to assist with decision making. There are codes to cover vehicle cleanliness and the appearance and behaviour of drivers to other drivers, other road users, passengers and officers of the Council.

## Complaint Handling

- 2.36. All complaints that are received by Dorset Council will be investigated, but not all will result in any action being taken. Records will be kept of all complaints made and any action taken. Any patterns identified in relation to a company or a particular driver may result in actions such as written warnings or referrals to a Sub-Committee to consider whether the licence holder remains a “fit and proper person” to hold a licence.
- 2.37. If a complaint is found to be justified, that the driver, operator or vehicle owner has not complied with either a condition of licence or a code of practice, they may receive a verbal warning for a first complaint. Should a second complaint be investigated and upheld the licence holder could normally expect to be issued with a written warning. Any further complaints would normally be reported to Sub-Committee to consider whether the licence holder remains a “fit and proper person” to hold a licence. However, there may be times when a matter will remain at a verbal warning stage,

equally there may be occasions when a matter is so serious it needs to be escalated straight to a Sub-Committee hearing without either a verbal or written warning having been issued.

- 2.38. Any complaints about discrimination, inappropriate sexual behaviour or language involving children will be treated particularly robustly and where there is a credible and immediate threat to a child or other passengers an immediate suspension of a licence will be considered by the Licensing Team Leader or the Service Manager in consultation with the Chair or Vice Chair of the Licensing Committee.

## Inspections

- 2.39. All vehicles, 12 months or older, will have to comply with scheduled mechanical inspections every six months. Any failure to present a vehicle to a booked appointment may result in the suspension of the vehicle licence, unless there are exceptional circumstances, or the vehicle is re-booked and re-presented at the garage within 14 days.
- 2.40. Vehicle licences may also be suspended if they fail the mechanical inspection if the failure is, in the professional opinion of the mechanic carrying out the inspection, likely to affect the safety or suitability of the vehicle.
- 2.41. Drivers, vehicles and operators may be inspected on an ad hoc basis by officers of the Council. Licence holders will be expected to co-operate with these inspections it is not intended that these inspections will be overburdensome.

## Sharing Information

- 2.42. Dorset Council may share information about drivers, vehicles and operators with the Police, other teams within the Council, HMRC and other Government Departments and other Local Authorities. This will be limited to matters relating to prevention or detection of crime, fraud initiatives, investigation of complaints or any matter that may relate to Dorset Council Contracts.
- 2.43. Dorset Council will record any revocations or any decisions to refuse to licence on the Local Government National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3)<sup>13</sup>.

## CCTV and Dash Cams

- 2.44. Dorset Council covers a large and diverse area and there is no evidence available to suggest that the use of CCTV should be made mandatory, suitable evidence would relate to the prevention of crime and to consider a mandatory requirement there would need to be large numbers of complaints or reported incidents of violence towards drivers.
- 2.45. However, the value of CCTV and Dash Cams are recognised as is the footage they capture. Dorset Council encourages any use of cameras that comply with the Data Protection Principles as laid out

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<sup>13</sup> [National Register of Taxi and Private Hire Licence Revocations and Refusals \(NR3\) | Local Government Association](#)

by the Information Commissioners Office (ICO)<sup>14</sup>. Officers may ask to see the Data Protection Impact Assessment (DPIA) that should be completed before installing any CCTV.

- 2.46. Proprietors should inform the Licensing Team when any cameras are fitted. Where it is installed, officers will expect to receive any data relating to a complaint that is requested and any failure to supply the data will be taken into consideration and may result in a matter being referred to a Sub-Committee.

## Criminal Convictions and Rehabilitation

- 2.47. The Council takes its responsibilities very seriously and welcomes the national guidance on determining the suitability of applicants and licence holders that was produced in April 2018 by the Institute of Licensing in partnership with the Lawyers in Local Government (LLG), National Association of Licensing Enforcement Officers (NALEO) and the Local Government Association (LGA). Dorset Council adopts this guide as its Criminal Conviction Policy, the full version can be found at Appendix G.

## Disclosure and Barring Service Checks (DBS checks)

- 2.48. Previous policies have required that Enhanced Disclosure and Barring Service Checks (DBS checks) will be carried out every three years for drivers, with annual Basic DBS Checks being required for any private hire operator or vehicle proprietor who does not hold a taxi driver's licence. In line with the Statutory Guidance, drivers will now be required to sign up to the update service or have DBS checks completed every six months. Vehicle proprietors and Operators without drivers licences will continue to need a basic check completed when they initially licence and Operators will also be required to evidence they have seen Basic DBS checks for all their booking and dispatch staff. Further details about the DBS checks can be found in paragraphs 3.8 – 3.13 for drivers, 4.16 for vehicle proprietors and 5.2 and 5.7 for operators and their staff.

## Approved Garages

- 2.49. Inspections will be able to be carried out at any garage that the Council has approved. Only garages authorised to carry out MOTs may apply to be on the list of approved garages, and they will have to sign an agreement to;
- inspect vehicles to the standard as set out in the FTA National Inspection Standards
  - inspect the exterior and interior of the vehicle for cleanliness and damage,
  - test any meters or signs,
  - send information to the Council electronically, and
  - inform the Licensing Team immediately of any failures.
- 2.50. Contracts for approved garages will be issued annually and will automatically lapse if the garage is no longer authorised by DVSA to carry out MOT Inspections. Any complaints will be investigated, and the Licensing Team may carry out testing of approved garages for quality control purposes to ensure that standards are maintained throughout the term of the contract

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<sup>14</sup> [Installing CCTV? Things you need to do first | ICO](#)

## Section 3 - Drivers

### Introduction

- 3.1. Dorset Council will only grant any driver's licences to an applicant who is over 18, has held a driving licence for at least 12 months and the Council are satisfied is a "fit and proper person" to hold such a licence.

### Fit and Proper

- 3.2. To assist the Council to decide whether a person is fit and proper the following checks will be made-
- Right to work in the UK
  - UK driving licence
  - Criminal record
  - Medical history
  - Driving ability
  - Ability to speak and understand English
  - Knowledge of the law and this DC Taxi Policy
  - Knowledge of the area
  - Understanding and awareness of CSE
  - Confirm [registration for tax](#)
- 3.3. The application form must be completed accurately and honestly as if evidence is found that an applicant or licence holder has provided false information or omitted any relevant information in any application or submission to the Council, the application may be refused or any licence issued as a consequence of the incorrect or omitted information may be revoked.
- 3.4. This policy has been produced following the Statutory Taxi and Private Hire Vehicle Standards produced by the Department of Transport in July 2020. In every consideration of an application Dorset Council will take regard to these standards, the DfT Best Practice Guidance and IoL - Safe and Suitable, and any updated versions, when making any decisions relating to drivers.

### Right to work in the UK

- 3.5. Applicants must provide proof that they have a statutory right to work in the UK and checks will be made with the relevant agencies. Any applicant who has a limited right to work will not be issued a driver licence for a period longer than that limited period. The current list of documents that are acceptable for ID checks is available on the web page<sup>15</sup> as this list may be subject to change in line with any Government requirements.
- 3.6. National insurance numbers will be recorded and shared yearly with the Government as part of the National Fraud Initiative.

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<sup>15</sup> [Taxi and private hire licences - Dorset Council](#)

## UK Driving Licence

- 3.7. Applicants must be over 18 years of age and have held a full driving licence issued in the UK for at least 12 months. Drivers holding only foreign driving licences must obtain a GB counterpart document, if it is available, or obtain a Full UK driving licence.

## Criminal Record Check

- 3.8. A criminal record check on a driver is seen as an important safety measure. Dorset Council require an Enhanced Disclosure and a check of the Adults and Children's Barring Lists to be completed by all applicants for driver's licences. The Council is an approved Disclosure and Barring Service registered body; therefore, applicants must deal with the Disclosure and Barring Service through the Council and the required fee incorporated within the application fee.
- 3.9. The Rehabilitation of Offenders Act 1974 does not apply to applicants for drivers' licences and applicants are required to disclose all convictions, including those that would normally be regarded as spent, as well as arrests, charges or cautions on their application form. Applicants with relevant offences, cautions, charges or arrests or who have failed to declare them on their forms will be referred to a Licensing Sub-Committee for consideration.
- 3.10. Dorset Council is bound by rules of confidentiality and will not divulge information obtained to any third parties or keep copies of any completed criminal record checks after a decision has been made. An applicant for a DBS disclosure will be sent a DBS Certificate to their home address. If there is any content disclosed, they will be required to present the original Certificate to the Licensing Team within 14 days. The DBS Certificate will be used to process the application and then returned to the driver after a decision has been made.
- 3.11. Because of the very strict need for confidentiality for an enhanced check this information cannot be shared with any other department within the Council. If an applicant will be undertaking any School Contract work, they will have to complete checks with that department, this is because the coding under which the DBS check is undertaken is different for a general taxi licence and one for working with children or adults.
- 3.12. Applicants who have been resident in another country for more than three consecutive months will be required to provide a certificate of good conduct from each country within which they have resided.
- 3.13. New DBS disclosures will be required every 6 months once a licence is granted, unless the licence holder subscribes to the DBS update service. If the update service is not subscribed to, Dorset Council will require a new check within 2 weeks either side of the 6-month anniversary of the granting of a licence. These checks will be undertaken by Dorset Council and will subject to a fee.

## Driver Knowledge and Suitability Test

- 3.14. A Knowledge and Suitability Test (KaST) will be used to consider the suitability of an applicant for a licence. The content will vary from time to time to reflect any emerging issues. The test will consist of; -
- a discussion about why the applicant wishes to become a driver and how and where they will be working,
  - a formal question and answer element testing that they have a good understanding of the law covering both types of licence, the Highway Code, the conditions that will be attached

to licences, and anything else contained within this policy including the contents of the appendices,

- a geographical element to ensure that they have a good knowledge of the area that they will be working in,
- an English language element to ensure that the driver can communicate with passengers, and,
- a numerical element to ensure that a driver can give the correct change in cash transactions.

3.15. If a person has previously completed a knowledge test and subsequently surrenders the licence and they decide to apply again, a new test will not be required if they re-apply for a licence within 12 months. If more than 12 months has elapsed since the licence was surrendered, or the licence was refused or revoked a new test will have to be undertaken and passed if a new licence is applied for.

### Child Safeguarding Awareness Training

3.16. All new applicants for a driver licence will have to have completed a training course as specified by the Council on spotting and reporting signs relating to Child Safeguarding Awareness.

3.17. The training programme will cover the key areas of responsibility for licenced drivers with the overall aim of equipping them with the skills and knowledge to spot the signs of safeguarding and know what to do if they come across anything that may give rise to concerns. The exact nature of the training may change from time to time or if the current provider becomes unavailable.

### Driving Proficiency

3.18. The Driving Standards Agency (DSA) provides a driving test specifically designed for hackney carriage and private hire drivers, if an applicant has passed this test or holds an advanced driving qualification, they will not be required to undertake any further test or assessment.

3.19. If an applicant does not hold an advanced driving qualification, they will be required to undertake, and pass, a driving assessment with an approved instructor at their own expense. A full list of approved instructors can be found on the web site<sup>16</sup>, and may be updated and changed from time to time.

3.20. If a person has previously completed a driving assessment and subsequently surrenders the licence and then they decide to apply again, a new assessment will not be required if they re-apply for a licence within 12 months. If more than 12 months has elapsed since the licence was surrendered, or the licence was refused or revoked a new assessment will have to be undertaken and passed if a new licence is applied for.

### Medical Examination

3.21. Dorset Council requires all applicants to meet the Group 2 Standards of Medical Fitness (as applied by the DVLA to the licensing of lorry and bus drivers) as this is the appropriate standard for licensed hackney carriage and private hire drivers. This is a higher standard of fitness than is required because drivers will be driving for a living and this is the standard that is required for other public transport drivers.

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<sup>16</sup> [Taxi and private hire licences - Dorset Council](#)

- 3.22. The medical must be completed using the Council form and must be submitted at the initial application. A fresh medical will be required at every subsequent renewal. All fees for the medical must be met by the applicant. Any medical certificate submitted must be less than one month old.
- 3.23. The medical must be either at the applicant's normal medical practice or by another doctor if, and only if they have access to the applicants full medical record, a summary of that record provided by the applicants doctor or access to an 'App' which holds the medical record. If the medical is carried out by another doctor, we will require applicants to sign a declaration to say they have disclosed all relevant information relating to their health, and the Doctor or health professional completing the form to declare they have had access to the relevant health records.
- 3.24. Licence holders must advise Dorset Council, in writing and within 48 hours, of any deterioration in their health that may affect their driving capabilities.

### Cost of a licence

- 3.25. The fee for a licence will be made up of two parts, the application fee which covers the Council's costs in considering the application. This fee is payable in all circumstances and must be made at the time of applying. If a licence is granted there will be an additional licence fee which covers the costs of compliance. Applicants may pay both fees at the time of application and if they are unsuccessful the licence fee element will be refunded, or, they may just choose to pay the application fee initially until a decision has been made regarding the licence, however the licence will not be issued until the remainder of the required fee is received.
- 3.26. Payments should be made by card either online or over the phone. Cheques may be accepted but this may cause delays in issuing licences to allow the funds to clear.
- 3.27. All licences issued will be for a "Combined Driver Licence" that will incorporate licences to drive both types of vehicles. This is because the tests for both type of licence are the same and as licences are issued for three years it allows a licence holder who has been considered as safe and suitable to drive both types of vehicle they wish to during the life of the licence. Dorset Council may grant licences for a lesser period if necessary.

### Procedure for applying for a licence.

- 3.28. Applicants for licences will need to complete all the relevant forms, tests, assessments and training before a decision will be taken as to whether they are 'Fit and Proper persons' to hold a licence.

### Decisions on Applications

- 3.29. Once the application has been made and all the additional checks and information have been received and if there is no adverse information that is revealed on any of the checks the application will be decided by Licensing Officers under delegated authority.
- 3.30. In any circumstance when information is revealed on checks, or assessments are failed the Council will consider each case on its merits. It will take account of cautions and convictions, whether spent or unspent, but only as far as they are relevant to an application for a licence. If there is content on a DBS or medical form, or when a test has been failed the application will be referred to the Licensing Team Leader or Service Manager in the first instance.
- 3.31. An applicant with a single historical spent conviction or a single motoring offence will be considered by the Licensing Team Leader or the Service Manager with the discretion to refer to a Sub-

Committee if they are not certain whether the revealed conviction poses a threat to the safety of the travelling public.

- 3.32. Any application where more than one relevant offence is revealed or where more than one current motoring conviction exists will be referred to a Sub-Committee for a decision.
- 3.33. Where there is any doubt as to the medical fitness of the applicant or licensed driver, the Council may request more information from the applicant's doctor or may require the applicant or licensed driver to undergo and pay for a further medical examination by a medical professional appointed by the Council.
- 3.34. If there are still concerns about the fitness of any applicant or licensed driver following the first medical or a further medical examination the Licensing Sub-Committee will review the medical evidence and make any final decision considering the medical evidence available.
- 3.35. Licences will normally be granted subject to the model set of conditions; however, these may be supplemented on a case-by-case basis by a Sub-Committee.

### Length of Licence

- 3.36. Drivers' licences will be issued for three years unless an applicant specifically requests a one-year licence. Driver's licences will not be issued for shorter periods or for a probationary period.

### Refusals

- 3.37. Any refusal to issue a licence will be recorded on the Local Government Association National Register (NR3)<sup>17</sup>.

### Licensed Drivers

- 3.38. Dorset Council expect that drivers will continue to be 'Fit and Proper Persons' throughout the time that they are licenced. Licenced drivers are expected to
  - Inform us within 48 hours of any criminal charges, convictions, arrests, or cautions
  - Inform us within 48 hours of any motoring convictions (points, fines or bans)
  - Inform us within 48 hours of any significant changes to their health
  - Comply with the conditions of their licence,
  - Always have their ID badges clearly visible whilst they are working,
  - Comply with the Driver's Code of Practice at appendix B covering conduct, dress and cleanliness.
- 3.39. If a licensed driver fails to inform the Licensing Team within 48 hours of any of the above, that failure will be taken into consideration by officers or Sub-Committees when they are required to make decisions about retaining or renewing their licence(s).

### DBS check every 6 months or update service

- 3.40. The Statutory Guidance states that DBS checks on drivers should be undertaken every six months so if an applicant or licence holder has not signed up to the DBS update service and fails to complete

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<sup>17</sup> [National Register of Taxi and Private Hire Licence Revocations and Refusals \(NR3\) | Local Government Association](#)



a DBS re-check after 6 monthly, then unless there are exceptional circumstance their licence will be suspended on the 7-month date and they will be unable to drive until the check is completed and the certificate returned.

### Conditions of Licence

- 3.41. Drivers' licences will be issued with the model conditions attached, these can be found in Appendix D.
- 3.42. Any breaches of the conditions of a licence can be dealt with by a verbal warning, a written warning or being reported to a Sub-Committee. Usually, a stepped approach would be taken. The action that is deemed by officers to be appropriate will take into account the severity of the breach and any history of previous breaches by the licence holder. If the matter is referred to the Sub-Committee, this will take the form of a hearing when the licence holder will be offered the opportunity to address the Sub-Committee before any decision is made.

### Drivers Badges

- 3.43. Once granted, a badge will be issued which shall remain the property of Dorset Council and must be surrendered if the licences are suspended or revoked by the Council. The badge shall be always displayed on the driver's person when they are acting as a licensed driver. The display may be around the driver's neck, attached to clothing by a clip, displayed on the dashboard in a holder or worn on the arm of the driver.

### Notification of Convictions/Charges/Arrests

- 3.44. Any convictions that are obtained whilst a driver holds a licence will be treated in line with the criminal conviction policy for new drivers. If the taxi team have not been informed of any arrest or charge relating to the conviction this will be considered when considering the offence and may lead to a stronger sanction.
- 3.45. Drivers who are convicted of any criminal or motoring offence or issued with a police caution during the period of their licence must disclose the conviction and the penalty imposed, in writing to the Licensing Team within 48 hours of receiving the caution or conviction. This also applies if drivers are arrested and released.
- 3.46. Each case will be dealt with on its individual merits and in line with the IOL Safe and Suitable which Dorset Council has adopted as it's Criminal Convictions Policy and will normally result in an appearance before a Sub-Committee to decide whether the driver remains a fit and proper person to hold a licence.
- 3.47. Any revocations will be entered on LGA NR3 Register

### Notification of Changes to Health

- 3.48. If a licensed driver has any significant changes to their health relating to any of the health conditions that are contained within the current Group 2 Standards contained in the DVLA "Fitness to Drive"<sup>18</sup> they must inform the Licensing Team within 48 hours. The Council will consider any information in line with the medical criteria for licensing group 2 drivers that is current at the time and if that

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<sup>18</sup> [Fitness to drive](#)

means that the driver is no longer fit to the Group 2 standard their licence will be suspended until they can meet the standard, as evidenced by information from their doctor or specialist, or have a new medical undertaken by a doctor with full knowledge of the medical history.

3.49. Failure to advise the Licensing Team of any medical change may be viewed as evidence of dishonesty and be referred to a Licensing Sub-Committee.

## Driver Code of Practice

3.50. Anything that serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed. To support this Dorset Council has a Driver Code of Practice, found at Appendix B, this should be read in conjunction with the other statutory and policy requirements set out in this document.

3.51. The code sets out the minimum standards Dorset Council considers appropriate in the drivers it licences and includes appearance, behaviour and hygiene.

3.52. Any breaches of this code will be treated on its merits and failure to observe the code may lead to a verbal warning, a written warning or a hearing before a Licensing Sub-Committee where consideration will always be given to any history of complaints when the decision as to the course of action that is appropriate in the circumstances.

## Renewal of Licences

3.53. Although every effort will be made to remind licence holders in the month preceding their expiry, when their licences are due to be renewed, it remains the responsibility of the licence holder to ensure that applications to renew are made at least five working days before the expiry date. Application forms, appropriate fees, and supporting documentation, must be submitted at the time of application. Applicants for renewals will need to ensure appointments for medicals are made well before the expiry date to ensure they are completed in the month before the expiry date.

3.54. At every renewal the Council will need to consider whether a driver remains a fit and proper person. For that reason, at every renewal application an applicant will have to undertake: -

- a fresh DBS check unless they have previously signed up to the DBS update service,
- a new medical,
- a check of DVLA licence for validity and points and a check of the history of complaints or any warnings that have been issued will be made.
- Complete a [tax check](#)

3.55. It may be that drivers who were previously considered to be fit and proper under previous policies will need to have their applications scrutinised under the new policy. In these cases, consideration will be given to the length of time they have held a licence with the Council.

3.56. Any refusals to renew a licence will be entered on the LGA NR3 Register.

## Section 4 - Vehicles

### Introduction

4.1. Under section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976 a council may require any hackney carriage licensed by them under the Town Police Clauses Act of 1847 to

be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage. Vehicle licences will be issued for one year and may be transferred between proprietors on the production of an updated V5 Registration document. Licences are specific to one vehicle and may not lawfully be transferred to a different vehicle.

## Type of Vehicle

- 4.2. Dorset Council do not make any stipulation regarding the design and size, or appearance of the vehicles they will licence as either hackney carriages or private hire vehicles. This is due to the large and varied geographical nature of the Council's area.
- 4.3. Dorset Council has signed a climate emergency motion and will welcome applications for any vehicle that is either hybrid or fully electrically powered. In the Weymouth area where there is a restriction on the number of vehicles licensed as hackney carriages, licences for vehicles that are fully electrically powered will not be refused on the grounds that the limit would be exceeded.
- 4.4. Comfort in the vehicles is important and we will therefore licence a vehicle for the number of seats that an average adult can comfortably fit into. Each seat must meet the following criteria; -
  - the distance from the top of the seat cushions to the roof at its lowest point must not be less than 800 millimeters (31.5 inches)
  - each seat must allow at least 400 millimeters (15.8 inches) in width per person.
  - the distance between the rear of the front seats and the squab of the back seat must not be less than 750 millimeters (29.5 inches) to allow enough leg room
- 4.5. The Council will plate the vehicle for the number of adults that can comfortably sit in it and this may be any number between 1 passenger and 8 passengers.
- 4.6. Any vehicle that has previously been licensed for seats that do not meet the seat measurements will continue to be licensed for the life of the vehicle.

## Applications for Vehicle Licences

- 4.7. The suitability and safety of a vehicle will be checked to the same standard whether it is the first time it is licensed or whether it has been licensed before. Applicants will have to complete an application form or complete an online application, submit the current MOT, Insurance Certificate and V5 document and pay the relevant fee. No decision will be made until a mechanical Inspection form has been completed by an approved inspector and all the documentation has been supplied.
- 4.8. Any changes or renewals to these documents must be sent by post or email to Dorset Council. Officers may also require sight of such documents during the life of the licence to ensure continuous compliance.

## Identification of Licensed Vehicles

- 4.9. The Council does require that there are specific distinguishing marks to ensure that a vehicle can be clearly identified by any person approaching it or using it.
- 4.10. Hackney carriages are required to have; -
  - a roof sign that must be capable of being lit,
  - a rear plate displayed on the outside of the vehicle and

- an internal plate, either on the windscreen in a suitable holder or fixed to the dashboard that is clearly visible from the nearside front of the vehicle

4.11. Private hire vehicles be required to have; -

- a door sticker or magnetised sign with the words “pre-booked only”
- a rear plate affixed to the outside of the vehicle
- an internal plate either on the windscreen in a suitable holder or fixed to the dashboard that is clearly visible from the nearside front of the vehicle

4.12. Private hire vehicles will not be permitted to have a roof sign of any description as this could lead a person to believe they were a hackney carriage.

### Mechanical Safety

4.13. All vehicles will have to be mechanically sound, safe and comfortable. Before a licence is considered it will have to have a valid MOT if it is to be a hackney carriage and is more than one year old or more than three years old if it is to be a private hire vehicle.

4.14. Because licensed vehicles will normally do higher mileages than a domestic use vehicle it will have to be inspected and certified by an approved garage within 2 weeks of an application being submitted and before it is licensed. It will thereafter be inspected by an approved garage at the midway point of the licence, and prior to any renewal of the licence being granted.

4.15. All inspections will be carried out to the FTA National Standards<sup>19</sup> or any subsequent National Standards.

### Non-driver Proprietors

4.16. Most vehicles will be owned and driven by licensed hackney or private hire drivers, however there is nothing in law to prevent an unlicensed person from applying to hold a vehicle licence. In such circumstances the Council will require the applicant to produce a suitable DBS check to ensure that they are a suitable person to hold such a licence and that public safety is not compromised.

### Renewals of Licenses for Vehicles

4.17. All vehicle licences will be issued for one year and the Council will treat a renewal of a vehicle licence in the same way as a new licence and will require the same proof of mechanical soundness, insurance and ownership before a licence will be renewed.

4.18. Renewal applications must be made before the current licence expires, any late renewals will be treated as new applications and the vehicle must not be driven whilst the application is being processed and until the new plate and/or paper licence is issued.

### Transfers of Licences

4.19. Transfers of ownership of vehicles must be notified to the Council within 48 hours. There can be no transfer of licences between vehicles as there is no legislative provision for this.

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<sup>19</sup> [GetFile.aspx \(logistics.org.uk\)](http://logistics.org.uk)

## Condition of Vehicles

- 4.20. The Council expects all vehicles to be kept clean in good condition throughout their life as a licensed vehicle. It is expected that all vehicles will remain compliant and if there is any fault with the vehicle that would be likely to cause it to fail an inspection it will not be used.
- 4.21. Licensing Officers may carry out periodic ad-hoc inspections of vehicles and the Council has adopted a Vehicle Code of Practice, which can be found at Appendix C to assist both proprietors of vehicles and the Officers to make decisions about vehicle standards at this type of inspection.

## Accidental Damage

- 4.22. From time to time any vehicle can be involved in an accident. Proprietors of vehicles that have been in accidents must inform the Council within 48 hours of any accident that results in damage that needs to be repaired or is significant.
- 4.23. If the repair is for a prolonged period and when a replacement vehicle will be required, the Council may issue a licence for a temporary vehicle. Replacement vehicles need to be of the same standard as any other vehicle and will therefore be subject to the same process as any new vehicle. However, as they will only be required for a brief time the licence will only be subject to the application fee and will only be valid for 1 month. Should the repair take longer than 1 month, but no more than 6 months, temporary licences will be extended free of charge.

## Plate Exemptions

- 4.24. Plate exemptions will only be granted by exception and only if there is a need to remove a plate for matters relating to the safety of the occupant. Exemptions will only be granted if there has been evidence produced that satisfies the Council that there is a real and credible threat to safety of the person(s) travelling.

## CCTV

- 4.25. Dorset Council encourages any use of cameras that complies with the Data Protection Principles as laid out by the Information Commissioners Office (ICO)<sup>20</sup>.
- 4.26 Proprietors should inform the Licensing Team when any cameras are fitted and where it is installed officers may ask to see the Data Protection Impact Assessment (DPIA) that should have been completed before the installation any CCTV and will expect to receive any data relating to any complaint. Any failure to supply footage that is requested may result in a verbal or written warning or the matter may be referred to a Sub-Committee.

## Trailers

- 4.27. Trailers are permitted to be used with a licensed vehicle as long as they have been tested by the approved garage and found to be suitable in line with the FTA National Standards<sup>21</sup> or any subsequent National Standards issued by the DfT.

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<sup>20</sup> [Installing CCTV? Things you need to do first | ICO](#)

<sup>21</sup> [GetFile.aspx \(logistics.org.uk\)](#)

## Section 5 - Operators

### Introduction

- 5.1. As with any other licence the overriding concern is the safety of the travelling public. An Operator's Licence is required to allow a person to take bookings for private hire vehicles. All private hire vehicles must be linked to a licensed operator and owners of vehicles should inform the Licensing Team of any changes to the operator they are affiliated with.

### Applications for Operators Licences

- 5.2. Often applicants for private hire operators licences already hold private hire or hackney carriage drivers licences and so have been subject to a number of tests to determine whether they are a fit and proper person, a currently licensed driver who applies to become an operator will not normally be subject to any further DBS checks. If the applicant does not hold a current private hire or hackney carriage licence with Dorset Council, they will be required to produce a basic disclosure certificate from the DBS which will have to be re-checked annually in line with the Statutory Guidance.
- 5.3. Licences will be granted for a period of five years, however they may be suspended if the annual DBS check is not supplied. Applicants may only require a licence for a year and the Council will consider applications for shorter periods on request.
- 5.4. All applicants for operator licences, whether new or renewal, will be asked to produce a copy of their record keeping facilities prior to a licence being issued.

### Record Keeping

- 5.5. By law (section 56 LGMP76) operators must keep records and in line with the Statutory Guidance Dorset Council requires that records are kept of:-
  - Name of the passenger
  - Time of the request
  - Pick up point
  - Destination
  - Name of the driver
  - Licence number of driver
  - Vehicle registration
  - Name of person who took the booking
  - Name of dispatcher of the vehicle
- 5.6. New applicants will be expected to demonstrate their record keeping facilities to the Council before a licence is granted and Licensing Officers will routinely inspect the record keeping of all operators. All records will be kept for a minimum of six months and must be produced within 48 hours of any request for production by an authorised officer.

## Booking and Dispatch Staff

- 5.7. Operators must keep a register of all their booking staff and all booking staff will be required to have an annual basic disclosure check (DBS).

## Use of a Passenger Carrying Vehicle driver or Vehicle to fulfil a booking

- 5.8. The Statutory Guidance clearly states that private hire bookings should not be undertaken by PCV vehicles and drivers as they are not subject to the same level of checks as private hire drivers, any operator found to be using a vehicle that is not a licensed private hire vehicle or a hackney carriage may receive a verbal or written warning or may be referred to a Sub-Committee for consideration of their continuing suitability to hold a licence.

## Renewal of Operators Licences

- 5.9. Only a current licence can be renewed so it is imperative that any application to renew a licence is received before the existing licence expires. Any applications received after the expiry date of the previous licence will be treated as a new application and the operator will have to cease operating until such time as the new licence is granted. Renewal notices may be sent out as a courtesy, but it is the responsibility of the licence holder to ensure they renew on time.

## Complaints against drivers

- 5.10. Operators are expected to keep a written or computerised record of all complaints in a format that can be produced and shown to a visiting authorised officer on demand, or in a format that can be easily read if the request is by letter or email. We expect operators to report any serious complaints, any complaints that relate to inappropriate behaviour, or any complaints that lead to disciplinary measures. Complaints falling into these categories must be reported to the Licensing Team within 48 hours. All dismissals or any driver leaving their operation should also be reported within 48 hours.

## Section 6 - Appendices

### Appendix A - Equality Charter

#### Introduction

This charter has been drafted as a result of stakeholder engagement received when the new Taxi Policy was being developed. We were told that there were still instances, sadly too frequently, of people being refused travel, for example if they had guide dogs or walking aides, this is clearly unacceptable and feedback was that it made those affected feel like “second class citizens”.

This charter will set out the behaviours relating to equality issues that people using taxis in Dorset can expect to see. Any instances where this behaviour is not exhibited by a hackney carriage or private hire driver, or operator will be taken very seriously, and Dorset Council may take any driver falling short of this charter to a Sub-Committee to consider whether they are a “fit and proper” person to continue to hold a licence.

#### Equality

Equality is not about treating everyone the same – it is about giving everyone the same opportunity to use the taxi service. This means that some people will need more assistance in booking a vehicle, getting into a vehicle and alighting from a vehicle.

Dorset Council will take a three-staged approach to tackling inequality issues in taxis: -

1. Creating a Charter to set out expectations.
2. Working with providers to build a suite of training modules.
3. Developing a small accessibility toolkit to assist people travel comfortably.

This Charter will fulfil the first stage.

#### Expectations

Every customer, their friends and family, carers, personal assistants and travel companions, should be treated with courtesy and recognition of the diversity of conditions and impairments experienced and the impacts of these. This should be done from the perspective of the Social Model of Disability, which recognises that people are disabled by their environments, in terms of the physical, social and attitudinal barriers which are created by a society which fails to plan for and adapt to the diversity of experiences of individuals and therefore, the duty that services have to remove, as far as possible, those barriers.

Everyone should be treated with recognition that they are unique, without assumptions and a person-centered approach taken. Everyone involved in the customers’ journey, from the council licensing and inspecting operators to booking staff and drivers, should be aware of and sensitive to individuals and their supporters’ needs, without depriving customers of their independence. Time and help should be given freely and offered when appropriate, no-one should be disadvantaged nor left to struggle and aids and adaptations (including assistance or therapy dogs), accommodated willingly and without question.

Customers and their supporters are not defined by their experiences of disability and should not face intrusive or inappropriate questions or comments.



All information, signage and language issues by the Council and taxi operators at all stages must be fully inclusive and appreciate the diversity of customers' experiences, across all nine protected characteristics and the additional characteristics adopted by Dorset Council. This includes disability, gender identity and sexual and romantic identities and it is expected that everyone will feel taxi operators and transport are a safe space for them. Language should be gender neutral, not make assumptions, welcoming and inclusive of people and provide support whenever needed to maintain the safety of people both within and outside the taxi (e.g. as a place of solace and support if at risk of or under threat of physical or verbal harm).

All taxi operators and Dorset Council as the licensing authority, should offer and promote a transparent and accessible feedback and complaints mechanism. The standards of behaviour and treatment customers should rightly expect should be advertised via the booking system they use, whether this by telephone, app, website etc. and in the vehicles themselves. This information should be available in a variety of different formats, to be fully inclusive of people who may have communication barriers. Dorset Council should seek to offer a variety of mechanisms which take account of people's preferences and access issues, including those who are not digitally connected and those who need facilitated access. Feedback should be proactively sought via the same mechanism as is used to book a journey and the council, as the licensing authority, should seek to engage with a range of different community organisations representing diverse experiences, such as Dorset Disability Equality Forum, Help and Kindness, LGBT+ Voices Dorset Forum, Dorset Race Equality Council, Citizens Advice Central Dorset and LGBT+ Dorset Equality Network to name but a few.

#### Guide and Assistance Dogs

Drivers must take all assistance and therapy dogs unless they have a medical exemption certificate. If a driver has a medical exemption certificate, this should be advised at the point of booking and an alternative be explored if necessary. All customers should be able to decide how and where their dog travels with them.

#### Booking

When booking a journey, whether by phone, online or app, a checklist/series of questions should be asked to understand and be able to support the passenger's needs as well as possible. It is important this is not left until the driver picks up, so they have all the correct information, are able to support as needed and the vehicle is suitable for the passenger to proceed with their journey without delay/problem.

The driver must pick up this information and reliably use it. Collection of this information needs to be routinised by call handlers and made easily accessible whether booking online or via an app. The "spiel" must not be rushed through but pride incited in call handlers and drivers so they feel upskilled and positive about giving the service. All operators and drivers should be aware of and sensitive to the diversity of conditions people experience and able to respond appropriate to these.

It may not always be appropriate for the passenger to be interacted with directly - they may be uncomfortable or unable to communicate independently. The option to record an alternative contact should be facilitated via all booking methods and utilised if information is needed to be communicated, such as if the taxi is going to be late. This may apply for example in cases where the passenger has dementia or learning disabilities.

Return journeys should be bookable at the point of booking or taking the outward journey, to give reassurance that the person can get back at their chosen time and complete their journey.

Taxis should run punctually and should reasonably be expected to arrive within five minutes of their booked time, especially if it has been pre-ordered and if it is operating under contract from the

council. Unreliability can cause additional problems for passengers with additional needs and carers or supporters who have to deal with high levels of anxiety, distress and/or uncertainty. Contact via the booking method should be routinised if there are any delays or anticipated issues with providing the booked service.

Different payment methods, including cash, should be available as standard, to protect disabled people from potential vulnerabilities associated with different payment types, e.g. sharing card details. The cost of the journey should be made clear at time of booking so clients can have the exact amount of cash ready, if that is the desired payment method.

Booking methods, whether by phone, online or app, must effectively convey all requirements and drivers meet the requirements where agreed.

### Boarding

All passengers should reasonably expect to enter a freshly cleaned and safe vehicle, including having interior and exterior door handles and frames wiped down between bookings.

Drivers must not refuse, as often happens, to take people with particular conditions, which results in high levels of distress and the person being stranded. All drivers should willingly and freely assist, for example by opening car doors and dropping passengers off where it is safe, not simply where it is convenient for the driver.

### Journey

Drivers should be confident not only of the quickest routes but of the context of a route, to inspire passengers and reduce their anxiety. Space should be respected, as well as preferences to not communicate or ways of communicating. Communication should be compassionate and genuine, without being patronising or condescending.

### Getting out the taxi

People may need physical and emotional support getting in and out of taxis and making sure they get to where they need to go. Drop offs should be in a suitable place and the passenger may need taking into the building and/or be handed over to someone else. Drivers should make every effort to drop the client off as near to the venue entrance as possible & they should not be dropped off where a road needs to be crossed. Drivers should be sensitive to people's speed of action and movement and not show any impatience. If the passenger is visually impaired, drivers should give guidance to them as to exactly where they are positioned so that they can be aware of their surroundings.

## Appendix B – Driver’s Code of Practice

The Council recognises the valuable service provided by licensed drivers and operators. The following Code of Conduct will be used as a reference when any complaints are received that relate to the conduct of a licensed driver or operator. A driver or operator will always be given an opportunity to respond to any complaint before officers make a decision as to whether a warning is warranted. Serious substantiated reports may result in a hearing before a Licensing Sub-Committee. The Sub-Committee will consider the severity of the misconduct, this code, any previous appearances before them and any other information put to them.

### Customer Care

Passengers are entitled to expect a vehicle that is odour free and clean inside and out. This includes the boot or any luggage space.

A vehicle should be kept free of any rubbish.

The driver should always drive in an appropriate manner for their passengers, taking special care if they are vulnerable, old, young, nervous or disabled.

In the event of a pre-booked vehicle being unable to fulfil a booking the driver or operator will be expected to let the customer know as soon as possible to allow for alternative arrangements to be made.

Treating people with courtesy and having a sympathetic manner is very important - especially when dealing with complaints from customers. Drivers and operators are always expected to remain polite and well-mannered towards customers.

### Nuisance

Drivers should do their best not to cause a nuisance to their passengers, other drivers or other members of the public. This can include, but is not limited to, sounding a horn to attract a passengers attention, this may annoy others especially if it is early in the morning or repeated every day.

Radios should only be played with the consent of the hirer and should not cause a nuisance to anyone either inside or outside of the vehicle.

Leaving car engines running can cause fumes and noise nuisance, particularly in the middle of a town at quiet times, or if several cars are sitting at the same place at the same time.

If parking a licensed vehicle when it is not in use due consideration should be given to the potential impact on neighbours. Care should be given not to annoy neighbours by blocking other cars in or obstructing the road or driveways.

### Inappropriate behaviour

The following behaviours are unacceptable;

- Rude gestures or aggressive or threatening behaviour to other drivers or members of the public,
- Road rage,
- Rude or offensive notes on windows of premises or vehicles,
- Swearing at other drivers or members of the public.

### Inappropriate behaviour towards other licensed drivers

It is important that drivers have respect for each other and treat other members of their profession fairly. Complaints of cutting up or blocking other licensed drivers on the rank in order to secure a better position at the rank will be deemed to be inappropriate as will appropriating other drivers pre-booked fares.

### Disregarding requests from an Officer of the Council

Disregarding repeated reminders for things like incorrect plate display or producing an insurance certificate could lead to the licence holder being required to attend the Licensing Sub-Committee.

### Mobile Phones

Whilst Officers are unable to prosecute drivers for using handheld mobile phones or other devices Dorset Council consider this unacceptable behaviour as it may put the safety of the travelling public at risk. Any sightings by officers or substantiated complaints will be put before a Sub-Committee and or reported to the Police.

### Money

If a customer asks for a receipt, drivers are expected to be able to comply with their request.

While the law is quite clear on these points a driver or operator should make sure their passenger knows whether the fare is an agreed fare or will be run on the meter before the journey starts and preferably at the time of booking. Drivers should give a specific figure and not give an estimate as this can lead to disputes and complaints.

### Dress

It is not for the Council to tell drivers what to wear, however as Dorset Council licensed drivers a certain level of appearance and hygiene is expected. The wearing of offensive t-shirts, revealing clothing or dirty clothes may offend passengers and should be avoided.

The same goes for tattoos, if there is any possibility that a tattoo could cause offence or upset to any customer it should be covered up.

Should complaints be received a common-sense approach will be taken by Officers and the Sub-Committee as to whether a reasonable person is likely to be offended.

### Personal Hygiene

Drivers should maintain high standards of personal hygiene

## Appendix C - Vehicle Code of Practice

The vehicle should be maintained to a high standard, with vehicles cleaned and valeted on a frequent basis, especially during times of bad weather.

### Exteriors

Vehicles should be clean and free of damage. Cleanliness will be judged on the amount of dried mud on the vehicle, any finger marks on the boot opening, whether the plate and registration number are clearly visible.

The door handles must be fully operational and clean to the touch.

Vehicles should be free from damage, and repairs should be professional and properly finished. This will be judged by the number of scratches and dents that are clearly visible to any passenger about to enter the vehicle.

All lights should be functioning.

All tyres must comply with the legal limits.

### Interiors

Vehicle seats should be clean with no stains. Floor and ceiling coverings must be clean and have no stains.

All seat belts should be working and not damaged.

All door and window controls must be operational.

A good proportion of the boot or luggage space should be clean and available for passenger mobility aids, luggage or any other bags.

Child Seats - The law allows a child in a taxi to be carried without the need for a child seat or belt in the back seat. Over 3's should be in the back with a seat belt. [Child car seats: the law: When a child can travel without a car seat - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/child-car-seats-the-law-when-a-child-can-travel-without-a-car-seat)

## Appendix D - Driver Licence Conditions

These conditions of licence are made pursuant to Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976.

### Driver Badge

The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.

The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.

The badge must be returned to the Council immediately should the licence be suspended, revoked or becomes invalid for any reason (e.g. on expiry).

### Conduct of Driver

The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.

The driver must afford all reasonable assistance with passenger luggage as may be required.

At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).

The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability.

The driver must not smoke tobacco or like substance in the vehicle at any time as detailed by the Health Act 2006. Drivers should also refrain from vaping or other similar activities in licensed vehicles.

The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.

### Standard of Vehicle

The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.

The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

The driver of a private hire vehicle must be in attendance at an appointed time and place punctually unless delayed or prevented by sufficient cause.

Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / Hackney Carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'.

The driver must ensure that in cases where the vehicle has been fitted with a CCTV system, it is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes). Video recording must be active at all times. The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

#### Fares and Farecards

Drivers of hackney carriages must ensure that the fare card is displayed in a clearly accessible place.

Drivers of a private hire vehicles must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey.

When a fare scale is used in a private hire vehicle, the driver must ensure that the fare scale is displayed and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

The driver must not, if driving a licensed vehicle fitted with a taximeter, or other approved device, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

The driver must not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

The driver must, if requested by the hirer, provide a receipt for the fare paid, such receipt to bear the name and the badge number of the driver.

#### Passengers

The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence.

The driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

The driver must provide all reasonable assistance to passengers and especially those with a disability.

All drivers must comply with the requirements of The Equality Act 2010 duty to assist passengers in Wheelchairs Section 36 of the Disability Discrimination Act 1995 places a duty on the driver of a designated<sup>1</sup> wheelchair accessible Hackney Carriages and Private Hire vehicles to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

#### Duty to carry guide dogs and assistance dogs

The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle. Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle. Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where they may have concerns about excess dog hair being left in the vehicle.

#### Found Property

The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property must follow the guidelines contained within Dorset Police's Found Property Policy, unless an alternative arrangement has been made with the owner of the property. Dorset Police's policy can be found here: <https://www.dorset.police.uk/do-it-online/report-lost-and-found-property/found-property/>

#### Medical Condition(s)

The licence holder must notify the Council in writing within 48 hours of any change in medical condition.

#### Convictions, Cautions and Arrests

The licence holder must notify the Council in writing within 48 hours<sup>2</sup>, providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on them during the period of the licence.

#### Disclosure and Barring Service Online Update Service

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

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

#### Change of Operator

The licence holder must notify the Council in writing of any change of operator through whom they work.



### Change of Address and Email Address

The licence holder must notify the Council in writing/email within 2 working days of any change of their home address or email address taking place during the period of the licence, whether permanent or temporary.

### Customer and Other Personal Information

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

### Duty to Cooperate on Regulatory Matters

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

### Appearance of Driver

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

### Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 48 hours (by telephone or email).

## Appendix E - Vehicle Licence Conditions

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847.

The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder.

### Internal and External Licence Plates to be Displayed

The External Plate relating to that Licensed Vehicle shall be fixed to and displayed on the outside body of the Licensed Vehicle. The External Plate must be unobstructed and its contents should be legible from a distance of at least five (5) metres.

The Internal Plate relating to that Licensed Vehicle shall be fixed to and displayed on the left hand internal side of the windscreen of the Licensed Hackney Vehicle in such a position and manner so that there is nothing that covers its surface that would impair its legibility. The Internal Plate must be clearly visible to a person sitting in any rear seat of the Licensed Vehicle and seeking to view the Internal Plate looking either between the front seats or over the top of the passenger side front seat.

### Luggage

A roof rack may only be used when excess luggage is to be carried and any luggage so carried shall be safely secured and shall not exceed such weight or size that as can safely be carried on the vehicle.

Before any trailer is used with a licensed vehicle it will have been inspected at one of the Councils approved garages and an inspection form complying with Appendix A of the FTA will have been sent to the Council.

### Roof Signs

Licensed Hackney Carriages shall always be fitted with a roof sign indicating that it is a taxi. The roof sign should be on and/or above the roof of the Licensed Hackney Vehicle and will display the word "TAXI" to the front of the vehicle. In addition to the word "TAXI" the front of a Taxi Sign may only display a company name.

At all times that the Licensed Hackney Carriage is available for hire the roof sign will always be illuminated with an internal light source so that it is clearly visible to a person standing no less than five (5) metres from the vehicle.

Private Hire Vehicles must not display any type of roof sign.

### Other Signs and Notices, including Advertisements

Any third-party advertisements must be restricted to areas of the vehicle that do not contain important information such as the name of the operator or any identifying licence plates, signs or numbers.

Before any third-party advertisement is displayed on Licensed Vehicles pictures or diagrams of the proposed advertisements and where they will be placed on the vehicle must be submitted to the Council

Any advertisement must not be placed in a position where it would interfere with the identification of the vehicle or obscure window screens or back windows enough to cause a potential hazard or block the view of passengers.

Any advertisement must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Agency so all advertisements must be legal, decent, honest, and truthful. The code can be found here: <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>

No adverts may be displayed that: -

- Involves unlawful prejudice and/or discrimination.
- Promotes smoking.
- Promotes the irresponsible consumption of alcohol.
- Promotes gambling or betting, except licenced or registered lotteries benefiting local good causes e.g. society or local authority lotteries.
- Promotes pornography or adult content.
- Promotes weaponry.
- Promotes payday lenders or financial organisations with punitive interest rates.
- Appears to promote racial or sexual discrimination, or discrimination on the basis of disability, faith, gender or age (or other protected characteristic.)

### Additional Equipment

Any Lifting or Pulling Equipment fitted to a licensed vehicle will not be used unless it has been examined in accordance with all legislative requirements relating to that Lifting or Pulling Equipment and is without any defect.

### Tyres

A spare wheel tyre appropriate for the vehicle must be carried when the vehicle is being used for hire and reward.

All tyres fitted to the vehicle or carried as a spare must comply with the Motor Vehicles (Construction and Use) Regulations 1986 and Motor Vehicle (Tests) Regulations 1981.

Re-cut and Re-moulded Tyres are not acceptable for M1 passenger vehicles and re-mould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- Nominal size;
- Construction type (e.g. radial ply);
- Load capacity; and

- Speed capability Space Saver Tyres.

The carrying and use of Space saver tyres and tyre sealant kits will only be approved with the support of a method statement. The method statement will detail the drivers and vehicle owners responsibility with regard to the maximum permitted speed and restrictions of use and highlight that they are ONLY a temporary measure to complete the journey in which the puncture occurred.

An approved repair to BS AU159 or a replacement tyre must be undertaken before any further fares are carried. Run flat tyres fitted to any vehicle by the manufacturer will not be replaced by any other type or make either individually or all of them. The use of these tyres must be supported by a method statement (such as the manufacturers handbook for the vehicle) specifying the capability and restrictions of use following a puncture. In all cases the Tyre Pressure Monitoring System (TPMS) must be working correctly and if required, be reset when a tyre(s) are renewed ore replaced. Worn or damaged run flat tyres must be replaced by the same make and size.

#### No smoking

The Health Act 2006 came in to force on 1 July 2007 and from that date it required all enclosed public and work places to be smoke free. This also includes vehicles used for public transport. The legislation covers all hackney carriages and private hire vehicles. Any commercial vehicle carrying members of the public will be required to be smoke free at all times (even when no passengers are being carried).

The legislation requires a manager to ensure all commercial vehicles used to transport members of the public are smoke free. A no smoking sign must be displayed in the vehicle. Electronic cigarettes must not to be used/smoked in hackney and private hire vehicles at any time.

#### Valid Insurance

A Licensed Hackney Vehicle shall at all times that it is being used as a Hackney Carriage have as a minimum third-party insurance that complies with the requirements of Part VI of the Road Traffic Act 1988, or any other relevant legislation that imposes insurance requirements for motor vehicles.

#### Alterations

No alterations or modifications shall be made to a Licensed Hackney Vehicle without the prior written consent of the Council.

#### Inspections

Licensed vehicles will be inspected at an approved garage on the six-monthly anniversary of the date of the grant of the licence. Inspections can be arranged two weeks either side of this date.

#### Updating details

The licence holder must notify the Council in writing/email within 48 hours of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

The licence holder must notify the Council in writing/email within 48 hours of any change of his/her contact numbers and/or email address taking place during the period of the licence, whether permanent or temporary \* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

#### Reporting of accidents

The licence holder must report any accident or damage to the vehicle within 1 day of the incident and provide full details

## Appendix F - Operator Licence Conditions

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847.

All operators must comply with the requirements of The Equality Act 2010.

### Record Keeping

Operators will keep records in a suitable book, the pages of which are numbered consecutively, a computer record or other durable recording format of: -

- a) Booking Records
- b) Driver Records
- c) Vehicle Records
- d) Booking and dispatch staff Register
- e) Complaints Records

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Booking Records will include particulars of every booking of a private hire vehicle invited or accepted by him and must include: -

- a) The time and date of the booking
- b) The name of the hirer or passenger
- c) The time of the pick-up
- d) The point of pick-up
- e) The destination
- f) The licence number of the vehicle allocated for the booking
- g) The name of the driver allocated for the booking
- h) The name of any individual who took the bookings (where applicable)
- i) The name of any individual that dispatched the vehicle (where applicable)
- j) Details of any sub-contract.

When the Operator passes the hiring to another company the record shall include the name, address, and Council with which that Operator is licensed. The records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records.

The Driver Records will include a record of the following particulars of all licensed drivers:

- a) The full names of the driver
- b) The permanent address of the driver
- c) The driver's date of birth
- d) The driver's licence (badge) number
- e) The start and expiry dates of the driver's licence issued by the Council
- f) The dates the driver's engagement/employment was commenced and terminated.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Vehicle Records will contain details of all the vehicles operated and will include; -

- a) The registration number of the vehicle

- b) The number of the identification plate provided by the Council pursuant to s.48(5) of the 1976 Act
- c) The make and model of the vehicle
- d) The name and address of the proprietor(s) of the vehicle
- e) The number of passengers permitted to be carried in the vehicle, as shown on the licence
- f) The start and expiry dates of the vehicle's licence issued by the Council
- g) The date on which the vehicle was added to the operator's fleet
- h) The date on which the vehicle was withdrawn from the operator's fleet.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Booking and Dispatch Staff Register will record details of all employee who take booking and dispatch vehicles. The Register will include the date that the operator had sight of a Basic DBS check, which must have been completed before any period of employment is started.

The Operator must have a written policy outlining how they will treat any disclosure of information that is revealed on a DBS Certificate.

The operator shall ensure all staff who take bookings and dispatch vehicles have been provided with suitable training in the awareness of and reporting of safeguarding concerns which includes human trafficking, county lines and child sexual exploitation. The operator will keep records for all staff who have received training.

The Complaints Records should contain:

- a) The date of the Complaint
- b) The name and contact details of the complainant
- c) The details of the journey
- d) The details of the complaint
- e) The action taken by the operator in response to the complaint.
- f) The operator shall notify the Council in writing, preferably email, within 48 hours, of any complaints that are either a safeguarding issue or are of a serious nature. Safeguarding issues would be anything that related to a child or a vulnerable adult. Operators should also report any drivers who receive multiple complaints.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

### Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: -

- a) Ensure that when a private hire vehicle has been hired to attend at the appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- b) Keep clean, heated, ventilated, and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- c) Ensure that any waiting area provided by the operator has adequate seating facilities;
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

- e) Ensure that all vehicles dispatched by them are always maintained in a safe and roadworthy condition.
- f) Publish a complaint handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council.

#### Updating Details

**Change of Operator's Home Address** The operator shall notify the Council in writing of any change of his/her home address during the period of the licence within seven days of such change taking place.

If an operator wishes to change the base from which they operate they will be required to submit a new application. (Note: all operators' business premises must be within the Dorset Council Boundary).

The operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on them (or, if the operator is a Company, of any its directors) during the period of the licence.

#### Public Liability Insurance

Operators shall always have a current valid policy of public liability insurance for any premises they are licensed to operate from if those premises are open to the public.

If the premises are open to the public the Certificate of Insurance must be displayed.



## Appendix G – Criminal Conviction Policy

The Full Policy that has been adopted can be found online at [guidance-on-suitability](#)

### *Foreword*

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC, Cornerstone Barristers

April 2018

## Chapter 1 - Introduction

- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications<sup>1</sup>. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

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<sup>1</sup> Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*<sup>2</sup>.

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

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<sup>2</sup> [2007] 1 WLR 2067

## Chapter 2 - Offenders and Offending - An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.<sup>3</sup> With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm<sup>4</sup>. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

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<sup>3</sup> DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

<sup>4</sup> Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

- 2.6 Flaud<sup>5</sup> noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place<sup>6</sup>.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future<sup>7</sup>. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%<sup>8</sup>. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences<sup>9</sup>.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity<sup>10</sup>. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population<sup>11</sup>. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

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<sup>5</sup> Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>6</sup> Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>7</sup> Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

<sup>8</sup> Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

<sup>9</sup> Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

<sup>10</sup> McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

<sup>11</sup> Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

*Risk of re-offending:*

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”<sup>12</sup>.
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”<sup>13</sup>.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over<sup>14</sup>. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships<sup>15</sup>. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males<sup>16</sup>.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist<sup>17</sup>. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance<sup>18</sup>. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

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<sup>12</sup> National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

<sup>13</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

<sup>14</sup> Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

<sup>15</sup> Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

<sup>16</sup> Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

<sup>17</sup> Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

<sup>18</sup> Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3<sup>rd</sup> Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”<sup>19</sup>.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

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<sup>19</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

## Chapter 3 - 'Taxi' Licensing Overview

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:

"The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

### Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory



criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person<sup>20</sup>.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK<sup>21</sup>.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.<sup>22</sup>
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*<sup>23</sup>. Silber J said:

“... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or 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.”

- 3.16 This is reflected in a test widely used by local authorities:

‘Would you (as a member of the licensing committee or other person charged with the ability to grant a 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?’<sup>24</sup>

- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

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<sup>20</sup> Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

<sup>21</sup> Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

<sup>22</sup> “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1<sup>st</sup> December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

<sup>23</sup> [2002] EWHC 1145 (Admin), [2003] RTR 199

<sup>24</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”<sup>25</sup>

This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments<sup>26</sup>. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared<sup>27</sup>) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker<sup>28</sup>.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks<sup>29</sup> and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

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<sup>25</sup> Local Government (Miscellaneous Provisions) Act 1976 s57(1)

<sup>26</sup> See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

<sup>27</sup> “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

<sup>28</sup> See *Adamson v Waveney District Council* [1997] 2 All ER 898

<sup>29</sup> “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability<sup>30</sup>.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account<sup>31</sup>. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

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<sup>30</sup> As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

<sup>31</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar*[2011] EWHC 2943 (Admin)

to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

#### *Private Hire Operators*

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same

authority<sup>32</sup>. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person<sup>33</sup>.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “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?”<sup>34</sup>
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

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<sup>32</sup> See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD

<sup>33</sup> Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>34</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation<sup>35</sup>. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

#### *Vehicle Proprietors*

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.

- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence<sup>36</sup> and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.

- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.

- 3.47 A suitable test would be:

“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

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<sup>35</sup> See s57(1)(c) of the 1976 Act.

<sup>36</sup> S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"<sup>37</sup>

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<sup>37</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 8.98

## Chapter 4 - Guidance on Determination

- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

### *Pre-application requirements*

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

#### *Vehicles:*

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.



Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership<sup>38</sup>) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

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<sup>38</sup>Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>39</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>40</sup>.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

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<sup>39</sup> This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

<sup>40</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

#### *Drivers*

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

#### Crimes resulting in death

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

#### Exploitation

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

#### Offences involving violence

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

#### Possession of a weapon

4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Sex and indecency offences

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

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

#### Dishonesty

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

#### Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

#### Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

#### Other motoring offences

- 4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not normally be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Hackney carriage and private hire offences

- 4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Private Hire Operators

- 4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

#### *Vehicle proprietors*

4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.54 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

### *Acknowledgements*

In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

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Institute of Licensing  
Egerton House  
2 Tower Road Birkenhead CH41 1FN  
T: 0151 650 6984  
E: [info@instituteoflicensing.org](mailto:info@instituteoflicensing.org)



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Lawyers in Local Government (LLG). [www.lawyersinlocalgovernment.org](http://www.lawyersinlocalgovernment.org)



National Association of Licensing and Enforcement Officers (NALEO).  
[www.naleo.org.uk](http://www.naleo.org.uk)

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## Licensing Committee

11 October 2023

## Taxi Licensing Policy - Plate Exemptions

### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** All Councillors

**Executive Director:** J Sellgren, Executive Director of Place

Report Author: Aileen Powell  
Job Title: Licensing Team Leader  
Tel: 01258 484022  
Email: Aileen.Powell@dorsetcouncil.gov.uk

**Report Status:** Public

**Brief Summary:** A meeting with the Taxi trade was held in on 24 May 2023 and several of those present requested that the Plate Exemption Policy be reviewed.

**Recommendation:** To update the Taxi Licensing Policy in order to give more detailed guidance for applicants and decision makers in relation to plate exemptions.

**Reason for Recommendation:** To give more clarity for both applicants and Officers / Committee Members.

### 1. Background

- 1.1 At the Taxi Licence Forum held before the last Licensing Committee in May 2023, several private hire vehicle proprietors asked for the Plate Exemption Policy to be reviewed.
- 1.2 The current policy had been adopted in 2022 as part of the creation of one Dorset Council Policy covering all aspects of taxi and private hire licensing. It went out to consultation with all existing licence holders during 2021 and no comments were received relating to the policy on plate exemptions.

## **2. The Law and Guidance**

- 2.1 Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMP76) states that; -

“Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.”

- 2.2 Under Section 75(3) a local authority may waive the requirement to display in specified cases; -

“Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.”

An extract of the Act is attached at Appendix 1.

- 2.3 The Department for Transport Statutory Taxi and Private Hire Vehicle Standards July 2020 does not cover plate exemptions.
- 2.4 The Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010 states that

“The licence plate is a helpful indicator of licence status”.

## **3. Current Policy**

- 3.1 The current plate exemption policy is found at paragraph 4.24 of the Dorset Council Taxi Licensing Policy 2022; -

“Plate exemptions will only be granted by exception and only if there is a need to remove a plate for matters relating to the safety of the occupant. Exemptions will only be granted if there has been

evidence produced that satisfies the Council that there is a real and credible threat to safety of the person(s) travelling.”

#### **4. Previous Council Policies**

4.1 It may assist the Committee to review the predecessor Council policies on plate exemptions, prior to the introduction of the Dorset Council Taxi Licensing Policy.

4.2 East Dorset District Council’s policy stated, -

Applications may be made for an exemption from the requirement to display a licence plate on a private hire vehicle. Such a request is only likely to be granted if the vehicle is of an executive nature, and the Community Protection Team Leader is satisfied that the vehicle will, for the vast majority of work, be mainly used for contracts with companies lasting more than 7 days as opposed to being hired by members of the public.

4.3 North Dorset District Council’s policy stated,

The Council may require an applicant to provide such additional documentation as it considers appropriate to allow an informed decision to be made. This will normally be one or a combination of the following but not limited to:

- i. a business proposal for the type of work and amount of work they are expecting to undertake if an exemption certificate is granted
- ii. the past 12 months financial records showing the amount of work they have undertaken which they believe fits into the executive bracket, and reasons why they now require an exemption certificate
- iii. if they are a current exemption certificate holder the financial accounts showing the percentage of executive work undertaken.
- iv. Reasons of i.e. Transporting high ranking officers on and off Blandford Camp. Any request under this section should be accompanied by written confirmation from the client of need for security or privacy.

In assessing any application, the Licensing and Orders Committee will have particular regard towards the following information:

- i. vehicles should be of a standard or comfort equal to or above luxury brands of vehicles such as S & E Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons. This list is not meant to be exhaustive, and it is recommended that applicants check with the Licensing Office regarding the suitability of a vehicle before making an application.
- ii. Applications for people carrier style vehicles will not normally be accepted.
- ii. The vehicle is in pristine condition with no visible defects, dents or blemishes to the external body work or internal trim and is under 5 years old.
- iii. The vehicle is used ONLY for work that is applied on the exemption certificate.

4.4 Purbeck District Council's policy stated,

An application for an exemption from the requirement to display an external vehicle licence plate may be made in respect of vehicles that are:

- i. of a standard of comfort and equipped to a level equal to or above luxury brands of vehicle
- ii. in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating
- iii. used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

4.5 Neither West Dorset District Council or Weymouth and Portland Borough Council Policies contained reference to Plate Exemptions.

## **5. Neighbouring Council Policies**

- 5.1 It may further assist the Committee to have regard to the various policies relating to Plate Exemptions of our neighbouring Authorities.
- 5.2 Attached at Appendix 2 are the Plate Exemption Policies from several neighbouring Councils, Southampton, and Transport for London (TFL). Each policy is different and the majority also have age Limit policies and/or emission policies that would also need to be taken into consideration.
- 5.3 BCP Council allow exemptions for top of the range vehicles under five years of age although an internal front plate is still required. BCP also have a strict emissions policy for all vehicles.
- 5.4 East Devon has no Plate Exemption policy.
- 5.5 South Somerset allow exemptions for journeys exclusively booked up front for a defined period (typically going outside the Council area) and stipulate that the vehicle is not available for immediate hire. Also, these services usually offer a degree of prestige, anonymity and/or have a legitimate business requirement to be more discretely marked.
- 5.6 Wiltshire have no specific guidelines relating to Plate Exemptions.
- 5.7 New Forest District Council require an internal plate to be displayed and also apply extra conditions.

## **6. Other Council Policies**

- 6.1 Southampton City Council's policy is that the service manager has the discretion to exempt stretch limousines, classic cars or other unusual vehicles. Only the rear plate is subject to this exemption.
- 6.2 Transport for London (TFL) have different legislation to areas outside of London and they will exempt a vehicle from the requirement to display the front plate "Where there is a genuine operational or safety reason, and where we are certain that the safety of the public will not be compromised as a result."
- 6.3 Other Authorities utilise different coloured, often Silver or Gold, or smaller plates for executive vehicles.

6.4 A more detailed breakdown of each policy covered above, as well as links, is included at Appendix 2.

**7. Recommendation**

7.1 The Members consider adopting the Former North Dorset District Council Policy as guidance to support the plate exemption contained in the current Dorset Council Taxi Licensing Policy. The North Dorset District Council Policy is attached in full at Appendix 3.

**8. Financial Implications**

None

**9. Natural Environment, Climate & Ecology Implications**

None

**10. Well-being and Health Implications**

None

**11. Other Implications**

None

**12. Risk Assessment**

12.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Medium

**13. Equalities Impact Assessment**

Not Applicable

**14. Appendices**

Appendix 1 – Extract from primary legislation

Appendix 2 – Other Council Policies

Appendix 3 – NDDC Exemption Policy



**15. Background Papers**

Local Government (Miscellaneous Provisions) Act 1976  
Statutory Guidance  
Current Best Practice  
Dorset Council Taxi Licensing Policy

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# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART II

#### HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### 48 Licensing of private hire vehicles.

- (1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

- (a) that the vehicle is—
- (i) suitable in type, size and design for use as a private hire vehicle;
  - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
  - (iii) in a suitable mechanical condition;
  - (iv) safe; and
  - (v) comfortable;
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of [<sup>F1</sup>Part VI of the Road Traffic Act 1988],

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 48. (See end of Document for details)*

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- (3) In every vehicle licence granted under this section there shall be specified—
- (a) the name and address of—
    - (i) the applicant; and
    - (ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
  - (b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;
  - (c) the conditions attached to the grant of the licence; and
  - (d) such other particulars as the district council consider reasonably necessary.
- (4) Every licence granted under this section shall—
- (a) be signed by an authorised officer of the council which granted it;
  - (b) relate to not more than one private hire vehicle; and
  - (c) remain in force for such period not being longer than one year as the district council may specify in the licence.
- (5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.
- (6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.
- (b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.
- (7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

#### **Textual Amendments**

- F1** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 3 para. 16(1)**

#### **Modifications etc. (not altering text)**

- C1** S. 48: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), **Sch. 1** Table B3  
 S. 48 extended (13.3.2000) by [S.I. 2000/412](#), **art. 4(3)**
- C2** Ss. 48-54 modified (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. 1, 4 Table (with reg. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 48.



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART II

#### HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### 75 Saving for certain vehicles etc.

- (1) Nothing in this Part of this Act shall—
- (a) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
  - (b) <sup>F1</sup> .....
  - (c) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;
  - [<sup>F2</sup>(cc) apply to a vehicle while it is being used in connection with a wedding;]
  - (d) require the display of any plate, disc or notice in or on any private hire vehicle licensed by a council under this Part of this Act during such period that such vehicle is used for carrying passengers for hire or reward—
    - <sup>F3</sup>(i) .....
    - (ii) under a contract for the hire of the vehicle for a period of not less than 24 hours.
- (2) Paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of a vehicle or to the employment of a driver of a vehicle while the vehicle is used as a private hire vehicle in a controlled district if a licence issued under section 48 of this Act by the council whose area consists of or includes another controlled district is then in force for the vehicle and a driver's licence issued by such a council is then in force for the driver of the vehicle.

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 75. (See end of Document for details)*

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[<sup>F4</sup>(2A) Where a vehicle is being used as a taxi or private hire car, paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of the vehicle or the employment of a person to drive it if—

- (a) a licence issued under section 10 of the Civic Government (Scotland) Act 1982 for its use as a taxi or, as the case may be, private hire car is then in force, and
- (b) the driver holds a licence issued under section 13 of that Act for the driving of taxis or, as the case may be, private hire cars.

In this subsection, “private hire car” and “taxi” have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982.]

[<sup>F5</sup>(2B) Paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of a vehicle, or to the employment of a driver of a vehicle, if—

- (a) a London PHV licence issued under section 7 of the Private Hire Vehicles (London) Act 1998 is in force in relation to that vehicle; and
- (b) the driver of the vehicle holds a London PHV driver’s licence issued under section 13 of that Act.]

- (3) Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.

#### **Textual Amendments**

- F1** S. 75(1)(b) omitted (28.1.2008) by virtue of [Road Safety Act 2006 \(c. 49\)](#), **ss. 53, 61**; S.I. 2007/3492, **art. 2** and repealed (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), s. 59, **Sch. 7(17)**
- F2** S. 75(1)(cc) inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 17(2)**
- F3** S. 75(1)(d)(i) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 17(2)**
- F4** S. 75(2A) inserted after subsection (2) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **ss. 16, 22, 23**
- F5** S. 75(2B) inserted (8.6.2004) by [1998 c. 34](#), **ss. 39(1), 40(2)**, Sch. 1 para. 1 (with s. 29); S.I. 2004/241, **art. 2(2)**

#### **Modifications etc. (not altering text)**

- C1** Ss. 72-80 modified (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), **regs. 1, 4 Table** (with reg. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 75.



# Plate Exemption Policies from Neighbouring Authorities + Southampton and London

BCP Council (2021)

**TOP OF THE RANGE, UNDER 5 YEARS AND STILL HAVE INTERNAL PLATE.**

## **Executive/Speciality Private Hire Vehicles requirements**

Executive Private Hire Vehicle licences will only be granted to vehicles which comply with sections 1, 2 and 4 below. Limousine or Party Private Hire Vehicle Licenses will only be granted to vehicles which comply with 1, 3 & 4 below

### **1.Executive/limousine/party**

1.1 The vehicle shall be of a make and model which the Council considers appropriate for an Exemption Notification. The Council may consult any person or organisation as it considers appropriate before deciding whether an Exemption Notification shall be granted in respect of any vehicle.

1.2 Without prejudice to the generality of Clause 1 above, the vehicle shall comply with all of the following minimum requirements:

- a) Be a recognised model of a four door saloon motor car or people carrier but **not** a hatchback, kit car or vehicle substantively altered in appearance or modified in any way except as within the section Limousines/Party Vehicles below.
- b) The vehicle interior and exterior shall be of the very highest quality in design and use of materials available and in exceptional condition.
- c) The vehicle shall not be designed or adapted for off road purposes.
- d) Vehicles manufactured as people carriers may be considered for an exemption to display the plate. However, the vehicle shall be of the highest specification, quality and condition. Each application will be considered on its own merits. Only vehicles on the approved executive list shall be considered for licensing as an executive vehicle.

1.3 Any vehicle presented for licensing for the first time shall not be older than five years on the day that the fully and correctly completed application is received with the appropriate fee. (Limousines and Party vehicles shall be considered for exemption of this condition in exceptional circumstances where the vehicle is in immaculate condition).

1.4 Only vehicles that satisfy Clauses 2 (a) to 2 (d) above, are on the approved executive list and at the top of the range within the manufactures fleet of vehicles, may be considered

for a Exemption Notice, not to display the vehicle plate, which will be at the Council's discretion.

## **2 Executive**

2.1 The makes and models of vehicle which **will** be considered for licensing as an executive vehicle are:

- BMW 7 SERIES
- MERCEDES S CLASS
- MERCEDES E CLASS
- LEXUS GS and LS
- JAGUAR I PACE (electric vehicle)
- JAGUAR XJ SWB and LWB
- TESLA Model S (electric vehicle)
- AUDI A8

## **4. Identification signs**

Executive, Limousine and Party Private Hire vehicles are not required to display a vehicle plate to rear or side identification panels.

## East Devon (2022)

**NO POLICY – NOT ALLOWED**

## South Somerset

**EXCLUSIVELY BOOKED UPFRONT FOR A DEFINED PERIOD AND INTERNAL PLATE REQUIRED**

6.157. It is the view of the licensing authority that some private hire vehicles that provide limited, non-public driving services (e.g. executive chauffeur services, stretched limousines, vintage and other specialist vehicles etc) are -

- (a) self-evidently not a hackney carriage; and/or
- (b) do not need to be readily distinguished from a hackney carriage by the additional specific signage set out at pp 6.151.

6.158. The licensing authority believes that such services are usually exclusively booked up front for a defined period or journey (typically going outside the borough) and such that the vehicle is not available for immediate hire. Also, these services usually offer a degree of prestige, anonymity and/or have a legitimate business requirement to be more discretely marked.

6.159. For this reason, and subject to all other licensing requirements being met, it is the policy of the licensing authority to offer private hire vehicles used to provide exclusively

limited, non-public driving services an exemption from the requirements set out at pp 6.140 and pp 6.151. However, so that any such vehicle can be identified as a licensed vehicle, the licensing authority will require, on condition, that a licence plate of specified size, shape and design (see **appendix F**) be clearly displayed in the front windscreen of the vehicle.

6.160. For clarity and distinction between different categories of vehicles, this alternative arrangement shall not apply to any private hire vehicle that undertakes any general public work. In such circumstances, standard plates in accordance with the requirements set out at pp 6.140 and pp 6.151 must be displayed.

## Wiltshire 2018

### **NO SPECIFIC POLICY**

#### **P31 Exemption from displaying vehicle plate/door signs**

Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 the council, which issues the licence, may exempt a licensed private hire vehicle from the need to display a plate and the driver from wearing his identity badge. Owners who wish to apply for this exemption should contact their local licensing office.

If a written exemption notice has been issued it must be carried in the vehicle at all times. Failure to do so will invalidate the exemption.

If, after an exemption notice is issued, the circumstances of the exemption change, such as a change of use for the vehicle, the licence holder must inform the council in order that the exemption can be reconsidered.

The vehicle licence holder will be required to make a written application for an exemption to include:

- the plate and index number of the licensed vehicle.
- the nature of the work/business the vehicle will be engaged in.
- the reasons why the exemption is requested.

The main consideration will always be the safety of the general public, but consideration will also be given to the nature of the work the vehicle will be used for and whether it needs to be identifiable to the public or not.

## New Forest

### **INTERNAL PLATE AND EXTRA CONDITIONS**

#### **Additional Policy for the Determination of Applications for Private Hire Vehicle Plate Exemption**

Applications should be made on the appropriate form. Each application will be considered on its individual merits by an appropriately authorised officer of the Council. Each vehicle will be inspected by the officer determining the application.

#### **Vehicles**

In view of the vast numbers of makes and models of vehicles available it is preferred not to produce a definitive list of vehicle makes and models that might be approved has not been prepared. The granting of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle. However, the following will be minimum requirements in relation to any vehicle in respect of which an exemption is sought:

1. Executive saloon, hatchback or estate vehicles designed to be licensed for 4 passengers, allowing sufficient space for adult passengers to travel comfortably.
2. Engine size 1900cc or greater.
3. A range of vehicles capable of carrying in excess of 4 passengers will be considered provided they meet a higher specification for that make and model.
4. An exemption will only be considered for a vehicle that can seat more than 4 passengers only where this is provided with comfort. Each seat must be of adequate dimensions and must permit direct access into and out of the vehicle without the need to move, remove, fold down, pass over or slide any seat. No vehicle modifications from the manufacturer's specification are acceptable.
5. The vehicle must have a minimum specification of at least air conditioning, climate control, electric windows, central locking and headrests for each passenger.
6. The vehicle must be in immaculate condition, without damage, dents, defects or blemishes to the external bodywork, trim or seating.

#### **Type of work**

Applications will only be considered from the proprietors of vehicles which undertake exclusively "executive" type work, with all bookings to be of an executive nature and made under written contract (which may include bookings made electronically and by email). For example:

1. Corporate bookings to transport employees and/or clients on corporate business journeys; and/or
2. Airport and other 'special' journeys where the client specifically requests a vehicle of a prestige specification at the time of booking and pays a recognisable higher fee for that service compared to that charged for a non exempt vehicle.

### **Additional Conditions Relating to Private Hire Vehicles with a Plate Exemption**

The following conditions will apply to any private hire vehicle which is granted an exemption from the requirement to display the rear licence plate, and are in addition to the standard private hire vehicle licensing conditions applying at the time:

1. The vehicle will only be used for “executive” work, where the booking has been made by written contract and not for any other type of private hire work.
2. The following must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the Council or a police officer:
  - A) The exemption notice.
  - B) The private hire vehicle licence plate.
  - C) The vehicle licence conditions.
3. The (small) internal vehicle identification badge will be displayed in the front window of the vehicle at all times.
4. The vehicle will NOT have a meter fitted.
5. The vehicle will not display any company or third party numbers, adverts or promotional material of any type.

### **Additional Conditions for Drivers of Exempted Private Hire Vehicles**

1. Male drivers are required to wear a suit or jacket and trousers plus shirt and a tie at all times. Female drivers must follow an equivalent dress code, generally recognised as ‘smart office’. This dress code must be followed at all times the vehicle is used to undertake a booking or contract. Jackets may be removed where weather conditions require it.

2. The driver of an exempted vehicle is not required to wear their driver’s identification badge, but must carry their badge with them at all times.

**Please Note:** Drivers of private hire vehicles that do not display a private hire vehicle plate are not exempt from the seat belt legislation and **MUST** wear a seat belt while driving the vehicle at all times.

Southampton

### **DISCRETION OF SERVICE MANAGER**

In exceptional circumstances, the Service Manager for Licensing may determine that a vehicle is a specialist vehicle, such as, but not exclusively, stretched limousines, classic cars and other unusual vehicles to be used for private hire.

Where the Service Manager for Licensing determines that a vehicle is a specialist vehicle, and that it is intended to be used in the circumstances described in section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, a notice may be issued of the suspending the requirement for the display of the rear licence plate in those circumstances, as required by condition 9.1 above.

Additionally, in the case of a specialist vehicle, the Service Manager for Licensing may, at his or her absolute discretion, suspend or amend all or some of the provisions of the following conditions:

- 3.3.5 (right hand drive);
- 4.2 (age of vehicle);
- 5.1 (colour of vehicle);
- 8.2 (city identity stickers)
- 23.1 Taxi cameras

## TfL (2021)

### **NON DISPLAY OF FRONT PLATE ONLY (DIFFERENT LEGISLATION)**

Displaying the licence discs on a PHV is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed the vehicle has undergone checks to ensure their safety. It also allows passengers to check that the vehicle provided matches that detailed in the booking confirmation provided by the operator. However, we recognise that in exceptional circumstances the display of the discs may cause a safety concern.

Section 10(3) of the PHV Act allows TfL to exempt a vehicle from having to display the front vehicle licence disc. The requirement to display the rear licence disc does not apply to any vehicle granted an exemption under section 10(3) of the PHV Act<sup>6</sup>. There is no power to exempt a vehicle from displaying the rear disc only. In granting an exemption TfL will need to be satisfied that the service being provided makes it a safety concern for the discs to be displayed. Applicants must make their case in writing detailing the reasons for the exemption and include supporting evidence from customers and/or the operator(s) they work for or intend to work for. Exemption applications must be made using form [PHV/302](#).

An exemption will only be granted where there is a genuine operational or safety reason, and where we are certain that the safety of the public will not be compromised as a result.

In coming to a decision, the following factors will be taken into consideration:

- Whether there are exceptional circumstances that cause the passenger and/or driver to experience safety or security concerns that they would not have if discs were not attached to the vehicle; and

- The nature of the work to be carried out.

We will only grant an exemption where we are satisfied that the vehicle will be used exclusively for the purpose specified in the application. Exempted vehicles found to be providing a service other than that specified in the application may have their exemption removed.

We will also consider an exemption where the design of the vehicle prevents the front disc being displayed e.g. the windscreen is too small to accommodate the disc without impacting on the driver's vision.

A decision to refuse to grant an exemption is final and there is no statutory right of appeal.

The exemption is only valid for the duration of the licence applied for and a new exemption application must be made with each annual licence application. Moreover, each further application for an exemption will be treated on its own merits and no guarantee can be given that a further exemption will be granted.

Applications for exemptions from displaying licence discs may be in respect of individual vehicles only.

Applications for exemptions relating to a fleet of vehicles are not be allowed.

All vehicles granted an exemption from displaying the licence discs will continue to be included in the TfL online [licence checker](#).

[Apply for executive vehicle status | Buckinghamshire Council](#)

[private-hire-executive-policy-2022.pdf \(eastleigh.gov.uk\)](#)

[Executive Hire Vehicle conditions appendix d.pdf \(lichfielddc.gov.uk\)](#)

[Exempt Private Hire vehicle policy \(basingstoke.gov.uk\)](#)

[Exec Vehicles.pdf \(breckland.gov.uk\)](#)

[Application to License Private Hire Vehicle - Appendix 2.pdf \(southlakeland.gov.uk\)](#)

[Private hire vehicle plate exemption policy \(denbighshire.gov.uk\)](#)

[Executive Travel or Chauffeuring Licensing Requirements.pdf \(sthelens.gov.uk\)](#)

[dcc-executive-car-exemption-policy-July-2015.pdf \(derby.gov.uk\)](#)

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**POLICY FOR GRANTING EXECUTIVE PLATE EXEMPTIONS UNDER S75(3)  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

- 1) This policy provides guidance that will normally be applied in relation to any application for a plate exemption notice. Whilst each application will be considered on its merits regard will be had to this policy as part of any relevant assessment. Failure to accord with any one or more requirements of this policy may therefore result in an application being refused.
- 2) Applications for an exemption notice from displaying private hire vehicle plates will only be considered for individual vehicles. Applications for exemptions for a fleet will not be allowed.
- 3) A vehicle to which an application relates will need to be inspected by an authorised officer to ensure that it is suitable for the work it is expected to undertake in advance of any determination for an exemption notice being made. The proprietor of the vehicle will therefore be expected to make arrangements with the Council's authorised officer for such an inspection to take place.
- 4) Any application should be made by the proprietor(s) who hold the private hire licence for the vehicle in question.
- 5) An application for a plate exemption will not be determined without the provision to the Council of a completed application form from the proprietor(s). A copy of the application form is available from the Licensing Team upon request.
- 6) In particular, it is important that the completed application form clearly identifies the occasion(s) for which the exemption is being sought.
- 7) The completed application form should also be accompanied by any supporting documentation that the proprietor considers appropriate to support the application.
- 8) The Council may require an applicant to provide such additional documentation as it considers appropriate to allow an informed decision to be made. This will normally be one or a combination of the following but not limited to:
  - i) a business proposal for the type of work and amount of work they are expecting to undertake if an exemption certificate is granted
  - ii) the past 12 months financial records showing the amount of work they have undertaken which they believe fits into the executive bracket, and reasons why they now require an exemption certificate
  - iii) if they are a current exemption certificate holder the financial accounts showing the percentage of executive work undertaken.
  - iv) reasons of security i.e. Transporting high ranking officers on and off Blandford Camp. Any request under this section should be accompanied by written confirmation from the client of need for security or privacy.

Dependant up on the information provided will depend on whether an exemption notice is granted, and in the event that an exemption notice is granted; whether the exemption notice applies to limited occasions of work being undertaken or applies when the exemption notice is carried in the vehicle.

- 9) In assessing any application the Licensing and Orders Committee will have particular regard towards the following information:
- i) vehicles should be of a standard or comfort equal to or above luxury brands of vehicles such as S & E Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons. This list is not meant to be exhaustive and it is recommended that applicants check with the Licensing Office regarding the suitability of a vehicle before making an application.
  - ii) Applications for people carrier style vehicles will not normally be accepted.
  - iii) The vehicle is in pristine condition with no visible defects, dents or blemishes to the external body work or internal trim and is under 5 years old.
  - iv) The vehicle is used ONLY for work that is applied on the exemption certificate.
- 10) Where an application is successful the exemption notice will be issued as soon as is reasonably practicable after the decision is made. Every exemption notice will specify the occasion(s) to which it applies.
- 11) During those occasions where a vehicle is exempted from displaying its external plate by virtue of an exemption notice it will also be exempted from displaying its internal plate.
- 12) Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the private hire vehicle licence for that vehicle. A new exemption notice must be applied for on an annual basis.
- 13) There is no right of appeal to the Magistrates' Court against any decision made by the Licensing & Orders Committee to refuse to issue an exemption notice.

## Licensing Committee

11 October 2023

## Taxi Licensing Policy - Restricted Licences for School Transport

### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** All Cllrs

**Executive Director:** J Sellgren, Executive Director of Place

Report Author: Aileen Powell  
Job Title: Licensing Team Leader  
Tel: 01258 484022  
Email: Aileen.Powell@dorsetcouncil.gov.uk

**Report Status:** Public

**Brief Summary:** To consider whether to allow Restricted Licences for school contract drivers with a reduced application process and restrictions on licence use.

**Recommendation:** To adopt a scheme that allows a school contract provider to badge drivers under a Restricted Licence where they solely undertake school contract work.

**Reason for Recommendation:** To allow for a quicker turn around for school contract drivers who fulfil the Council Contracts to transport children to school or other centres.

#### 1. Background

- 1.1 A request has been received from one of the largest school transport providers to consider the issuing of Restricted Licences for private hire drivers who solely do school runs in licensed private hire vehicles.
- 1.2 Restricted Licences are used in some authorities to make it easier to licence drivers who do only school runs. Some councils also issue restricted vehicle licences for the vehicles that are only used for school transport.
- 1.3 It is vital to ensure that the safety of our most vulnerable passengers is not compromised by this scheme in any measure.

## 2. **Other Council Schemes**

- 2.1 After consulting with 24x7 Ltd who requested that this was considered, the names of the councils they had current schemes with were requested. These councils were contacted for details of the schemes they ran for this purpose.
- 2.2 Oldham Council indicated that they have removed some of the requirements from the application process and issue different badges to school contract drivers.
- 2.3 Blaby District Council told officers that they removed the requirement to undertake a knowledge test and require proof that the driver will only be undertaking school contract work. They also indicated there had been a lot of interest in their scheme from operators.
- 2.4 Derbyshire Dales District Council said that they had a system whereby the operator carried out certain checks rather than the Council, they also apply a Restricted Licence for the vehicles being used, whereby the plates were not displayed and six-monthly checks on the vehicle were not required. The drivers still need to sit a knowledge test, but the operator is responsible for completing the DBS check and the medical checks.
- 2.5 The Dorset School Service Manager for Travel Operations was also contacted for what his thoughts on such a scheme would be. He indicated that anything that could streamline the process would be a benefit as long as it doesn't compromise the assessment of a driver's suitability for school work in any way.

## 3. **Current Requirements for Private Hire Drivers**

- 3.1 As per the Dorset Council Taxi Licensing Policy (the Policy) checks are made on the applicants: -
  - a) Right to work in the UK
  - b) DVLA driving licence record
  - c) Criminal record
  - d) Medical history
  - e) Driving ability
  - f) Ability to speak and understand English
  - g) Knowledge of the law and the DC Taxi Policy
  - h) Knowledge of the area
  - i) Understanding and awareness of CSE
  - j) Tax awareness.
- 3.2 For vehicles, checks are made on the V5 Registered Keeper Document, insurance, and the vehicles are inspected at an approved garage at first licence and at six months if they are more than a year old.

#### 4. **Proposal**

- 4.1 Officers consider that it would be a mistake to reduce any safety checks for drivers or vehicles as they are transporting children to school. The potential areas however where officers believe relief could be given is in the requirement to undertake a Knowledge and Suitability Check and the Driving Assessment.
- 4.2 A version of the knowledge test could be supplied to a company that solely does school contract work, focussing on what their drivers need to know. That company could facilitate the test to make sure their drivers have a clear understanding of the law relating to Private Hire. There would be no requirement for a geography element of the test to be undertaken as drivers will only be undertaking set routes. The driving assessment could also potentially be undertaken by the employer directly rather than as a third party assessor as any complaints about a driver can be more easily made with a contractor.

#### 5. **Benefits and Risks**

- 5.1 The potential benefits to a school contractor would be that they can administer the tests in their own time, they can focus on their routes and requirements for passenger safety/comfort. There would also be a cost benefit as they would not have to pay for the driving assessment with current providers.
- 5.2 There is a risk is that Dorset Council may see an increase by other operators who may seek to take advantage of a simpler licence regime. This would however be mitigated by restricting it only to companies who solely do school contract work within the Dorset Council area.
- 5.3 If badges are subject to a reduced fee there is a risk that drivers not undertaking school contracts may claim they will be unable to take advantage of the reduced fee. This could be avoided by charging the same amount for the badge, and if the school contract driver then wanted to undertake ordinary private hire work they would be required to undertake a Council run knowledge and suitability test and a driving assessment.
- 5.4 Restricted driver badges would be produced in a different colour to full private hire badges red and conditions would be attached to their licences to restrict them to undertaking school contract work only.
- 5.5 The restricted licences would only be available to operators under a service level agreement which can be withdrawn if a licensed driver is found to be undertaking private hire work.
- 5.6 Drivers could also be required to sign a declaration that they understand if they wish to transfer to a full licence they will need to undertake a knowledge test and take a driving assessment.

6. Officers are not currently proposing to make any changes to the vehicle licensing regime but operators could be required to mark the vehicles as “School Contract Only” or other suitable wording under the service level agreement.

7. **Financial Implications**

If the fee were to remain the same there would be no financial risk to the Council.

8. **Natural Environment, Climate & Ecology Implications**

None

9. **Well-being and Health Implications**

None

10. **Other Implications**

None

11. **Risk Assessment**

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low  
Residual Risk: Low

12. **Equalities Impact Assessment**

N/A

13. **Appendices**

Appendix 1 – Dorset Council Taxi Licensing Policy

**Background Papers**

Local Government (Miscellaneous Provisions) Act 1976



## **Taxi Licensing Policy**

**2022**

**1 Dec 2021**

### **Abstract**

A policy to cover the Licensing of Hackney Carriage Vehicles and Drivers and Private Hire Vehicles, Drivers and Operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

**Further copies of this document can be obtained from:**

Licensing Team  
Dorset Council  
Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Tel: 01305 251010

Email: [licensingteamb@dorsetcouncil.gov.uk](mailto:licensingteamb@dorsetcouncil.gov.uk)

Web: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/taxi-private-hire-vehicle-licences/taxi-and-private-hire-vehicle-licences.aspx>



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## Section 1 - Purpose and Scope of the Taxi Licensing Policy

### Purpose

- 1.1. The purpose of licensing drivers, vehicles and operators for public or private hire is for the protection of the public who use this form of public transport. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust that the driver is honest, competent, safe and trustworthy, that the car being used is suitable, safe and well maintained. Passengers should also be confident that the people who take the bookings for those cars are trustworthy and will safeguard confidential information.
- 1.2. This policy will set out how Dorset Council will manage applications, make decisions about who can drive and what vehicles will be licenced, what is expected from those that are licenced and how the Council will deal with complaints. The policy will be used to assist officers, the Licensing Committee and Sub-Committees to make decisions that are fair, clear and consistent. It will also inform the travelling public of what they can expect from a vehicle, driver or operator licensed by Dorset Council.
- 1.3. The Criminal Conviction Policy at Appendix G will come into effect on 1 December 2021. The remainder of this policy takes effect from 1 April 2022.

### Formulating the Policy

- 1.4. In creating this policy, and in all matters relating to the licensing of taxis and private hire vehicles Dorset Council will have regard to:
  - The law<sup>1</sup>
  - The Department for Transport Statutory Taxi & Private Hire Vehicle Standards July 2020 (DfT Standards)<sup>2</sup>
  - The Department for Transport Taxi and Private Hire Vehicle Best Practice Guidance March 2020 (DfT Best Practice)<sup>3</sup>
  - Freight Transport Association Hackney Carriage and Private Hire Vehicles National Inspection Standards August 2012 (FTA National Standards)<sup>4</sup>
  - Institute of Licensing Guidance on Determining the Suitability of Applicants April 2018 (IoL - Safe and Suitable)<sup>5</sup>
  - Dorset Council's Plan 2020 to 2024<sup>6</sup> (DC Plan)
- 1.5. The Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory standards in July 2020 which contains several recommendations that the Department for Transport (DfT) expects Councils to incorporate in their taxi licensing policies unless there is a compelling reason not to. This policy has been prepared incorporating all the recommendations contained within the DfT Standards.

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<sup>1</sup> [Town Police Clauses Act 1847](#), [Local Government Miscellaneous Provisions Act 1976](#), [Transport Act 1980](#)  
[Equalities Act 2010](#)

<sup>2</sup> [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](#)

<sup>3</sup> [Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(publishing.service.gov.uk\)](#)

<sup>4</sup> [GetFile.aspx \(logistics.org.uk\)](#)

<sup>5</sup> [Guidance on Suitability Web Version \(16 May 2018\).pdf \(instituteoflicensing.org\)](#)

<sup>6</sup> [Dorset Council's Plan](#)

- 1.6. Dorset Council was formed on 1 April 2019 from four District Councils, one Borough Council and the County Council. The policies of the five predecessor District and Borough Councils have been considered and areas of good practice within them is contained within the Dorset Council Taxi Licensing Policy.
- 1.7. Several small focus groups consisting of Councillors, the trade, officers and Equality Groups have helped formulate this draft policy and the policy will be put out to public consultation for 12 weeks. All consultation responses will be considered before the final version of the Policy is presented to Full Council for adoption.
- 1.8. Any reference to "Taxi" in this policy includes both Hackney Carriages and Private Hire Vehicles.
- 1.9. This policy will be subject to a full review during 2026 with a view to a revised Policy being implemented at the beginning of 2027. There will also be an annual interim review of the Policy to incorporate any emerging issues that may need to be addressed.

## Consultation

- 1.10. In preparing this policy the council has consulted with and considered the views of a wide range of people and organisations including:
  - Existing licence holders and their representatives
  - Representatives of local business
  - Local residents and their representatives
  - Local Councillors
  - Parish and town councils
  - Local members of parliament
  - Dorset Police
  - Dorset Council – Children’s Services
  - Dorset Council – Adults Services
  - Dorset Council – School Contract Service
  - Dorset Council – Highways
  - Dorset Council - Fleet
  - Adjoining Councils
  - Dorset Disability Forum

## Process for Adoption of the Policy

- 1.11. The draft policy will go through a number of committee meetings for consideration prior to adoption;
  - i. Licensing Committee
  - ii. Consultation
  - iii. Place and Resources Overview Committee
  - iv. Licensing Committee

## Section 2 - General Principles

### Importance of the Taxi Trade

- 2.1. Dorset Council recognises that the taxi trade is a fundamental component of the public transport network, especially in more rural areas of Dorset where it can be the only form of public transport. It is a heavily regulated industry for good reason, but Dorset Council will look to reduce the burden to licence holders where possible but only when the primary aim of the regulation, which is the safety of passengers, is not compromised to any degree.
- 2.2. The Council will hold meetings with the taxi trade at least twice a year and will send out regular newsletters to the taxi trade and to the Councillors sitting on the Licensing Committee.
- 2.3. Dorset Council is committed to providing online application processes across all areas to enable interactions with the Council to be completed at a time and in a place that suits the user. Currently applications for licences can be completed online in most areas already, and it is planned that this will be available across the whole area as soon as practicable.

### Protection of Children

- 2.4. Whilst the safety of everyone who uses licensed vehicles is of paramount importance, there are special concerns around children after well publicised cases of Safeguarding in other areas of the country. Most licensed drivers have completed a classroom-based form of Safeguarding training. Dorset Council will continue to support specialised training in this area for all new applicants to ensure they are aware of how to identify, and how to report any concerns they have that may indicate child exploitation, including County Lines involvement, Female Genital Mutilation or children being groomed. For any licensed drivers who have not completed any classroom based Safeguarding training this will need to be completed during the term of their next licence. Training will be regularly updated to incorporate any emerging trends. The licensing team will liaise with both the police and Dorset Council's children's service teams to ensure there is a joined-up approach to protecting young people, and we will undertake to advise drivers and operators of any areas of concern that they need to be aware of. As training evolves and becomes available, it may be incorporated into requirements for the renewal of driver's licences. Before any changes to mandatory training are made, all current drivers and all operators who may take on new drivers will be consulted, and enough time will be allowed for any current licence holder to complete the training during their next licence term.

### Adults at Risk

- 2.5. The DfT Standards were brought in to protect adults who are at risk as well as children. Adults at risk are defined in section 42 of the Care Act 2014 and apply to any adult who; -
  - a. has needs for care and support (whether or not the Authority is meeting any of those needs),
  - b. is experiencing or is at risk of abuse or neglect and
  - c. As a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

Dorset Council and Dorset Police have a joined-up approach to safeguarding and have a Multi-Agency Safeguarding Group which will both pass on and receive information relating to any complaints concerning vulnerable adults and taxis. All complaints that relate to a Vulnerable Adult will be referred to the MASH and there will be a co-ordinated response to any such matters. Taxis are such a vital method of transport for Vulnerable Adults that swift action may be taken if the safety of any Vulnerable Adult is in any way put at risk. It is important that every person travelling in a taxi not only is safe but feels safe as well.

The Council is committed to improving the safety of residents and visitors to Dorset and is currently reviewing the content of its mandatory safeguarding courses to include additional areas for improvement, including for example Domestic Abuse Awareness Training. Taxi drivers are valuable members of the community and can be a first point of contact for vulnerable adults in need of assistance and licence holders will be trained to spot the signs of abuse and respond appropriately where necessary, including signposting to services where potential victims can go for assistance.

## Equalities

- 2.6. Dorset Council is committed to building strong, healthy communities which will support inclusivity<sup>7</sup>. Addressing equality issues has historically involved keeping lists of Wheelchair Accessible Vehicles (WAVs). However not all people with disabilities use wheelchairs and so in formulating this policy Dorset Council is looking to undertake its duty under the Equalities Act by encouraging training in a diverse range of disabilities, creating a rating system based on the completion of training courses which will be advertised on the Council's web site and introducing an Equality Charter to inform drivers and operators of the standards that are expected of them, and to inform the travelling public of what standard of service they may expect.
- 2.7. It is estimated that around 1 in 5 people have one or more disabilities, many of which will be hidden. Rather than thinking in terms of specific disability this policy seeks to set an expectation that ALL people no matter what challenges they face have the same opportunity to access this form of public transport that is vital to being able to travel about in and out of Dorset. We want to ensure that equality is not a matter of treating everyone the same way, it is a matter of making sure that everyone can use a taxi safely and in comfort and that drivers and operators will take actions to ensure that anyone with a disability of any kind does not feel disadvantaged. This goes beyond allowing anyone using a dog to sit with them in a licensed vehicle to actively assisting elderly passengers with frames or walkers, to treating blind people with extra consideration when they exit a vehicle to ensure they are aware of where they are.
- 2.8. The "Equality Charter" (found at appendix A) will be used as a measure to judge complaints by. Dorset Council commit to actively promoting compliance with the Charter and driving out the inequality and the treatment of the disabled as 'second class' citizens and will deal with any reported incidents of either direct or in-direct discrimination by written warning if it is a first complaint or if it is a repeat complaint, by referral directly to a Sub-Committee.
- 2.9. The Council will work with third party providers to create training modules which will be made available that will lead to accreditation and a star rating system. These will be developed to include specific disabilities or types of disabilities and may also expand to training courses in additional

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<sup>7</sup> [Strong, healthy communities \(dorsetcouncil.gov.uk\)](http://dorsetcouncil.gov.uk)



areas for example, in suicide awareness. These courses are introduced to improve the quality of service and it will be a prerequisite that anyone signing up for the course may promote their services via their contact details being included in lists that are available to potential passengers.

- 2.10. We will provide a directory of drivers or operators who have passed specific training modules on our web site and make available in a written or other suitable format to anyone who requests it.

## Suitable Vehicles

- 2.11. Dorset Council recognises that action needs to be taken to protect the environment and the Licensing Team will work with the DC Highways Team to ensure a joined-up approach for any policies or strategies based on sustainability, such as the Electric Vehicle Charging Strategy. The Council will encourage the use of electric vehicles, and other Ultra Low Emission Vehicles by exploring the potential for reduced fees for applications for these types of vehicles. Any fees, or any changes to those fees will be subject to a separate consultation.

- 2.12. There are different approaches that can be taken to ensuring that vehicles are suitable to be licensed either by age, mileage or type. The area covered by Dorset Council is varied and the work carried out by licensed vehicles is equally varied. Therefore, the Council will not stipulate what types of vehicles may be licensed but will only licence a vehicle to carry the number of full-sized adult seats.

- 2.13. The work with focus groups suggest that it is the maintenance and upkeep of vehicles that is the most important consideration to assess the suitability of a vehicle rather than assigning an arbitrary age or mileage limit. For that reason, all vehicles will be inspected twice yearly by an approved garage to ensure compliance with the FTA Inspection Standards<sup>8</sup>, or any subsequent National Standard.

- 2.14. Vehicles may also be subject to spot checks by licensing officers, with or without partner agencies, to ensure they comply with the Vehicle Code of Practice found at appendix C.

## Insurance Write Offs

- 2.15. Insurance write offs will not be licensed if they fall in categories A, B or S as these vehicles will have been written off after suffering structural damage. Vehicles written off under Cat N may be licensed as they will not have been written off for sustaining any structural damage and will have to undergo comprehensive mechanical safety checks<sup>9</sup>.

## Zones

- 2.16. It is the Dorset Council's ambition that all licences should be aligned with the area covered by Dorset Council, in line with the recommendation in the DfT Best Practice<sup>10</sup>. It is recognised that this may cause issues, particularly in the one area where there is a limit on the number of hackney carriages that are licensed. The Unmet Demand Survey carried out in 2020 for Weymouth found that there was no unmet demand in general, although there was some unmet demand for

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<sup>8</sup> [GetFile.aspx \(logistics.org.uk\)](#)

<sup>9</sup> [What is an insurance write-off? Your Guide to Cat A, B, S \(C\) & N \(D\) | RAC Drive](#)

<sup>10</sup> [Paragraphs 89 – 91 DfT Best Practice](#)

wheelchair accessible vehicles (WAVs). Hackney Carriage owners in Weymouth pay an additional premium over three years to cover the cost of the survey, which is in the region of £12K.

- 2.17. Zoning will be removed from all the Dorset Council Areas where there are currently no limits to the number of vehicles. In the area formerly covered by Weymouth and Portland Borough Council the limit of 80 Hackney Carriages will remain in place for a period of three years. The consequence of having a limit is that it enables an authority to refuse any application if it would result in the limit being exceeded. However, because the Survey did find some unmet demand for WAVs, any application for a WAV will not be refused on the basis that the limit would be exceeded.
- 2.18. In addition, to support the climate emergency and to encourage ultra-low emission vehicles (ULEVs) any application for a fully electric hackney carriage will also not be refused on the basis that the limit would be exceeded. This policy will be reviewed in 2023 and affected licence holders will be consulted on any proposals to carry out (and pay for) another survey or to remove the limit of hackney carriages in the Weymouth area instead.
- 2.19. The effect of retaining this zone for Weymouth will mean that for hackney carriages only, those vehicles plated with a Weymouth Plate will be the only vehicles allowed to stand for hire on Weymouth Ranks. Weymouth hackney carriages will only be able to ply for hire within the Weymouth Zone. All other hackney carriages will be able to use ranks in any other area of Dorset, apart from Weymouth.

## Types of Licence

- 2.20. Hackney carriages and private hire vehicles are covered by different Acts of Parliament, with hackney carriages covered by the Town Police Clauses Act 1847 (TPCA47) and the Local Government Miscellaneous Provisions Act 1976 (LGMPA76)<sup>11</sup> and private hire vehicles covered only by the LGMPA76. Both hackney carriages and private hire vehicles can be booked over the phone or via a Booking App, but only hackney carriages can stand for hire on a rank or be hailed in the street.
- 2.21. Dorset Council is committed to cutting unnecessary bureaucracy. The predecessor Councils dealt with licensing drivers in a variety of ways with some of the Councils opting to issue combined driver's licences. As the same standards are applied to test the suitability of driver whether they drive a hackney carriage or a private hire vehicle this seems to be a sensible approach especially as driver's licences typically last for three years and drivers may change the type of vehicle they drive during that three years. Dorset Council will therefore issue drivers with either a combined badge and licences to drive both types of vehicle, a hackney carriage driver licence and badge or a private hire driver licence and badge depending on the needs of the applicant.

## Decisions

- 2.22. This Policy enables officers to grant and issue licences to drivers, vehicles and operators where the criteria of this Policy are fully met, under delegated authority. Any matters that fall outside of the Policy will be referred to a Sub-Committee of three trained Councillors from the Council's Licensing

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<sup>11</sup> [Town Police Clauses Act 1847](#), [Local Government Miscellaneous Provisions Act 1976](#),

Committee<sup>12</sup>. All decisions will be taken with reference to the following, and any new version of them; -

- applicable law,
- this policy
- DfT Standards
- DfT Best Practice Guidance
- NTA National Standards
- IoL - Safe and Suitable

2.23. Applicants, drivers, vehicle owners or operators who are referred to a Sub-Committee will be given a copy of the officer's report containing all the information that the Sub-Committee will consider at least five working days prior to the hearing. Applicants or licence holders will be invited to attend the hearing and give any information they believe is relevant to the Sub-Committee, and they can expect to be asked questions relating to the information contained in the report. Anyone appearing at a Sub-Committee may submit a statement for the Sub-Committee to consider prior to the hearing or at the hearing itself. Applicants and licence holders can bring legal representatives or any other person who will give them support to the hearing. All Sub-Committees will be held in private and will not be open to the public or the press, however decisions that are made may be reported anonymously in a general newsletter. Organising Sub-Committees takes considerable resources and so in the event of an applicant or licence holder not attending a hearing, the Sub-Committee will decide whether to continue in their absence or to adjourn the hearing to another time. If an applicant, driver or operator fails to attend for a second hearing officers will normally recommend that there is no further adjournment and the matter is heard.

2.24. There may be circumstances where immediate decisions need to be taken on matters of importance, in which case, they will be taken by the Service Manager or Licensing Team Leader in liaison with the Chair or Vice Chair of the Licensing Committee. This will only occur in cases where there is an immediate threat to the safety of the public and any delay would be of such a high risk that normal processes do not apply, such circumstances could be in cases of potential sexual exploitation or any other matter that in the Team Leader or Service Manager's opinion pose an imminent threat to the safety of the travelling public.

## Fares

2.25. Dorset Council must balance the ability of drivers to earn a living with ensuring fair access to this important mode of transport for all. Because there will be no zones, apart from the Weymouth and Portland Zone, there will be one maximum tariff set for all hackney carriages across the whole of the Council area. It is recognised that different areas may suit different tariffs and there is a need to allow an open market so there will only be a maximum limit set over which it will be an offence to charge. Vehicle proprietors are free to set their meters to a level that is equal or less than each element of the maximum allowed.

2.26. Vehicle proprietors are encouraged to clearly display the rates that they charge in a manner that can be viewed from the outside of vehicles so that customers are aware what they can expect to be charged.

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<sup>12</sup> [Committee details - Licensing Committee - Dorset Council](#)

## Licensed Vehicles should be easily identifiable.

- 2.27. It is imperative for safety reasons that licensed vehicles are easily recognisable as bona fide, licensed vehicles. All vehicles will be required to have plates on the outside rear of the vehicle, that are clearly visible to anyone travelling behind the vehicle, and smaller internal plates displayed in the windscreen of a vehicle, so they are identifiable from the front as they approach customers.
- 2.28. Door stickers or magnetised signs will be required for private hire vehicles stating “Pre-Booked Only”. These stickers must remain on the private hire vehicle at all times unless, and in exceptional circumstances where they are operating under a plate exemption when they can be removed for the time that the exemption applies. Vehicle proprietors may apply for an exemption to the requirement to have door stickers or magnets of this type.
- 2.29. There may very occasionally be exceptional circumstances where exemptions from the display of private hire vehicle plates will be considered but this will only be in exceptional circumstances, for example where the safety of the passenger(s) being transported in a plated vehicle would be compromised. Any request to obtain an exemption for the display of plates will need to be supported by evidence such as a contract or letter explaining why the passenger’s safety is compromised by the display of a plate. Any vehicle with an exemption certificate will be required to retain their plate in the boot, or other safe place if there is no boot, at all times.

## Advertising.

- 2.30. Previous predecessor Council policies have included restricting third party advertisements on licensed vehicles, however it is the Council’s view that these vehicles form part of the public transport network and other providers are permitted to have advertisements for third parties both inside and outside of vehicles, so taxis should also, within specific parameters.
- 2.31. Advertisements can provide alternative sources of income to taxi proprietors which will be allowed as it means that proprietors do not have to rely solely on fares for their earnings.
- 2.32. This must be balanced with the requirement to ensure that taxis are easily identifiable to any hirer and to ensure the safety and comfort of passengers. Therefore, third party advertisements are permissible, but they must be restricted to areas of the vehicle that do not contain important information such as the name of the operator or any identifying licence plates, signs or numbers.
- 2.33. Any vehicle proprietor should send pictures or diagrams of any proposed advertisements and where they will be placed on the vehicle into the Licensing Team. Officers will only object to their placement if: -
- a) they interfere with the identification of the vehicle or obscure window screens or back windows enough to cause a potential hazard or block the view of passengers, or
  - b) the content of the advertisement contravenes any of the following guidelines;
    - Does not comply with the Advertising Standards Authority’s advertising code; [www.asa.org.uk](http://www.asa.org.uk)

- Does not uphold the rules laid out in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) [www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx](http://www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx)
- Involves unlawful prejudice and/or discrimination.
- Promotes smoking.
- Promotes the irresponsible consumption of alcohol.
- Promotes gambling or betting, except licenced or registered lotteries benefiting local good causes e.g. society or local authority lotteries.
- Promotes pornography or adult content.
- Promotes weaponry.
- Promotes payday lenders or financial organisations with punitive interest rates.
- Appears to promote racial or sexual discrimination, or discrimination on the basis of disability, faith, gender or age (or other protected characteristic.)

Any operator not satisfied with a decision of an officer may request that the matter is referred to a licensing sub-committee.

- 2.34. Any advertisement must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Agency so all advertisements must be legal, decent, honest, and truthful. The code can be found here: <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>

## Codes

- 2.35. In addition to the Equality Charter Dorset Council has set out “codes of practice” which all licensed drivers are expected to adhere to, and which will be used when drivers and vehicles are inspected, when complaints are received and investigated and to assist with decision making. There are codes to cover vehicle cleanliness and the appearance and behaviour of drivers to other drivers, other road users, passengers and officers of the Council.

## Complaint Handling

- 2.36. All complaints that are received by Dorset Council will be investigated, but not all will result in any action being taken. Records will be kept of all complaints made and any action taken. Any patterns identified in relation to a company or a particular driver may result in actions such as written warnings or referrals to a Sub-Committee to consider whether the licence holder remains a “fit and proper person” to hold a licence.
- 2.37. If a complaint is found to be justified, that the driver, operator or vehicle owner has not complied with either a condition of licence or a code of practice, they may receive a verbal warning for a first complaint. Should a second complaint be investigated and upheld the licence holder could normally expect to be issued with a written warning. Any further complaints would normally be reported to Sub-Committee to consider whether the licence holder remains a “fit and proper person” to hold a licence. However, there may be times when a matter will remain at a verbal warning stage,

equally there may be occasions when a matter is so serious it needs to be escalated straight to a Sub-Committee hearing without either a verbal or written warning having been issued.

- 2.38. Any complaints about discrimination, inappropriate sexual behaviour or language involving children will be treated particularly robustly and where there is a credible and immediate threat to a child or other passengers an immediate suspension of a licence will be considered by the Licensing Team Leader or the Service Manager in consultation with the Chair or Vice Chair of the Licensing Committee.

## Inspections

- 2.39. All vehicles, 12 months or older, will have to comply with scheduled mechanical inspections every six months. Any failure to present a vehicle to a booked appointment may result in the suspension of the vehicle licence, unless there are exceptional circumstances, or the vehicle is re-booked and re-presented at the garage within 14 days.
- 2.40. Vehicle licences may also be suspended if they fail the mechanical inspection if the failure is, in the professional opinion of the mechanic carrying out the inspection, likely to affect the safety or suitability of the vehicle.
- 2.41. Drivers, vehicles and operators may be inspected on an ad hoc basis by officers of the Council. Licence holders will be expected to co-operate with these inspections it is not intended that these inspections will be overburdensome.

## Sharing Information

- 2.42. Dorset Council may share information about drivers, vehicles and operators with the Police, other teams within the Council, HMRC and other Government Departments and other Local Authorities. This will be limited to matters relating to prevention or detection of crime, fraud initiatives, investigation of complaints or any matter that may relate to Dorset Council Contracts.
- 2.43. Dorset Council will record any revocations or any decisions to refuse to licence on the Local Government National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3)<sup>13</sup>.

## CCTV and Dash Cams

- 2.44. Dorset Council covers a large and diverse area and there is no evidence available to suggest that the use of CCTV should be made mandatory, suitable evidence would relate to the prevention of crime and to consider a mandatory requirement there would need to be large numbers of complaints or reported incidents of violence towards drivers.
- 2.45. However, the value of CCTV and Dash Cams are recognised as is the footage they capture. Dorset Council encourages any use of cameras that comply with the Data Protection Principles as laid out

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<sup>13</sup> [National Register of Taxi and Private Hire Licence Revocations and Refusals \(NR3\) | Local Government Association](#)

by the Information Commissioners Office (ICO)<sup>14</sup>. Officers may ask to see the Data Protection Impact Assessment (DPIA) that should be completed before installing any CCTV.

- 2.46. Proprietors should inform the Licensing Team when any cameras are fitted. Where it is installed, officers will expect to receive any data relating to a complaint that is requested and any failure to supply the data will be taken into consideration and may result in a matter being referred to a Sub-Committee.

## Criminal Convictions and Rehabilitation

- 2.47. The Council takes its responsibilities very seriously and welcomes the national guidance on determining the suitability of applicants and licence holders that was produced in April 2018 by the Institute of Licensing in partnership with the Lawyers in Local Government (LLG), National Association of Licensing Enforcement Officers (NALEO) and the Local Government Association (LGA). Dorset Council adopts this guide as its Criminal Conviction Policy, the full version can be found at Appendix G.

## Disclosure and Barring Service Checks (DBS checks)

- 2.48. Previous policies have required that Enhanced Disclosure and Barring Service Checks (DBS checks) will be carried out every three years for drivers, with annual Basic DBS Checks being required for any private hire operator or vehicle proprietor who does not hold a taxi driver's licence. In line with the Statutory Guidance, drivers will now be required to sign up to the update service or have DBS checks completed every six months. Vehicle proprietors and Operators without drivers licences will continue to need a basic check completed when they initially licence and Operators will also be required to evidence they have seen Basic DBS checks for all their booking and dispatch staff. Further details about the DBS checks can be found in paragraphs 3.8 – 3.13 for drivers, 4.16 for vehicle proprietors and 5.2 and 5.7 for operators and their staff.

## Approved Garages

- 2.49. Inspections will be able to be carried out at any garage that the Council has approved. Only garages authorised to carry out MOTs may apply to be on the list of approved garages, and they will have to sign an agreement to;
- inspect vehicles to the standard as set out in the FTA National Inspection Standards
  - inspect the exterior and interior of the vehicle for cleanliness and damage,
  - test any meters or signs,
  - send information to the Council electronically, and
  - inform the Licensing Team immediately of any failures.
- 2.50. Contracts for approved garages will be issued annually and will automatically lapse if the garage is no longer authorised by DVSA to carry out MOT Inspections. Any complaints will be investigated, and the Licensing Team may carry out testing of approved garages for quality control purposes to ensure that standards are maintained throughout the term of the contract

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<sup>14</sup> [Installing CCTV? Things you need to do first | ICO](#)

## Section 3 - Drivers

### Introduction

- 3.1. Dorset Council will only grant any driver's licences to an applicant who is over 18, has held a driving licence for at least 12 months and the Council are satisfied is a "fit and proper person" to hold such a licence.

### Fit and Proper

- 3.2. To assist the Council to decide whether a person is fit and proper the following checks will be made-
- Right to work in the UK
  - UK driving licence
  - Criminal record
  - Medical history
  - Driving ability
  - Ability to speak and understand English
  - Knowledge of the law and this DC Taxi Policy
  - Knowledge of the area
  - Understanding and awareness of CSE
  - Confirm [registration for tax](#)
- 3.3. The application form must be completed accurately and honestly as if evidence is found that an applicant or licence holder has provided false information or omitted any relevant information in any application or submission to the Council, the application may be refused or any licence issued as a consequence of the incorrect or omitted information may be revoked.
- 3.4. This policy has been produced following the Statutory Taxi and Private Hire Vehicle Standards produced by the Department of Transport in July 2020. In every consideration of an application Dorset Council will take regard to these standards, the DfT Best Practice Guidance and IoL - Safe and Suitable, and any updated versions, when making any decisions relating to drivers.

### Right to work in the UK

- 3.5. Applicants must provide proof that they have a statutory right to work in the UK and checks will be made with the relevant agencies. Any applicant who has a limited right to work will not be issued a driver licence for a period longer than that limited period. The current list of documents that are acceptable for ID checks is available on the web page<sup>15</sup> as this list may be subject to change in line with any Government requirements.
- 3.6. National insurance numbers will be recorded and shared yearly with the Government as part of the National Fraud Initiative.

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<sup>15</sup> [Taxi and private hire licences - Dorset Council](#)



## UK Driving Licence

- 3.7. Applicants must be over 18 years of age and have held a full driving licence issued in the UK for at least 12 months. Drivers holding only foreign driving licences must obtain a GB counterpart document, if it is available, or obtain a Full UK driving licence.

## Criminal Record Check

- 3.8. A criminal record check on a driver is seen as an important safety measure. Dorset Council require an Enhanced Disclosure and a check of the Adults and Children's Barring Lists to be completed by all applicants for driver's licences. The Council is an approved Disclosure and Barring Service registered body; therefore, applicants must deal with the Disclosure and Barring Service through the Council and the required fee incorporated within the application fee.
- 3.9. The Rehabilitation of Offenders Act 1974 does not apply to applicants for drivers' licences and applicants are required to disclose all convictions, including those that would normally be regarded as spent, as well as arrests, charges or cautions on their application form. Applicants with relevant offences, cautions, charges or arrests or who have failed to declare them on their forms will be referred to a Licensing Sub-Committee for consideration.
- 3.10. Dorset Council is bound by rules of confidentiality and will not divulge information obtained to any third parties or keep copies of any completed criminal record checks after a decision has been made. An applicant for a DBS disclosure will be sent a DBS Certificate to their home address. If there is any content disclosed, they will be required to present the original Certificate to the Licensing Team within 14 days. The DBS Certificate will be used to process the application and then returned to the driver after a decision has been made.
- 3.11. Because of the very strict need for confidentiality for an enhanced check this information cannot be shared with any other department within the Council. If an applicant will be undertaking any School Contract work, they will have to complete checks with that department, this is because the coding under which the DBS check is undertaken is different for a general taxi licence and one for working with children or adults.
- 3.12. Applicants who have been resident in another country for more than three consecutive months will be required to provide a certificate of good conduct from each country within which they have resided.
- 3.13. New DBS disclosures will be required every 6 months once a licence is granted, unless the licence holder subscribes to the DBS update service. If the update service is not subscribed to, Dorset Council will require a new check within 2 weeks either side of the 6-month anniversary of the granting of a licence. These checks will be undertaken by Dorset Council and will subject to a fee.

## Driver Knowledge and Suitability Test

- 3.14. A Knowledge and Suitability Test (KaST) will be used to consider the suitability of an applicant for a licence. The content will vary from time to time to reflect any emerging issues. The test will consist of; -
- a discussion about why the applicant wishes to become a driver and how and where they will be working,
  - a formal question and answer element testing that they have a good understanding of the law covering both types of licence, the Highway Code, the conditions that will be attached

to licences, and anything else contained within this policy including the contents of the appendices,

- a geographical element to ensure that they have a good knowledge of the area that they will be working in,
- an English language element to ensure that the driver can communicate with passengers, and,
- a numerical element to ensure that a driver can give the correct change in cash transactions.

3.15. If a person has previously completed a knowledge test and subsequently surrenders the licence and they decide to apply again, a new test will not be required if they re-apply for a licence within 12 months. If more than 12 months has elapsed since the licence was surrendered, or the licence was refused or revoked a new test will have to be undertaken and passed if a new licence is applied for.

### Child Safeguarding Awareness Training

3.16. All new applicants for a driver licence will have to have completed a training course as specified by the Council on spotting and reporting signs relating to Child Safeguarding Awareness.

3.17. The training programme will cover the key areas of responsibility for licenced drivers with the overall aim of equipping them with the skills and knowledge to spot the signs of safeguarding and know what to do if they come across anything that may give rise to concerns. The exact nature of the training may change from time to time or if the current provider becomes unavailable.

### Driving Proficiency

3.18. The Driving Standards Agency (DSA) provides a driving test specifically designed for hackney carriage and private hire drivers, if an applicant has passed this test or holds an advanced driving qualification, they will not be required to undertake any further test or assessment.

3.19. If an applicant does not hold an advanced driving qualification, they will be required to undertake, and pass, a driving assessment with an approved instructor at their own expense. A full list of approved instructors can be found on the web site<sup>16</sup>, and may be updated and changed from time to time.

3.20. If a person has previously completed a driving assessment and subsequently surrenders the licence and then they decide to apply again, a new assessment will not be required if they re-apply for a licence within 12 months. If more than 12 months has elapsed since the licence was surrendered, or the licence was refused or revoked a new assessment will have to be undertaken and passed if a new licence is applied for.

### Medical Examination

3.21. Dorset Council requires all applicants to meet the Group 2 Standards of Medical Fitness (as applied by the DVLA to the licensing of lorry and bus drivers) as this is the appropriate standard for licensed hackney carriage and private hire drivers. This is a higher standard of fitness than is required because drivers will be driving for a living and this is the standard that is required for other public transport drivers.

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<sup>16</sup> [Taxi and private hire licences - Dorset Council](#)

- 3.22. The medical must be completed using the Council form and must be submitted at the initial application. A fresh medical will be required at every subsequent renewal. All fees for the medical must be met by the applicant. Any medical certificate submitted must be less than one month old.
- 3.23. The medical must be either at the applicant's normal medical practice or by another doctor if, and only if they have access to the applicants full medical record, a summary of that record provided by the applicants doctor or access to an 'App' which holds the medical record. If the medical is carried out by another doctor, we will require applicants to sign a declaration to say they have disclosed all relevant information relating to their health, and the Doctor or health professional completing the form to declare they have had access to the relevant health records.
- 3.24. Licence holders must advise Dorset Council, in writing and within 48 hours, of any deterioration in their health that may affect their driving capabilities.

### Cost of a licence

- 3.25. The fee for a licence will be made up of two parts, the application fee which covers the Council's costs in considering the application. This fee is payable in all circumstances and must be made at the time of applying. If a licence is granted there will be an additional licence fee which covers the costs of compliance. Applicants may pay both fees at the time of application and if they are unsuccessful the licence fee element will be refunded, or, they may just choose to pay the application fee initially until a decision has been made regarding the licence, however the licence will not be issued until the remainder of the required fee is received.
- 3.26. Payments should be made by card either online or over the phone. Cheques may be accepted but this may cause delays in issuing licences to allow the funds to clear.
- 3.27. All licences issued will be for a "Combined Driver Licence" that will incorporate licences to drive both types of vehicles. This is because the tests for both type of licence are the same and as licences are issued for three years it allows a licence holder who has been considered as safe and suitable to drive both types of vehicle they wish to during the life of the licence. Dorset Council may grant licences for a lesser period if necessary.

### Procedure for applying for a licence.

- 3.28. Applicants for licences will need to complete all the relevant forms, tests, assessments and training before a decision will be taken as to whether they are 'Fit and Proper persons' to hold a licence.

### Decisions on Applications

- 3.29. Once the application has been made and all the additional checks and information have been received and if there is no adverse information that is revealed on any of the checks the application will be decided by Licensing Officers under delegated authority.
- 3.30. In any circumstance when information is revealed on checks, or assessments are failed the Council will consider each case on its merits. It will take account of cautions and convictions, whether spent or unspent, but only as far as they are relevant to an application for a licence. If there is content on a DBS or medical form, or when a test has been failed the application will be referred to the Licensing Team Leader or Service Manager in the first instance.
- 3.31. An applicant with a single historical spent conviction or a single motoring offence will be considered by the Licensing Team Leader or the Service Manager with the discretion to refer to a Sub-

Committee if they are not certain whether the revealed conviction poses a threat to the safety of the travelling public.

- 3.32. Any application where more than one relevant offence is revealed or where more than one current motoring conviction exists will be referred to a Sub-Committee for a decision.
- 3.33. Where there is any doubt as to the medical fitness of the applicant or licensed driver, the Council may request more information from the applicant's doctor or may require the applicant or licensed driver to undergo and pay for a further medical examination by a medical professional appointed by the Council.
- 3.34. If there are still concerns about the fitness of any applicant or licensed driver following the first medical or a further medical examination the Licensing Sub-Committee will review the medical evidence and make any final decision considering the medical evidence available.
- 3.35. Licences will normally be granted subject to the model set of conditions; however, these may be supplemented on a case-by-case basis by a Sub-Committee.

### Length of Licence

- 3.36. Drivers' licences will be issued for three years unless an applicant specifically requests a one-year licence. Driver's licences will not be issued for shorter periods or for a probationary period.

### Refusals

- 3.37. Any refusal to issue a licence will be recorded on the Local Government Association National Register (NR3)<sup>17</sup>.

### Licensed Drivers

- 3.38. Dorset Council expect that drivers will continue to be 'Fit and Proper Persons' throughout the time that they are licenced. Licenced drivers are expected to
  - Inform us within 48 hours of any criminal charges, convictions, arrests, or cautions
  - Inform us within 48 hours of any motoring convictions (points, fines or bans)
  - Inform us within 48 hours of any significant changes to their health
  - Comply with the conditions of their licence,
  - Always have their ID badges clearly visible whilst they are working,
  - Comply with the Driver's Code of Practice at appendix B covering conduct, dress and cleanliness.
- 3.39. If a licensed driver fails to inform the Licensing Team within 48 hours of any of the above, that failure will be taken into consideration by officers or Sub-Committees when they are required to make decisions about retaining or renewing their licence(s).

### DBS check every 6 months or update service

- 3.40. The Statutory Guidance states that DBS checks on drivers should be undertaken every six months so if an applicant or licence holder has not signed up to the DBS update service and fails to complete

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<sup>17</sup> [National Register of Taxi and Private Hire Licence Revocations and Refusals \(NR3\) | Local Government Association](#)

a DBS re-check after 6 monthly, then unless there are exceptional circumstance their licence will be suspended on the 7-month date and they will be unable to drive until the check is completed and the certificate returned.

### Conditions of Licence

- 3.41. Drivers' licences will be issued with the model conditions attached, these can be found in Appendix D.
- 3.42. Any breaches of the conditions of a licence can be dealt with by a verbal warning, a written warning or being reported to a Sub-Committee. Usually, a stepped approach would be taken. The action that is deemed by officers to be appropriate will take into account the severity of the breach and any history of previous breaches by the licence holder. If the matter is referred to the Sub-Committee, this will take the form of a hearing when the licence holder will be offered the opportunity to address the Sub-Committee before any decision is made.

### Drivers Badges

- 3.43. Once granted, a badge will be issued which shall remain the property of Dorset Council and must be surrendered if the licences are suspended or revoked by the Council. The badge shall be always displayed on the driver's person when they are acting as a licensed driver. The display may be around the driver's neck, attached to clothing by a clip, displayed on the dashboard in a holder or worn on the arm of the driver.

### Notification of Convictions/Charges/Arrests

- 3.44. Any convictions that are obtained whilst a driver holds a licence will be treated in line with the criminal conviction policy for new drivers. If the taxi team have not been informed of any arrest or charge relating to the conviction this will be considered when considering the offence and may lead to a stronger sanction.
- 3.45. Drivers who are convicted of any criminal or motoring offence or issued with a police caution during the period of their licence must disclose the conviction and the penalty imposed, in writing to the Licensing Team within 48 hours of receiving the caution or conviction. This also applies if drivers are arrested and released.
- 3.46. Each case will be dealt with on its individual merits and in line with the IOL Safe and Suitable which Dorset Council has adopted as it's Criminal Convictions Policy and will normally result in an appearance before a Sub-Committee to decide whether the driver remains a fit and proper person to hold a licence.
- 3.47. Any revocations will be entered on LGA NR3 Register

### Notification of Changes to Health

- 3.48. If a licensed driver has any significant changes to their health relating to any of the health conditions that are contained within the current Group 2 Standards contained in the DVLA "Fitness to Drive"<sup>18</sup> they must inform the Licensing Team within 48 hours. The Council will consider any information in line with the medical criteria for licensing group 2 drivers that is current at the time and if that

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<sup>18</sup> [Fitness to drive](#)

means that the driver is no longer fit to the Group 2 standard their licence will be suspended until they can meet the standard, as evidenced by information from their doctor or specialist, or have a new medical undertaken by a doctor with full knowledge of the medical history.

- 3.49. Failure to advise the Licensing Team of any medical change may be viewed as evidence of dishonesty and be referred to a Licensing Sub-Committee.

## Driver Code of Practice

- 3.50. Anything that serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed. To support this Dorset Council has a Driver Code of Practice, found at Appendix B, this should be read in conjunction with the other statutory and policy requirements set out in this document.
- 3.51. The code sets out the minimum standards Dorset Council considers appropriate in the drivers it licences and includes appearance, behaviour and hygiene.
- 3.52. Any breaches of this code will be treated on its merits and failure to observe the code may lead to a verbal warning, a written warning or a hearing before a Licensing Sub-Committee where consideration will always be given to any history of complaints when the decision as to the course of action that is appropriate in the circumstances.

## Renewal of Licences

- 3.53. Although every effort will be made to remind licence holders in the month preceding their expiry, when their licences are due to be renewed, it remains the responsibility of the licence holder to ensure that applications to renew are made at least five working days before the expiry date. Application forms, appropriate fees, and supporting documentation, must be submitted at the time of application. Applicants for renewals will need to ensure appointments for medicals are made well before the expiry date to ensure they are completed in the month before the expiry date.
- 3.54. At every renewal the Council will need to consider whether a driver remains a fit and proper person. For that reason, at every renewal application an applicant will have to undertake: -
- a fresh DBS check unless they have previously signed up to the DBS update service,
  - a new medical,
  - a check of DVLA licence for validity and points and a check of the history of complaints or any warnings that have been issued will be made.
  - Complete a [tax check](#)
- 3.55. It may be that drivers who were previously considered to be fit and proper under previous policies will need to have their applications scrutinised under the new policy. In these cases, consideration will be given to the length of time they have held a licence with the Council.
- 3.56. Any refusals to renew a licence will be entered on the LGA NR3 Register.

## Section 4 - Vehicles

### Introduction

- 4.1. Under section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976 a council may require any hackney carriage licensed by them under the Town Police Clauses Act of 1847 to

be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage. Vehicle licences will be issued for one year and may be transferred between proprietors on the production of an updated V5 Registration document. Licences are specific to one vehicle and may not lawfully be transferred to a different vehicle.

## Type of Vehicle

- 4.2. Dorset Council do not make any stipulation regarding the design and size, or appearance of the vehicles they will licence as either hackney carriages or private hire vehicles. This is due to the large and varied geographical nature of the Council's area.
- 4.3. Dorset Council has signed a climate emergency motion and will welcome applications for any vehicle that is either hybrid or fully electrically powered. In the Weymouth area where there is a restriction on the number of vehicles licensed as hackney carriages, licences for vehicles that are fully electrically powered will not be refused on the grounds that the limit would be exceeded.
- 4.4. Comfort in the vehicles is important and we will therefore licence a vehicle for the number of seats that an average adult can comfortably fit into. Each seat must meet the following criteria; -
  - the distance from the top of the seat cushions to the roof at its lowest point must not be less than 800 millimeters (31.5 inches)
  - each seat must allow at least 400 millimeters (15.8 inches) in width per person.
  - the distance between the rear of the front seats and the squab of the back seat must not be less than 750 millimeters (29.5 inches) to allow enough leg room
- 4.5. The Council will plate the vehicle for the number of adults that can comfortably sit in it and this may be any number between 1 passenger and 8 passengers.
- 4.6. Any vehicle that has previously been licensed for seats that do not meet the seat measurements will continue to be licensed for the life of the vehicle.

## Applications for Vehicle Licences

- 4.7. The suitability and safety of a vehicle will be checked to the same standard whether it is the first time it is licensed or whether it has been licensed before. Applicants will have to complete an application form or complete an online application, submit the current MOT, Insurance Certificate and V5 document and pay the relevant fee. No decision will be made until a mechanical Inspection form has been completed by an approved inspector and all the documentation has been supplied.
- 4.8. Any changes or renewals to these documents must be sent by post or email to Dorset Council. Officers may also require sight of such documents during the life of the licence to ensure continuous compliance.

## Identification of Licensed Vehicles

- 4.9. The Council does require that there are specific distinguishing marks to ensure that a vehicle can be clearly identified by any person approaching it or using it.
- 4.10. Hackney carriages are required to have; -
  - a roof sign that must be capable of being lit,
  - a rear plate displayed on the outside of the vehicle and

- an internal plate, either on the windscreen in a suitable holder or fixed to the dashboard that is clearly visible from the nearside front of the vehicle

4.11. Private hire vehicles be required to have; -

- a door sticker or magnetised sign with the words “pre-booked only”
- a rear plate affixed to the outside of the vehicle
- an internal plate either on the windscreen in a suitable holder or fixed to the dashboard that is clearly visible from the nearside front of the vehicle

4.12. Private hire vehicles will not be permitted to have a roof sign of any description as this could lead a person to believe they were a hackney carriage.

### Mechanical Safety

4.13. All vehicles will have to be mechanically sound, safe and comfortable. Before a licence is considered it will have to have a valid MOT if it is to be a hackney carriage and is more than one year old or more than three years old if it is to be a private hire vehicle.

4.14. Because licensed vehicles will normally do higher mileages than a domestic use vehicle it will have to be inspected and certified by an approved garage within 2 weeks of an application being submitted and before it is licensed. It will thereafter be inspected by an approved garage at the midway point of the licence, and prior to any renewal of the licence being granted.

4.15. All inspections will be carried out to the FTA National Standards<sup>19</sup> or any subsequent National Standards.

### Non-driver Proprietors

4.16. Most vehicles will be owned and driven by licensed hackney or private hire drivers, however there is nothing in law to prevent an unlicensed person from applying to hold a vehicle licence. In such circumstances the Council will require the applicant to produce a suitable DBS check to ensure that they are a suitable person to hold such a licence and that public safety is not compromised.

### Renewals of Licenses for Vehicles

4.17. All vehicle licences will be issued for one year and the Council will treat a renewal of a vehicle licence in the same way as a new licence and will require the same proof of mechanical soundness, insurance and ownership before a licence will be renewed.

4.18. Renewal applications must be made before the current licence expires, any late renewals will be treated as new applications and the vehicle must not be driven whilst the application is being processed and until the new plate and/or paper licence is issued.

### Transfers of Licences

4.19. Transfers of ownership of vehicles must be notified to the Council within 48 hours. There can be no transfer of licences between vehicles as there is no legislative provision for this.

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<sup>19</sup> [GetFile.aspx \(logistics.org.uk\)](http://logistics.org.uk)



## Condition of Vehicles

- 4.20. The Council expects all vehicles to be kept clean in good condition throughout their life as a licensed vehicle. It is expected that all vehicles will remain compliant and if there is any fault with the vehicle that would be likely to cause it to fail an inspection it will not be used.
- 4.21. Licensing Officers may carry out periodic ad-hoc inspections of vehicles and the Council has adopted a Vehicle Code of Practice, which can be found at Appendix C to assist both proprietors of vehicles and the Officers to make decisions about vehicle standards at this type of inspection.

## Accidental Damage

- 4.22. From time to time any vehicle can be involved in an accident. Proprietors of vehicles that have been in accidents must inform the Council within 48 hours of any accident that results in damage that needs to be repaired or is significant.
- 4.23. If the repair is for a prolonged period and when a replacement vehicle will be required, the Council may issue a licence for a temporary vehicle. Replacement vehicles need to be of the same standard as any other vehicle and will therefore be subject to the same process as any new vehicle. However, as they will only be required for a brief time the licence will only be subject to the application fee and will only be valid for 1 month. Should the repair take longer than 1 month, but no more than 6 months, temporary licences will be extended free of charge.

## Plate Exemptions

- 4.24. Plate exemptions will only be granted by exception and only if there is a need to remove a plate for matters relating to the safety of the occupant. Exemptions will only be granted if there has been evidence produced that satisfies the Council that there is a real and credible threat to safety of the person(s) travelling.

## CCTV

- 4.25. Dorset Council encourages any use of cameras that complies with the Data Protection Principles as laid out by the Information Commissioners Office (ICO)<sup>20</sup>.
- 4.26 Proprietors should inform the Licensing Team when any cameras are fitted and where it is installed officers may ask to see the Data Protection Impact Assessment (DPIA) that should have been completed before the installation any CCTV and will expect to receive any data relating to any complaint. Any failure to supply footage that is requested may result in a verbal or written warning or the matter may be referred to a Sub-Committee.

## Trailers

- 4.27. Trailers are permitted to be used with a licensed vehicle as long as they have been tested by the approved garage and found to be suitable in line with the FTA National Standards<sup>21</sup> or any subsequent National Standards issued by the DfT.

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<sup>20</sup> [Installing CCTV? Things you need to do first | ICO](#)

<sup>21</sup> [GetFile.aspx \(logistics.org.uk\)](#)

## Section 5 - Operators

### Introduction

- 5.1. As with any other licence the overriding concern is the safety of the travelling public. An Operator's Licence is required to allow a person to take bookings for private hire vehicles. All private hire vehicles must be linked to a licensed operator and owners of vehicles should inform the Licensing Team of any changes to the operator they are affiliated with.

### Applications for Operators Licences

- 5.2. Often applicants for private hire operators licences already hold private hire or hackney carriage drivers licences and so have been subject to a number of tests to determine whether they are a fit and proper person, a currently licensed driver who applies to become an operator will not normally be subject to any further DBS checks. If the applicant does not hold a current private hire or hackney carriage licence with Dorset Council, they will be required to produce a basic disclosure certificate from the DBS which will have to be re-checked annually in line with the Statutory Guidance.
- 5.3. Licences will be granted for a period of five years, however they may be suspended if the annual DBS check is not supplied. Applicants may only require a licence for a year and the Council will consider applications for shorter periods on request.
- 5.4. All applicants for operator licences, whether new or renewal, will be asked to produce a copy of their record keeping facilities prior to a licence being issued.

### Record Keeping

- 5.5. By law (section 56 LGMP76) operators must keep records and in line with the Statutory Guidance Dorset Council requires that records are kept of:-
  - Name of the passenger
  - Time of the request
  - Pick up point
  - Destination
  - Name of the driver
  - Licence number of driver
  - Vehicle registration
  - Name of person who took the booking
  - Name of dispatcher of the vehicle
- 5.6. New applicants will be expected to demonstrate their record keeping facilities to the Council before a licence is granted and Licensing Officers will routinely inspect the record keeping of all operators. All records will be kept for a minimum of six months and must be produced within 48 hours of any request for production by an authorised officer.

## Booking and Dispatch Staff

- 5.7. Operators must keep a register of all their booking staff and all booking staff will be required to have an annual basic disclosure check (DBS).

## Use of a Passenger Carrying Vehicle driver or Vehicle to fulfil a booking

- 5.8. The Statutory Guidance clearly states that private hire bookings should not be undertaken by PCV vehicles and drivers as they are not subject to the same level of checks as private hire drivers, any operator found to be using a vehicle that is not a licensed private hire vehicle or a hackney carriage may receive a verbal or written warning or may be referred to a Sub-Committee for consideration of their continuing suitability to hold a licence.

## Renewal of Operators Licences

- 5.9. Only a current licence can be renewed so it is imperative that any application to renew a licence is received before the existing licence expires. Any applications received after the expiry date of the previous licence will be treated as a new application and the operator will have to cease operating until such time as the new licence is granted. Renewal notices may be sent out as a courtesy, but it is the responsibility of the licence holder to ensure they renew on time.

## Complaints against drivers

- 5.10. Operators are expected to keep a written or computerised record of all complaints in a format that can be produced and shown to a visiting authorised officer on demand, or in a format that can be easily read if the request is by letter or email. We expect operators to report any serious complaints, any complaints that relate to inappropriate behaviour, or any complaints that lead to disciplinary measures. Complaints falling into these categories must be reported to the Licensing Team within 48 hours. All dismissals or any driver leaving their operation should also be reported within 48 hours.

## Section 6 - Appendices

### Appendix A - Equality Charter

#### Introduction

This charter has been drafted as a result of stakeholder engagement received when the new Taxi Policy was being developed. We were told that there were still instances, sadly too frequently, of people being refused travel, for example if they had guide dogs or walking aides, this is clearly unacceptable and feedback was that it made those affected feel like “second class citizens”.

This charter will set out the behaviours relating to equality issues that people using taxis in Dorset can expect to see. Any instances where this behaviour is not exhibited by a hackney carriage or private hire driver, or operator will be taken very seriously, and Dorset Council may take any driver falling short of this charter to a Sub-Committee to consider whether they are a “fit and proper” person to continue to hold a licence.

#### Equality

Equality is not about treating everyone the same – it is about giving everyone the same opportunity to use the taxi service. This means that some people will need more assistance in booking a vehicle, getting into a vehicle and alighting from a vehicle.

Dorset Council will take a three-staged approach to tackling inequality issues in taxis: -

1. Creating a Charter to set out expectations.
2. Working with providers to build a suite of training modules.
3. Developing a small accessibility toolkit to assist people travel comfortably.

This Charter will fulfil the first stage.

#### Expectations

Every customer, their friends and family, carers, personal assistants and travel companions, should be treated with courtesy and recognition of the diversity of conditions and impairments experienced and the impacts of these. This should be done from the perspective of the Social Model of Disability, which recognises that people are disabled by their environments, in terms of the physical, social and attitudinal barriers which are created by a society which fails to plan for and adapt to the diversity of experiences of individuals and therefore, the duty that services have to remove, as far as possible, those barriers.

Everyone should be treated with recognition that they are unique, without assumptions and a person-centered approach taken. Everyone involved in the customers’ journey, from the council licensing and inspecting operators to booking staff and drivers, should be aware of and sensitive to individuals and their supporters’ needs, without depriving customers of their independence. Time and help should be given freely and offered when appropriate, no-one should be disadvantaged nor left to struggle and aids and adaptations (including assistance or therapy dogs), accommodated willingly and without question.

Customers and their supporters are not defined by their experiences of disability and should not face intrusive or inappropriate questions or comments.

All information, signage and language issues by the Council and taxi operators at all stages must be fully inclusive and appreciate the diversity of customers' experiences, across all nine protected characteristics and the additional characteristics adopted by Dorset Council. This includes disability, gender identity and sexual and romantic identities and it is expected that everyone will feel taxi operators and transport are a safe space for them. Language should be gender neutral, not make assumptions, welcoming and inclusive of people and provide support whenever needed to maintain the safety of people both within and outside the taxi (e.g. as a place of solace and support if at risk of or under threat of physical or verbal harm).

All taxi operators and Dorset Council as the licensing authority, should offer and promote a transparent and accessible feedback and complaints mechanism. The standards of behaviour and treatment customers should rightly expect should be advertised via the booking system they use, whether this by telephone, app, website etc. and in the vehicles themselves. This information should be available in a variety of different formats, to be fully inclusive of people who may have communication barriers. Dorset Council should seek to offer a variety of mechanisms which take account of people's preferences and access issues, including those who are not digitally connected and those who need facilitated access. Feedback should be proactively sought via the same mechanism as is used to book a journey and the council, as the licensing authority, should seek to engage with a range of different community organisations representing diverse experiences, such as Dorset Disability Equality Forum, Help and Kindness, LGBT+ Voices Dorset Forum, Dorset Race Equality Council, Citizens Advice Central Dorset and LGBT+ Dorset Equality Network to name but a few.

#### Guide and Assistance Dogs

Drivers must take all assistance and therapy dogs unless they have a medical exemption certificate. If a driver has a medical exemption certificate, this should be advised at the point of booking and an alternative be explored if necessary. All customers should be able to decide how and where their dog travels with them.

#### Booking

When booking a journey, whether by phone, online or app, a checklist/series of questions should be asked to understand and be able to support the passenger's needs as well as possible. It is important this is not left until the driver picks up, so they have all the correct information, are able to support as needed and the vehicle is suitable for the passenger to proceed with their journey without delay/problem.

The driver must pick up this information and reliably use it. Collection of this information needs to be routinised by call handlers and made easily accessible whether booking online or via an app. The "spiel" must not be rushed through but pride incited in call handlers and drivers so they feel upskilled and positive about giving the service. All operators and drivers should be aware of and sensitive to the diversity of conditions people experience and able to respond appropriate to these.

It may not always be appropriate for the passenger to be interacted with directly - they may be uncomfortable or unable to communicate independently. The option to record an alternative contact should be facilitated via all booking methods and utilised if information is needed to be communicated, such as if the taxi is going to be late. This may apply for example in cases where the passenger has dementia or learning disabilities.

Return journeys should be bookable at the point of booking or taking the outward journey, to give reassurance that the person can get back at their chosen time and complete their journey.

Taxis should run punctually and should reasonably be expected to arrive within five minutes of their booked time, especially if it has been pre-ordered and if it is operating under contract from the

council. Unreliability can cause additional problems for passengers with additional needs and carers or supporters who have to deal with high levels of anxiety, distress and/or uncertainty. Contact via the booking method should be routinised if there are any delays or anticipated issues with providing the booked service.

Different payment methods, including cash, should be available as standard, to protect disabled people from potential vulnerabilities associated with different payment types, e.g. sharing card details. The cost of the journey should be made clear at time of booking so clients can have the exact amount of cash ready, if that is the desired payment method.

Booking methods, whether by phone, online or app, must effectively convey all requirements and drivers meet the requirements where agreed.

### Boarding

All passengers should reasonably expect to enter a freshly cleaned and safe vehicle, including having interior and exterior door handles and frames wiped down between bookings.

Drivers must not refuse, as often happens, to take people with particular conditions, which results in high levels of distress and the person being stranded. All drivers should willingly and freely assist, for example by opening car doors and dropping passengers off where it is safe, not simply where it is convenient for the driver.

### Journey

Drivers should be confident not only of the quickest routes but of the context of a route, to inspire passengers and reduce their anxiety. Space should be respected, as well as preferences to not communicate or ways of communicating. Communication should be compassionate and genuine, without being patronising or condescending.

### Getting out the taxi

People may need physical and emotional support getting in and out of taxis and making sure they get to where they need to go. Drop offs should be in a suitable place and the passenger may need taking into the building and/or be handed over to someone else. Drivers should make every effort to drop the client off as near to the venue entrance as possible & they should not be dropped off where a road needs to be crossed. Drivers should be sensitive to people's speed of action and movement and not show any impatience. If the passenger is visually impaired, drivers should give guidance to them as to exactly where they are positioned so that they can be aware of their surroundings.

## Appendix B – Driver’s Code of Practice

The Council recognises the valuable service provided by licensed drivers and operators. The following Code of Conduct will be used as a reference when any complaints are received that relate to the conduct of a licensed driver or operator. A driver or operator will always be given an opportunity to respond to any complaint before officers make a decision as to whether a warning is warranted. Serious substantiated reports may result in a hearing before a Licensing Sub-Committee. The Sub-Committee will consider the severity of the misconduct, this code, any previous appearances before them and any other information put to them.

### Customer Care

Passengers are entitled to expect a vehicle that is odour free and clean inside and out. This includes the boot or any luggage space.

A vehicle should be kept free of any rubbish.

The driver should always drive in an appropriate manner for their passengers, taking special care if they are vulnerable, old, young, nervous or disabled.

In the event of a pre-booked vehicle being unable to fulfil a booking the driver or operator will be expected to let the customer know as soon as possible to allow for alternative arrangements to be made.

Treating people with courtesy and having a sympathetic manner is very important - especially when dealing with complaints from customers. Drivers and operators are always expected to remain polite and well-mannered towards customers.

### Nuisance

Drivers should do their best not to cause a nuisance to their passengers, other drivers or other members of the public. This can include, but is not limited to, sounding a horn to attract a passengers attention, this may annoy others especially if it is early in the morning or repeated every day.

Radios should only be played with the consent of the hirer and should not cause a nuisance to anyone either inside or outside of the vehicle.

Leaving car engines running can cause fumes and noise nuisance, particularly in the middle of a town at quiet times, or if several cars are sitting at the same place at the same time.

If parking a licensed vehicle when it is not in use due consideration should be given to the potential impact on neighbours. Care should be given not to annoy neighbours by blocking other cars in or obstructing the road or driveways.

### Inappropriate behaviour

The following behaviours are unacceptable;

- Rude gestures or aggressive or threatening behaviour to other drivers or members of the public,
- Road rage,
- Rude or offensive notes on windows of premises or vehicles,
- Swearing at other drivers or members of the public.

### Inappropriate behaviour towards other licensed drivers

It is important that drivers have respect for each other and treat other members of their profession fairly. Complaints of cutting up or blocking other licensed drivers on the rank in order to secure a better position at the rank will be deemed to be inappropriate as will appropriating other drivers pre-booked fares.

### Disregarding requests from an Officer of the Council

Disregarding repeated reminders for things like incorrect plate display or producing an insurance certificate could lead to the licence holder being required to attend the Licensing Sub-Committee.

### Mobile Phones

Whilst Officers are unable to prosecute drivers for using handheld mobile phones or other devices Dorset Council consider this unacceptable behaviour as it may put the safety of the travelling public at risk. Any sightings by officers or substantiated complaints will be put before a Sub-Committee and or reported to the Police.

### Money

If a customer asks for a receipt, drivers are expected to be able to comply with their request.

While the law is quite clear on these points a driver or operator should make sure their passenger knows whether the fare is an agreed fare or will be run on the meter before the journey starts and preferably at the time of booking. Drivers should give a specific figure and not give an estimate as this can lead to disputes and complaints.

### Dress

It is not for the Council to tell drivers what to wear, however as Dorset Council licensed drivers a certain level of appearance and hygiene is expected. The wearing of offensive t-shirts, revealing clothing or dirty clothes may offend passengers and should be avoided.

The same goes for tattoos, if there is any possibility that a tattoo could cause offence or upset to any customer it should be covered up.

Should complaints be received a common-sense approach will be taken by Officers and the Sub-Committee as to whether a reasonable person is likely to be offended.

### Personal Hygiene

Drivers should maintain high standards of personal hygiene



## Appendix C - Vehicle Code of Practice

The vehicle should be maintained to a high standard, with vehicles cleaned and valeted on a frequent basis, especially during times of bad weather.

### Exteriors

Vehicles should be clean and free of damage. Cleanliness will be judged on the amount of dried mud on the vehicle, any finger marks on the boot opening, whether the plate and registration number are clearly visible.

The door handles must be fully operational and clean to the touch.

Vehicles should be free from damage, and repairs should be professional and properly finished. This will be judged by the number of scratches and dents that are clearly visible to any passenger about to enter the vehicle.

All lights should be functioning.

All tyres must comply with the legal limits.

### Interiors

Vehicle seats should be clean with no stains. Floor and ceiling coverings must be clean and have no stains.

All seat belts should be working and not damaged.

All door and window controls must be operational.

A good proportion of the boot or luggage space should be clean and available for passenger mobility aids, luggage or any other bags.

Child Seats - The law allows a child in a taxi to be carried without the need for a child seat or belt in the back seat. Over 3's should be in the back with a seat belt. [Child car seats: the law: When a child can travel without a car seat - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/child-car-seats-the-law-when-a-child-can-travel-without-a-car-seat)

## Appendix D - Driver Licence Conditions

These conditions of licence are made pursuant to Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976.

### Driver Badge

The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.

The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.

The badge must be returned to the Council immediately should the licence be suspended, revoked or becomes invalid for any reason (e.g. on expiry).

### Conduct of Driver

The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.

The driver must afford all reasonable assistance with passenger luggage as may be required.

At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).

The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability.

The driver must not smoke tobacco or like substance in the vehicle at any time as detailed by the Health Act 2006. Drivers should also refrain from vaping or other similar activities in licensed vehicles.

The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.

### Standard of Vehicle

The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.

The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

The driver of a private hire vehicle must be in attendance at an appointed time and place punctually unless delayed or prevented by sufficient cause.

Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / Hackney Carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'.

The driver must ensure that in cases where the vehicle has been fitted with a CCTV system, it is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes). Video recording must be active at all times. The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

#### Fares and Farecards

Drivers of hackney carriages must ensure that the fare card is displayed in a clearly accessible place.

Drivers of a private hire vehicles must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey.

When a fare scale is used in a private hire vehicle, the driver must ensure that the fare scale is displayed and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

The driver must not, if driving a licensed vehicle fitted with a taximeter, or other approved device, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

The driver must not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

The driver must, if requested by the hirer, provide a receipt for the fare paid, such receipt to bear the name and the badge number of the driver.

#### Passengers

The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence.

The driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

The driver must provide all reasonable assistance to passengers and especially those with a disability.

All drivers must comply with the requirements of The Equality Act 2010 duty to assist passengers in Wheelchairs Section 36 of the Disability Discrimination Act 1995 places a duty on the driver of a designated<sup>1</sup> wheelchair accessible Hackney Carriages and Private Hire vehicles to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

#### Duty to carry guide dogs and assistance dogs

The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle. Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle. Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where they may have concerns about excess dog hair being left in the vehicle.

#### Found Property

The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property must follow the guidelines contained within Dorset Police's Found Property Policy, unless an alternative arrangement has been made with the owner of the property. Dorset Police's policy can be found here: <https://www.dorset.police.uk/do-it-online/report-lost-and-found-property/found-property/>

#### Medical Condition(s)

The licence holder must notify the Council in writing within 48 hours of any change in medical condition.

#### Convictions, Cautions and Arrests

The licence holder must notify the Council in writing within 48 hours<sup>2</sup>, providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on them during the period of the licence.

#### Disclosure and Barring Service Online Update Service

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

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

#### Change of Operator

The licence holder must notify the Council in writing of any change of operator through whom they work.

### Change of Address and Email Address

The licence holder must notify the Council in writing/email within 2 working days of any change of their home address or email address taking place during the period of the licence, whether permanent or temporary.

### Customer and Other Personal Information

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

### Duty to Cooperate on Regulatory Matters

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

### Appearance of Driver

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

### Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 48 hours (by telephone or email).

## Appendix E - Vehicle Licence Conditions

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847.

The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder.

### Internal and External Licence Plates to be Displayed

The External Plate relating to that Licensed Vehicle shall be fixed to and displayed on the outside body of the Licensed Vehicle. The External Plate must be unobstructed and its contents should be legible from a distance of at least five (5) metres.

The Internal Plate relating to that Licensed Vehicle shall be fixed to and displayed on the left hand internal side of the windscreen of the Licensed Hackney Vehicle in such a position and manner so that there is nothing that covers its surface that would impair its legibility. The Internal Plate must be clearly visible to a person sitting in any rear seat of the Licensed Vehicle and seeking to view the Internal Plate looking either between the front seats or over the top of the passenger side front seat.

### Luggage

A roof rack may only be used when excess luggage is to be carried and any luggage so carried shall be safely secured and shall not exceed such weight or size that as can safely be carried on the vehicle.

Before any trailer is used with a licensed vehicle it will have been inspected at one of the Councils approved garages and an inspection form complying with Appendix A of the FTA will have been sent to the Council.

### Roof Signs

Licensed Hackney Carriages shall always be fitted with a roof sign indicating that it is a taxi. The roof sign should be on and/or above the roof of the Licensed Hackney Vehicle and will display the word "TAXI" to the front of the vehicle. In addition to the word "TAXI" the front of a Taxi Sign may only display a company name.

At all times that the Licensed Hackney Carriage is available for hire the roof sign will always be illuminated with an internal light source so that it is clearly visible to a person standing no less than five (5) metres from the vehicle.

Private Hire Vehicles must not display any type of roof sign.

### Other Signs and Notices, including Advertisements

Any third-party advertisements must be restricted to areas of the vehicle that do not contain important information such as the name of the operator or any identifying licence plates, signs or numbers.

Before any third-party advertisement is displayed on Licensed Vehicles pictures or diagrams of the proposed advertisements and where they will be placed on the vehicle must be submitted to the Council

Any advertisement must not be placed in a position where it would interfere with the identification of the vehicle or obscure window screens or back windows enough to cause a potential hazard or block the view of passengers.

Any advertisement must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Agency so all advertisements must be legal, decent, honest, and truthful. The code can be found here: <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>

No adverts may be displayed that: -

- Involves unlawful prejudice and/or discrimination.
- Promotes smoking.
- Promotes the irresponsible consumption of alcohol.
- Promotes gambling or betting, except licenced or registered lotteries benefiting local good causes e.g. society or local authority lotteries.
- Promotes pornography or adult content.
- Promotes weaponry.
- Promotes payday lenders or financial organisations with punitive interest rates.
- Appears to promote racial or sexual discrimination, or discrimination on the basis of disability, faith, gender or age (or other protected characteristic.)

### Additional Equipment

Any Lifting or Pulling Equipment fitted to a licensed vehicle will not be used unless it has been examined in accordance with all legislative requirements relating to that Lifting or Pulling Equipment and is without any defect.

### Tyres

A spare wheel tyre appropriate for the vehicle must be carried when the vehicle is being used for hire and reward.

All tyres fitted to the vehicle or carried as a spare must comply with the Motor Vehicles (Construction and Use) Regulations 1986 and Motor Vehicle (Tests) Regulations 1981.

Re-cut and Re-moulded Tyres are not acceptable for M1 passenger vehicles and re-mould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- Nominal size;
- Construction type (e.g. radial ply);
- Load capacity; and

- Speed capability Space Saver Tyres.

The carrying and use of Space saver tyres and tyre sealant kits will only be approved with the support of a method statement. The method statement will detail the drivers and vehicle owners responsibility with regard to the maximum permitted speed and restrictions of use and highlight that they are ONLY a temporary measure to complete the journey in which the puncture occurred.

An approved repair to BS AU159 or a replacement tyre must be undertaken before any further fares are carried. Run flat tyres fitted to any vehicle by the manufacturer will not be replaced by any other type or make either individually or all of them. The use of these tyres must be supported by a method statement (such as the manufacturers handbook for the vehicle) specifying the capability and restrictions of use following a puncture. In all cases the Tyre Pressure Monitoring System (TPMS) must be working correctly and if required, be reset when a tyre(s) are renewed ore replaced. Worn or damaged run flat tyres must be replaced by the same make and size.

#### No smoking

The Health Act 2006 came in to force on 1 July 2007 and from that date it required all enclosed public and work places to be smoke free. This also includes vehicles used for public transport. The legislation covers all hackney carriages and private hire vehicles. Any commercial vehicle carrying members of the public will be required to be smoke free at all times (even when no passengers are being carried).

The legislation requires a manager to ensure all commercial vehicles used to transport members of the public are smoke free. A no smoking sign must be displayed in the vehicle. Electronic cigarettes must not to be used/smoked in hackney and private hire vehicles at any time.

#### Valid Insurance

A Licensed Hackney Vehicle shall at all times that it is being used as a Hackney Carriage have as a minimum third-party insurance that complies with the requirements of Part VI of the Road Traffic Act 1988, or any other relevant legislation that imposes insurance requirements for motor vehicles.

#### Alterations

No alterations or modifications shall be made to a Licensed Hackney Vehicle without the prior written consent of the Council.

#### Inspections

Licensed vehicles will be inspected at an approved garage on the six-monthly anniversary of the date of the grant of the licence. Inspections can be arranged two weeks either side of this date.

#### Updating details

The licence holder must notify the Council in writing/email within 48 hours of any change of his/her address taking place during the period of the licence, whether permanent or temporary.



The licence holder must notify the Council in writing/email within 48 hours of any change of his/her contact numbers and/or email address taking place during the period of the licence, whether permanent or temporary \* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

#### Reporting of accidents

The licence holder must report any accident or damage to the vehicle within 1 day of the incident and provide full details

## Appendix F - Operator Licence Conditions

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847.

All operators must comply with the requirements of The Equality Act 2010.

### Record Keeping

Operators will keep records in a suitable book, the pages of which are numbered consecutively, a computer record or other durable recording format of: -

- a) Booking Records
- b) Driver Records
- c) Vehicle Records
- d) Booking and dispatch staff Register
- e) Complaints Records

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Booking Records will include particulars of every booking of a private hire vehicle invited or accepted by him and must include: -

- a) The time and date of the booking
- b) The name of the hirer or passenger
- c) The time of the pick-up
- d) The point of pick-up
- e) The destination
- f) The licence number of the vehicle allocated for the booking
- g) The name of the driver allocated for the booking
- h) The name of any individual who took the bookings (where applicable)
- i) The name of any individual that dispatched the vehicle (where applicable)
- j) Details of any sub-contract.

When the Operator passes the hiring to another company the record shall include the name, address, and Council with which that Operator is licensed. The records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records.

The Driver Records will include a record of the following particulars of all licensed drivers:

- a) The full names of the driver
- b) The permanent address of the driver
- c) The driver's date of birth
- d) The driver's licence (badge) number
- e) The start and expiry dates of the driver's licence issued by the Council
- f) The dates the driver's engagement/employment was commenced and terminated.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Vehicle Records will contain details of all the vehicles operated and will include; -

- a) The registration number of the vehicle

- b) The number of the identification plate provided by the Council pursuant to s.48(5) of the 1976 Act
- c) The make and model of the vehicle
- d) The name and address of the proprietor(s) of the vehicle
- e) The number of passengers permitted to be carried in the vehicle, as shown on the licence
- f) The start and expiry dates of the vehicle's licence issued by the Council
- g) The date on which the vehicle was added to the operator's fleet
- h) The date on which the vehicle was withdrawn from the operator's fleet.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Booking and Dispatch Staff Register will record details of all employee who take booking and dispatch vehicles. The Register will include the date that the operator had sight of a Basic DBS check, which must have been completed before any period of employment is started.

The Operator must have a written policy outlining how they will treat any disclosure of information that is revealed on a DBS Certificate.

The operator shall ensure all staff who take bookings and dispatch vehicles have been provided with suitable training in the awareness of and reporting of safeguarding concerns which includes human trafficking, county lines and child sexual exploitation. The operator will keep records for all staff who have received training.

The Complaints Records should contain:

- a) The date of the Complaint
- b) The name and contact details of the complainant
- c) The details of the journey
- d) The details of the complaint
- e) The action taken by the operator in response to the complaint.
- f) The operator shall notify the Council in writing, preferably email, within 48 hours, of any complaints that are either a safeguarding issue or are of a serious nature. Safeguarding issues would be anything that related to a child or a vulnerable adult. Operators should also report any drivers who receive multiple complaints.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

### Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: -

- a) Ensure that when a private hire vehicle has been hired to attend at the appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- b) Keep clean, heated, ventilated, and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- c) Ensure that any waiting area provided by the operator has adequate seating facilities;
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

- e) Ensure that all vehicles dispatched by them are always maintained in a safe and roadworthy condition.
- f) Publish a complaint handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council.

#### Updating Details

**Change of Operator's Home Address** The operator shall notify the Council in writing of any change of his/her home address during the period of the licence within seven days of such change taking place.

If an operator wishes to change the base from which they operate they will be required to submit a new application. (Note: all operators' business premises must be within the Dorset Council Boundary).

The operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on them (or, if the operator is a Company, of any its directors) during the period of the licence.

#### Public Liability Insurance

Operators shall always have a current valid policy of public liability insurance for any premises they are licensed to operate from if those premises are open to the public.

If the premises are open to the public the Certificate of Insurance must be displayed.

## Appendix G – Criminal Conviction Policy

The Full Policy that has been adopted can be found online at [guidance-on-suitability](#)

### *Foreword*

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC, Cornerstone Barristers

April 2018

## Chapter 1 - Introduction

- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications<sup>1</sup>. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

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<sup>1</sup> Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*<sup>2</sup>.

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

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<sup>2</sup> [2007] 1 WLR 2067

## Chapter 2 - Offenders and Offending - An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.<sup>3</sup> With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm<sup>4</sup>. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

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<sup>3</sup> DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

<sup>4</sup> Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press



- 2.6 Flaud<sup>5</sup> noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place<sup>6</sup>.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future<sup>7</sup>. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%<sup>8</sup>. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences<sup>9</sup>.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity<sup>10</sup>. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population<sup>11</sup>. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

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<sup>5</sup> Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>6</sup> Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>7</sup> Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

<sup>8</sup> Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

<sup>9</sup> Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

<sup>10</sup> McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

<sup>11</sup> Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

*Risk of re-offending:*

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”<sup>12</sup>.
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”<sup>13</sup>.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over<sup>14</sup>. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships<sup>15</sup>. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males<sup>16</sup>.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist<sup>17</sup>. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance<sup>18</sup>. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

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<sup>12</sup> National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

<sup>13</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

<sup>14</sup> Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

<sup>15</sup> Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

<sup>16</sup> Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

<sup>17</sup> Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

<sup>18</sup> Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3<sup>rd</sup> Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”<sup>19</sup>.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

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<sup>19</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

## Chapter 3 - 'Taxi' Licensing Overview

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:

"The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

### Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory

criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person<sup>20</sup>.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK<sup>21</sup>.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.<sup>22</sup>
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*<sup>23</sup>. Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or 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.”
- 3.16 This is reflected in a test widely used by local authorities:
- ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a 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?’<sup>24</sup>
- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

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<sup>20</sup> Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

<sup>21</sup> Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

<sup>22</sup> “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1<sup>st</sup> December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

<sup>23</sup> [2002] EWHC 1145 (Admin), [2003] RTR 199

<sup>24</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”<sup>25</sup>

This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments<sup>26</sup>. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared<sup>27</sup>) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker<sup>28</sup>.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks<sup>29</sup> and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

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<sup>25</sup> Local Government (Miscellaneous Provisions) Act 1976 s57(1)

<sup>26</sup> See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

<sup>27</sup> “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

<sup>28</sup> See *Adamson v Waveney District Council* [1997] 2 All ER 898

<sup>29</sup> “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability<sup>30</sup>.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account<sup>31</sup>. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

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<sup>30</sup> As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

<sup>31</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar*[2011] EWHC 2943 (Admin)

to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

#### *Private Hire Operators*

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same



authority<sup>32</sup>. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person<sup>33</sup>.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “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?”<sup>34</sup>
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

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<sup>32</sup> See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD

<sup>33</sup> Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>34</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation<sup>35</sup>. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

#### *Vehicle Proprietors*

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.

- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence<sup>36</sup> and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.

- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.

- 3.47 A suitable test would be:

“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

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<sup>35</sup> See s57(1)(c) of the 1976 Act.

<sup>36</sup> S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"<sup>37</sup>

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<sup>37</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 8.98

## Chapter 4 - Guidance on Determination

- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

### *Pre-application requirements*

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

#### *Vehicles:*

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership<sup>38</sup>) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

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<sup>38</sup>Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>39</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>40</sup>.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

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<sup>39</sup> This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

<sup>40</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

#### *Drivers*

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

#### Crimes resulting in death

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

#### Exploitation

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

#### Offences involving violence

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

#### Possession of a weapon

4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Sex and indecency offences

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

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



#### Dishonesty

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

#### Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

#### Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

#### Other motoring offences

- 4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not normally be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Hackney carriage and private hire offences

- 4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Private Hire Operators

- 4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

#### *Vehicle proprietors*

4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.54 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

### *Acknowledgements*

In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

The Institute is delighted to have the Local Government Association, the National Association of Licensing and Enforcement Officers and Lawyers in Local Government contributing to and supporting this project with IoL.

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- Ellie Greenwood and Rebecca Johnson, Local Government Association
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- Professor of Criminology Fiona Measham, Durham University
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- Councillors Catriona Morris and Mick Legg, Milton Keynes Council
- Louise Scott Garner
- Jenna Parker, Institute of Licensing

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Institute of Licensing  
Egerton House  
2 Tower Road Birkenhead CH41 1FN  
T: 0151 650 6984  
E: [info@instituteoflicensing.org](mailto:info@instituteoflicensing.org)



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Lawyers in Local Government (LLG). [www.lawyersinlocalgovernment.org](http://www.lawyersinlocalgovernment.org)



National Association of Licensing and Enforcement Officers (NALEO).  
[www.naleo.org.uk](http://www.naleo.org.uk)

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## Licensing Committee

11 October 2023

## Weymouth and Portland Zone Hackney Carriage Fares

### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** All Councillors

**Executive Director:** J Sellgren, Executive Director of Place

Report Author: Aileen Powell

Job Title: Licensing Team Leader

Tel: 01258 484022

Email: Aileen.Powell@dorsetcouncil.gov.uk

**Report Status:** Public

**Brief Summary:** To consider a rise to the maximum level of fares for the financial year 2024/25 for the Hackney Carriage Proprietors in Weymouth and Portland.

**Recommendations:** To recommend to the Portfolio Holder for Culture and Communities that they: -

- i. Consider the proposed 2024/25 maximum tariff for the Weymouth and Portland Hackney Carriage Zone as set out at Appendix 3.
- ii. Authorise a consultation with all of the Weymouth and Portland Hackney Carriage proprietors.
- iii. Authorise the public consultation of the new tariffs, including advertising in a local newspaper.
- iv. Agree that the new tariff will come into effect on 1 April 2024 if no objections are received within the specified time limit in the consultations.

**Reason for Recommendation:** To ensure openness and transparency in the Council's decision making, and to ensure that those persons affected by changes are given the opportunity to make representations.

## **1. Background**

- 1.1 The Dorset Council Taxi Licensing Policy removed the historic zones that have operated in the Dorset Council area, apart from the Weymouth and Portland Hackney Carriage Zone that remains in place due to the restricted number of vehicles that can operate as Hackney Carriages there. See paragraphs 2.16 - 2.19 of the Policy which is attached at Appendix 1.
- 1.2 Paragraph 2.25 of the Policy states there will be one maximum tariff for the whole Council area, apart from the Weymouth and Portland Zone.
- 1.3 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 sets out the legislative provisions for setting the maximum tariff. Section 65 requires that any changes to fares need to be advertised as part of a public consultation. An extract of the legislation is attached at Appendix 2.
- 1.4 The 2024/25 fares were proposed by the Weymouth and Portland Private Hire and Hackney Carriage Association as the final part of a three yearly plan for small increases each year.
- 1.5 It is proposed that the revised Tariff be brought into force on 1 April 2024.

## **2. New Fares**

- 2.1 The Weymouth Private Hire and Hackney Carriage Association are of the opinion that smaller annual increases are accepted by the travelling public better than infrequent larger ones.
- 2.2 Every Hackney Carriage Proprietor in Weymouth will be sent a copy of the proposed fares as part of a consultation exercise.
- 2.3 The existing tariff and the proposed tariff can be found at Appendix 3.
- 2.4 If the Licensing Committee agree to recommend the maximum tariff to the Portfolio Holder for Culture and Communities, two consultations will be carried out. The first will be with the Hackney Trade in Weymouth and Portland and the second will be a public consultation lasting two weeks which will include publishing a newspaper advertisement.
- 2.5 Should representations be received, the matter would be brought back to the Licensing Committee for consideration before any new tariff comes into effect.
- 2.6 If no representations are received, or the only representations received are in favour of the increase the new tariff, if agreed by the Licensing Committee and the Portfolio Holder for Culture and Community, the revised tariff would come into effect on 1 April 2024.



### **3. Financial Implications**

The funding for the public consultation of the fares will come from existing budgets. The Taxi and Private Hire Licensing regime is operated on a cost-recovery basis, so any advertising costs are met from this. There are no further financial implications arising from the recommendations of this report.

### **4. Natural Environment, Climate & Ecology Implications**

There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

### **5. Well-being and Health Implications**

There could potentially be an impact on the health and wellbeing of the public if the hackney carriage fares are set too high, which could make this form of transport inaccessible to some. The same could however be said if the fares are set too low resulting in a reduction of vehicles as they become uneconomical to run.

### **6. Other Implications**

There are no implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

### **7. Risk Assessment**

Having considered the risks associated with this decision, the level of risk has been identified as: -

Current Risk: Low

Residual Risk: Low

### **8. Equalities Impact Assessment**

An EqIA was prepared as part of the wider Dorset Council Taxi Licensing Policy consultation when the policy was adopted.

### **9. Appendices**

Appendix 1 Dorset Council Taxi Licensing Policy

Appendix 2 Legislation

Appendix 3 Existing and Proposed Tariff

### **10. Background Papers**

Local Government (Miscellaneous Provisions) Act 1976

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## **Taxi Licensing Policy**

**2022**

**1 Dec 2021**

### **Abstract**

A policy to cover the Licensing of Hackney Carriage Vehicles and Drivers and Private Hire Vehicles, Drivers and Operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

**Further copies of this document can be obtained from:**

Licensing Team  
Dorset Council  
Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Tel: 01305 251010

Email: [licensingteamb@dorsetcouncil.gov.uk](mailto:licensingteamb@dorsetcouncil.gov.uk)

Web: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/taxi-private-hire-vehicle-licences/taxi-and-private-hire-vehicle-licences.aspx>

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## Section 1 - Purpose and Scope of the Taxi Licensing Policy

### Purpose

- 1.1. The purpose of licensing drivers, vehicles and operators for public or private hire is for the protection of the public who use this form of public transport. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust that the driver is honest, competent, safe and trustworthy, that the car being used is suitable, safe and well maintained. Passengers should also be confident that the people who take the bookings for those cars are trustworthy and will safeguard confidential information.
- 1.2. This policy will set out how Dorset Council will manage applications, make decisions about who can drive and what vehicles will be licenced, what is expected from those that are licenced and how the Council will deal with complaints. The policy will be used to assist officers, the Licensing Committee and Sub-Committees to make decisions that are fair, clear and consistent. It will also inform the travelling public of what they can expect from a vehicle, driver or operator licensed by Dorset Council.
- 1.3. The Criminal Conviction Policy at Appendix G will come into effect on 1 December 2021. The remainder of this policy takes effect from 1 April 2022.

### Formulating the Policy

- 1.4. In creating this policy, and in all matters relating to the licensing of taxis and private hire vehicles Dorset Council will have regard to:
  - The law<sup>1</sup>
  - The Department for Transport Statutory Taxi & Private Hire Vehicle Standards July 2020 (DfT Standards)<sup>2</sup>
  - The Department for Transport Taxi and Private Hire Vehicle Best Practice Guidance March 2020 (DfT Best Practice)<sup>3</sup>
  - Freight Transport Association Hackney Carriage and Private Hire Vehicles National Inspection Standards August 2012 (FTA National Standards)<sup>4</sup>
  - Institute of Licensing Guidance on Determining the Suitability of Applicants April 2018 (IoL - Safe and Suitable)<sup>5</sup>
  - Dorset Council's Plan 2020 to 2024<sup>6</sup> (DC Plan)
- 1.5. The Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory standards in July 2020 which contains several recommendations that the Department for Transport (DfT) expects Councils to incorporate in their taxi licensing policies unless there is a compelling reason not to. This policy has been prepared incorporating all the recommendations contained within the DfT Standards.

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<sup>1</sup> [Town Police Clauses Act 1847](#), [Local Government Miscellaneous Provisions Act 1976](#), [Transport Act 1980](#)  
[Equalities Act 2010](#)

<sup>2</sup> [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](#)

<sup>3</sup> [Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(publishing.service.gov.uk\)](#)

<sup>4</sup> [GetFile.aspx \(logistics.org.uk\)](#)

<sup>5</sup> [Guidance on Suitability Web Version \(16 May 2018\).pdf \(instituteoflicensing.org\)](#)

<sup>6</sup> [Dorset Council's Plan](#)

- 1.6. Dorset Council was formed on 1 April 2019 from four District Councils, one Borough Council and the County Council. The policies of the five predecessor District and Borough Councils have been considered and areas of good practice within them is contained within the Dorset Council Taxi Licensing Policy.
- 1.7. Several small focus groups consisting of Councillors, the trade, officers and Equality Groups have helped formulate this draft policy and the policy will be put out to public consultation for 12 weeks. All consultation responses will be considered before the final version of the Policy is presented to Full Council for adoption.
- 1.8. Any reference to “Taxi” in this policy includes both Hackney Carriages and Private Hire Vehicles.
- 1.9. This policy will be subject to a full review during 2026 with a view to a revised Policy being implemented at the beginning of 2027. There will also be an annual interim review of the Policy to incorporate any emerging issues that may need to be addressed.

## Consultation

- 1.10. In preparing this policy the council has consulted with and considered the views of a wide range of people and organisations including:
  - Existing licence holders and their representatives
  - Representatives of local business
  - Local residents and their representatives
  - Local Councillors
  - Parish and town councils
  - Local members of parliament
  - Dorset Police
  - Dorset Council – Children’s Services
  - Dorset Council – Adults Services
  - Dorset Council – School Contract Service
  - Dorset Council – Highways
  - Dorset Council - Fleet
  - Adjoining Councils
  - Dorset Disability Forum

## Process for Adoption of the Policy

- 1.11. The draft policy will go through a number of committee meetings for consideration prior to adoption;
  - i. Licensing Committee
  - ii. Consultation
  - iii. Place and Resources Overview Committee
  - iv. Licensing Committee

## Section 2 - General Principles

### Importance of the Taxi Trade

- 2.1. Dorset Council recognises that the taxi trade is a fundamental component of the public transport network, especially in more rural areas of Dorset where it can be the only form of public transport. It is a heavily regulated industry for good reason, but Dorset Council will look to reduce the burden to licence holders where possible but only when the primary aim of the regulation, which is the safety of passengers, is not compromised to any degree.
- 2.2. The Council will hold meetings with the taxi trade at least twice a year and will send out regular newsletters to the taxi trade and to the Councillors sitting on the Licensing Committee.
- 2.3. Dorset Council is committed to providing online application processes across all areas to enable interactions with the Council to be completed at a time and in a place that suits the user. Currently applications for licences can be completed online in most areas already, and it is planned that this will be available across the whole area as soon as practicable.

### Protection of Children

- 2.4. Whilst the safety of everyone who uses licensed vehicles is of paramount importance, there are special concerns around children after well publicised cases of Safeguarding in other areas of the country. Most licensed drivers have completed a classroom-based form of Safeguarding training. Dorset Council will continue to support specialised training in this area for all new applicants to ensure they are aware of how to identify, and how to report any concerns they have that may indicate child exploitation, including County Lines involvement, Female Genital Mutilation or children being groomed. For any licensed drivers who have not completed any classroom based Safeguarding training this will need to be completed during the term of their next licence. Training will be regularly updated to incorporate any emerging trends. The licensing team will liaise with both the police and Dorset Council's children's service teams to ensure there is a joined-up approach to protecting young people, and we will undertake to advise drivers and operators of any areas of concern that they need to be aware of. As training evolves and becomes available, it may be incorporated into requirements for the renewal of driver's licences. Before any changes to mandatory training are made, all current drivers and all operators who may take on new drivers will be consulted, and enough time will be allowed for any current licence holder to complete the training during their next licence term.

### Adults at Risk

- 2.5. The DfT Standards were brought in to protect adults who are at risk as well as children. Adults at risk are defined in section 42 of the Care Act 2014 and apply to any adult who; -
  - a. has needs for care and support (whether or not the Authority is meeting any of those needs),
  - b. is experiencing or is at risk of abuse or neglect and
  - c. As a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

Dorset Council and Dorset Police have a joined-up approach to safeguarding and have a Multi-Agency Safeguarding Group which will both pass on and receive information relating to any complaints concerning vulnerable adults and taxis. All complaints that relate to a Vulnerable Adult will be referred to the MASH and there will be a co-ordinated response to any such matters. Taxis are such a vital method of transport for Vulnerable Adults that swift action may be taken if the safety of any Vulnerable Adult is in any way put at risk. It is important that every person travelling in a taxi not only is safe but feels safe as well.

The Council is committed to improving the safety of residents and visitors to Dorset and is currently reviewing the content of its mandatory safeguarding courses to include additional areas for improvement, including for example Domestic Abuse Awareness Training. Taxi drivers are valuable members of the community and can be a first point of contact for vulnerable adults in need of assistance and licence holders will be trained to spot the signs of abuse and respond appropriately where necessary, including signposting to services where potential victims can go for assistance.

## Equalities

- 2.6. Dorset Council is committed to building strong, healthy communities which will support inclusivity<sup>7</sup>. Addressing equality issues has historically involved keeping lists of Wheelchair Accessible Vehicles (WAVs). However not all people with disabilities use wheelchairs and so in formulating this policy Dorset Council is looking to undertake its duty under the Equalities Act by encouraging training in a diverse range of disabilities, creating a rating system based on the completion of training courses which will be advertised on the Council's web site and introducing an Equality Charter to inform drivers and operators of the standards that are expected of them, and to inform the travelling public of what standard of service they may expect.
- 2.7. It is estimated that around 1 in 5 people have one or more disabilities, many of which will be hidden. Rather than thinking in terms of specific disability this policy seeks to set an expectation that ALL people no matter what challenges they face have the same opportunity to access this form of public transport that is vital to being able to travel about in and out of Dorset. We want to ensure that equality is not a matter of treating everyone the same way, it is a matter of making sure that everyone can use a taxi safely and in comfort and that drivers and operators will take actions to ensure that anyone with a disability of any kind does not feel disadvantaged. This goes beyond allowing anyone using a dog to sit with them in a licensed vehicle to actively assisting elderly passengers with frames or walkers, to treating blind people with extra consideration when they exit a vehicle to ensure they are aware of where they are.
- 2.8. The "Equality Charter" (found at appendix A) will be used as a measure to judge complaints by. Dorset Council commit to actively promoting compliance with the Charter and driving out the inequality and the treatment of the disabled as 'second class' citizens and will deal with any reported incidents of either direct or in-direct discrimination by written warning if it is a first complaint or if it is a repeat complaint, by referral directly to a Sub-Committee.
- 2.9. The Council will work with third party providers to create training modules which will be made available that will lead to accreditation and a star rating system. These will be developed to include specific disabilities or types of disabilities and may also expand to training courses in additional

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<sup>7</sup> [Strong, healthy communities \(dorsetcouncil.gov.uk\)](http://dorsetcouncil.gov.uk)

areas for example, in suicide awareness. These courses are introduced to improve the quality of service and it will be a prerequisite that anyone signing up for the course may promote their services via their contact details being included in lists that are available to potential passengers.

- 2.10. We will provide a directory of drivers or operators who have passed specific training modules on our web site and make available in a written or other suitable format to anyone who requests it.

## Suitable Vehicles

- 2.11. Dorset Council recognises that action needs to be taken to protect the environment and the Licensing Team will work with the DC Highways Team to ensure a joined-up approach for any policies or strategies based on sustainability, such as the Electric Vehicle Charging Strategy. The Council will encourage the use of electric vehicles, and other Ultra Low Emission Vehicles by exploring the potential for reduced fees for applications for these types of vehicles. Any fees, or any changes to those fees will be subject to a separate consultation.
- 2.12. There are different approaches that can be taken to ensuring that vehicles are suitable to be licensed either by age, mileage or type. The area covered by Dorset Council is varied and the work carried out by licensed vehicles is equally varied. Therefore, the Council will not stipulate what types of vehicles may be licensed but will only licence a vehicle to carry the number of full-sized adult seats.
- 2.13. The work with focus groups suggest that it is the maintenance and upkeep of vehicles that is the most important consideration to assess the suitability of a vehicle rather than assigning an arbitrary age or mileage limit. For that reason, all vehicles will be inspected twice yearly by an approved garage to ensure compliance with the FTA Inspection Standards<sup>8</sup>, or any subsequent National Standard.
- 2.14. Vehicles may also be subject to spot checks by licensing officers, with or without partner agencies, to ensure they comply with the Vehicle Code of Practice found at appendix C.

## Insurance Write Offs

- 2.15. Insurance write offs will not be licensed if they fall in categories A, B or S as these vehicles will have been written off after suffering structural damage. Vehicles written off under Cat N may be licensed as they will not have been written off for sustaining any structural damage and will have to undergo comprehensive mechanical safety checks<sup>9</sup>.

## Zones

- 2.16. It is the Dorset Council's ambition that all licences should be aligned with the area covered by Dorset Council, in line with the recommendation in the DfT Best Practice<sup>10</sup>. It is recognised that this may cause issues, particularly in the one area where there is a limit on the number of hackney carriages that are licensed. The Unmet Demand Survey carried out in 2020 for Weymouth found that there was no unmet demand in general, although there was some unmet demand for

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<sup>8</sup> [GetFile.aspx \(logistics.org.uk\)](#)

<sup>9</sup> [What is an insurance write-off? Your Guide to Cat A, B, S \(C\) & N \(D\) | RAC Drive](#)

<sup>10</sup> [Paragraphs 89 – 91 DfT Best Practice](#)

wheelchair accessible vehicles (WAVs). Hackney Carriage owners in Weymouth pay an additional premium over three years to cover the cost of the survey, which is in the region of £12K.

- 2.17. Zoning will be removed from all the Dorset Council Areas where there are currently no limits to the number of vehicles. In the area formerly covered by Weymouth and Portland Borough Council the limit of 80 Hackney Carriages will remain in place for a period of three years. The consequence of having a limit is that it enables an authority to refuse any application if it would result in the limit being exceeded. However, because the Survey did find some unmet demand for WAVs, any application for a WAV will not be refused on the basis that the limit would be exceeded.
- 2.18. In addition, to support the climate emergency and to encourage ultra-low emission vehicles (ULEVs) any application for a fully electric hackney carriage will also not be refused on the basis that the limit would be exceeded. This policy will be reviewed in 2023 and affected licence holders will be consulted on any proposals to carry out (and pay for) another survey or to remove the limit of hackney carriages in the Weymouth area instead.
- 2.19. The effect of retaining this zone for Weymouth will mean that for hackney carriages only, those vehicles plated with a Weymouth Plate will be the only vehicles allowed to stand for hire on Weymouth Ranks. Weymouth hackney carriages will only be able to ply for hire within the Weymouth Zone. All other hackney carriages will be able to use ranks in any other area of Dorset, apart from Weymouth.

## Types of Licence

- 2.20. Hackney carriages and private hire vehicles are covered by different Acts of Parliament, with hackney carriages covered by the Town Police Clauses Act 1847 (TPCA47) and the Local Government Miscellaneous Provisions Act 1976 (LGMPA76)<sup>11</sup> and private hire vehicles covered only by the LGMPA76. Both hackney carriages and private hire vehicles can be booked over the phone or via a Booking App, but only hackney carriages can stand for hire on a rank or be hailed in the street.
- 2.21. Dorset Council is committed to cutting unnecessary bureaucracy. The predecessor Councils dealt with licensing drivers in a variety of ways with some of the Councils opting to issue combined driver's licences. As the same standards are applied to test the suitability of driver whether they drive a hackney carriage or a private hire vehicle this seems to be a sensible approach especially as driver's licences typically last for three years and drivers may change the type of vehicle they drive during that three years. Dorset Council will therefore issue drivers with either a combined badge and licences to drive both types of vehicle, a hackney carriage driver licence and badge or a private hire driver licence and badge depending on the needs of the applicant.

## Decisions

- 2.22. This Policy enables officers to grant and issue licences to drivers, vehicles and operators where the criteria of this Policy are fully met, under delegated authority. Any matters that fall outside of the Policy will be referred to a Sub-Committee of three trained Councillors from the Council's Licensing

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<sup>11</sup> [Town Police Clauses Act 1847](#), [Local Government Miscellaneous Provisions Act 1976](#),

Committee<sup>12</sup>. All decisions will be taken with reference to the following, and any new version of them; -

- applicable law,
- this policy
- DfT Standards
- DfT Best Practice Guidance
- NTA National Standards
- IoL - Safe and Suitable

2.23. Applicants, drivers, vehicle owners or operators who are referred to a Sub-Committee will be given a copy of the officer's report containing all the information that the Sub-Committee will consider at least five working days prior to the hearing. Applicants or licence holders will be invited to attend the hearing and give any information they believe is relevant to the Sub-Committee, and they can expect to be asked questions relating to the information contained in the report. Anyone appearing at a Sub-Committee may submit a statement for the Sub-Committee to consider prior to the hearing or at the hearing itself. Applicants and licence holders can bring legal representatives or any other person who will give them support to the hearing. All Sub-Committees will be held in private and will not be open to the public or the press, however decisions that are made may be reported anonymously in a general newsletter. Organising Sub-Committees takes considerable resources and so in the event of an applicant or licence holder not attending a hearing, the Sub-Committee will decide whether to continue in their absence or to adjourn the hearing to another time. If an applicant, driver or operator fails to attend for a second hearing officers will normally recommend that there is no further adjournment and the matter is heard.

2.24. There may be circumstances where immediate decisions need to be taken on matters of importance, in which case, they will be taken by the Service Manager or Licensing Team Leader in liaison with the Chair or Vice Chair of the Licensing Committee. This will only occur in cases where there is an immediate threat to the safety of the public and any delay would be of such a high risk that normal processes do not apply, such circumstances could be in cases of potential sexual exploitation or any other matter that in the Team Leader or Service Manager's opinion pose an imminent threat to the safety of the travelling public.

## Fares

2.25. Dorset Council must balance the ability of drivers to earn a living with ensuring fair access to this important mode of transport for all. Because there will be no zones, apart from the Weymouth and Portland Zone, there will be one maximum tariff set for all hackney carriages across the whole of the Council area. It is recognised that different areas may suit different tariffs and there is a need to allow an open market so there will only be a maximum limit set over which it will be an offence to charge. Vehicle proprietors are free to set their meters to a level that is equal or less than each element of the maximum allowed.

2.26. Vehicle proprietors are encouraged to clearly display the rates that they charge in a manner that can be viewed from the outside of vehicles so that customers are aware what they can expect to be charged.

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<sup>12</sup> [Committee details - Licensing Committee - Dorset Council](#)

## Licensed Vehicles should be easily identifiable.

- 2.27. It is imperative for safety reasons that licensed vehicles are easily recognisable as bona fide, licensed vehicles. All vehicles will be required to have plates on the outside rear of the vehicle, that are clearly visible to anyone travelling behind the vehicle, and smaller internal plates displayed in the windscreen of a vehicle, so they are identifiable from the front as they approach customers.
- 2.28. Door stickers or magnetised signs will be required for private hire vehicles stating “Pre-Booked Only”. These stickers must remain on the private hire vehicle at all times unless, and in exceptional circumstances where they are operating under a plate exemption when they can be removed for the time that the exemption applies. Vehicle proprietors may apply for an exemption to the requirement to have door stickers or magnets of this type.
- 2.29. There may very occasionally be exceptional circumstances where exemptions from the display of private hire vehicle plates will be considered but this will only be in exceptional circumstances, for example where the safety of the passenger(s) being transported in a plated vehicle would be compromised. Any request to obtain an exemption for the display of plates will need to be supported by evidence such as a contract or letter explaining why the passenger’s safety is compromised by the display of a plate. Any vehicle with an exemption certificate will be required to retain their plate in the boot, or other safe place if there is no boot, at all times.

## Advertising.

- 2.30. Previous predecessor Council policies have included restricting third party advertisements on licensed vehicles, however it is the Council’s view that these vehicles form part of the public transport network and other providers are permitted to have advertisements for third parties both inside and outside of vehicles, so taxis should also, within specific parameters.
- 2.31. Advertisements can provide alternative sources of income to taxi proprietors which will be allowed as it means that proprietors do not have to rely solely on fares for their earnings.
- 2.32. This must be balanced with the requirement to ensure that taxis are easily identifiable to any hirer and to ensure the safety and comfort of passengers. Therefore, third party advertisements are permissible, but they must be restricted to areas of the vehicle that do not contain important information such as the name of the operator or any identifying licence plates, signs or numbers.
- 2.33. Any vehicle proprietor should send pictures or diagrams of any proposed advertisements and where they will be placed on the vehicle into the Licensing Team. Officers will only object to their placement if: -
- a) they interfere with the identification of the vehicle or obscure window screens or back windows enough to cause a potential hazard or block the view of passengers, or
  - b) the content of the advertisement contravenes any of the following guidelines;
    - Does not comply with the Advertising Standards Authority’s advertising code; [www.asa.org.uk](http://www.asa.org.uk)



- Does not uphold the rules laid out in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) [www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx](http://www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx)
- Involves unlawful prejudice and/or discrimination.
- Promotes smoking.
- Promotes the irresponsible consumption of alcohol.
- Promotes gambling or betting, except licenced or registered lotteries benefiting local good causes e.g. society or local authority lotteries.
- Promotes pornography or adult content.
- Promotes weaponry.
- Promotes payday lenders or financial organisations with punitive interest rates.
- Appears to promote racial or sexual discrimination, or discrimination on the basis of disability, faith, gender or age (or other protected characteristic.)

Any operator not satisfied with a decision of an officer may request that the matter is referred to a licensing sub-committee.

- 2.34. Any advertisement must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Agency so all advertisements must be legal, decent, honest, and truthful. The code can be found here: <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>

## Codes

- 2.35. In addition to the Equality Charter Dorset Council has set out “codes of practice” which all licensed drivers are expected to adhere to, and which will be used when drivers and vehicles are inspected, when complaints are received and investigated and to assist with decision making. There are codes to cover vehicle cleanliness and the appearance and behaviour of drivers to other drivers, other road users, passengers and officers of the Council.

## Complaint Handling

- 2.36. All complaints that are received by Dorset Council will be investigated, but not all will result in any action being taken. Records will be kept of all complaints made and any action taken. Any patterns identified in relation to a company or a particular driver may result in actions such as written warnings or referrals to a Sub-Committee to consider whether the licence holder remains a “fit and proper person” to hold a licence.
- 2.37. If a complaint is found to be justified, that the driver, operator or vehicle owner has not complied with either a condition of licence or a code of practice, they may receive a verbal warning for a first complaint. Should a second complaint be investigated and upheld the licence holder could normally expect to be issued with a written warning. Any further complaints would normally be reported to Sub-Committee to consider whether the licence holder remains a “fit and proper person” to hold a licence. However, there may be times when a matter will remain at a verbal warning stage,

equally there may be occasions when a matter is so serious it needs to be escalated straight to a Sub-Committee hearing without either a verbal or written warning having been issued.

- 2.38. Any complaints about discrimination, inappropriate sexual behaviour or language involving children will be treated particularly robustly and where there is a credible and immediate threat to a child or other passengers an immediate suspension of a licence will be considered by the Licensing Team Leader or the Service Manager in consultation with the Chair or Vice Chair of the Licensing Committee.

## Inspections

- 2.39. All vehicles, 12 months or older, will have to comply with scheduled mechanical inspections every six months. Any failure to present a vehicle to a booked appointment may result in the suspension of the vehicle licence, unless there are exceptional circumstances, or the vehicle is re-booked and re-presented at the garage within 14 days.
- 2.40. Vehicle licences may also be suspended if they fail the mechanical inspection if the failure is, in the professional opinion of the mechanic carrying out the inspection, likely to affect the safety or suitability of the vehicle.
- 2.41. Drivers, vehicles and operators may be inspected on an ad hoc basis by officers of the Council. Licence holders will be expected to co-operate with these inspections it is not intended that these inspections will be overburdensome.

## Sharing Information

- 2.42. Dorset Council may share information about drivers, vehicles and operators with the Police, other teams within the Council, HMRC and other Government Departments and other Local Authorities. This will be limited to matters relating to prevention or detection of crime, fraud initiatives, investigation of complaints or any matter that may relate to Dorset Council Contracts.
- 2.43. Dorset Council will record any revocations or any decisions to refuse to licence on the Local Government National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3)<sup>13</sup>.

## CCTV and Dash Cams

- 2.44. Dorset Council covers a large and diverse area and there is no evidence available to suggest that the use of CCTV should be made mandatory, suitable evidence would relate to the prevention of crime and to consider a mandatory requirement there would need to be large numbers of complaints or reported incidents of violence towards drivers.
- 2.45. However, the value of CCTV and Dash Cams are recognised as is the footage they capture. Dorset Council encourages any use of cameras that comply with the Data Protection Principles as laid out

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<sup>13</sup> [National Register of Taxi and Private Hire Licence Revocations and Refusals \(NR3\) | Local Government Association](#)

by the Information Commissioners Office (ICO)<sup>14</sup>. Officers may ask to see the Data Protection Impact Assessment (DPIA) that should be completed before installing any CCTV.

- 2.46. Proprietors should inform the Licensing Team when any cameras are fitted. Where it is installed, officers will expect to receive any data relating to a complaint that is requested and any failure to supply the data will be taken into consideration and may result in a matter being referred to a Sub-Committee.

## Criminal Convictions and Rehabilitation

- 2.47. The Council takes its responsibilities very seriously and welcomes the national guidance on determining the suitability of applicants and licence holders that was produced in April 2018 by the Institute of Licensing in partnership with the Lawyers in Local Government (LLG), National Association of Licensing Enforcement Officers (NALEO) and the Local Government Association (LGA). Dorset Council adopts this guide as its Criminal Conviction Policy, the full version can be found at Appendix G.

## Disclosure and Barring Service Checks (DBS checks)

- 2.48. Previous policies have required that Enhanced Disclosure and Barring Service Checks (DBS checks) will be carried out every three years for drivers, with annual Basic DBS Checks being required for any private hire operator or vehicle proprietor who does not hold a taxi driver's licence. In line with the Statutory Guidance, drivers will now be required to sign up to the update service or have DBS checks completed every six months. Vehicle proprietors and Operators without drivers licences will continue to need a basic check completed when they initially licence and Operators will also be required to evidence they have seen Basic DBS checks for all their booking and dispatch staff. Further details about the DBS checks can be found in paragraphs 3.8 – 3.13 for drivers, 4.16 for vehicle proprietors and 5.2 and 5.7 for operators and their staff.

## Approved Garages

- 2.49. Inspections will be able to be carried out at any garage that the Council has approved. Only garages authorised to carry out MOTs may apply to be on the list of approved garages, and they will have to sign an agreement to;
- inspect vehicles to the standard as set out in the FTA National Inspection Standards
  - inspect the exterior and interior of the vehicle for cleanliness and damage,
  - test any meters or signs,
  - send information to the Council electronically, and
  - inform the Licensing Team immediately of any failures.
- 2.50. Contracts for approved garages will be issued annually and will automatically lapse if the garage is no longer authorised by DVSA to carry out MOT Inspections. Any complaints will be investigated, and the Licensing Team may carry out testing of approved garages for quality control purposes to ensure that standards are maintained throughout the term of the contract

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<sup>14</sup> [Installing CCTV? Things you need to do first | ICO](#)

## Section 3 - Drivers

### Introduction

- 3.1. Dorset Council will only grant any driver's licences to an applicant who is over 18, has held a driving licence for at least 12 months and the Council are satisfied is a "fit and proper person" to hold such a licence.

### Fit and Proper

- 3.2. To assist the Council to decide whether a person is fit and proper the following checks will be made-
- Right to work in the UK
  - UK driving licence
  - Criminal record
  - Medical history
  - Driving ability
  - Ability to speak and understand English
  - Knowledge of the law and this DC Taxi Policy
  - Knowledge of the area
  - Understanding and awareness of CSE
  - Confirm [registration for tax](#)
- 3.3. The application form must be completed accurately and honestly as if evidence is found that an applicant or licence holder has provided false information or omitted any relevant information in any application or submission to the Council, the application may be refused or any licence issued as a consequence of the incorrect or omitted information may be revoked.
- 3.4. This policy has been produced following the Statutory Taxi and Private Hire Vehicle Standards produced by the Department of Transport in July 2020. In every consideration of an application Dorset Council will take regard to these standards, the DfT Best Practice Guidance and IoL - Safe and Suitable, and any updated versions, when making any decisions relating to drivers.

### Right to work in the UK

- 3.5. Applicants must provide proof that they have a statutory right to work in the UK and checks will be made with the relevant agencies. Any applicant who has a limited right to work will not be issued a driver licence for a period longer than that limited period. The current list of documents that are acceptable for ID checks is available on the web page<sup>15</sup> as this list may be subject to change in line with any Government requirements.
- 3.6. National insurance numbers will be recorded and shared yearly with the Government as part of the National Fraud Initiative.

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<sup>15</sup> [Taxi and private hire licences - Dorset Council](#)

## UK Driving Licence

- 3.7. Applicants must be over 18 years of age and have held a full driving licence issued in the UK for at least 12 months. Drivers holding only foreign driving licences must obtain a GB counterpart document, if it is available, or obtain a Full UK driving licence.

## Criminal Record Check

- 3.8. A criminal record check on a driver is seen as an important safety measure. Dorset Council require an Enhanced Disclosure and a check of the Adults and Children's Barring Lists to be completed by all applicants for driver's licences. The Council is an approved Disclosure and Barring Service registered body; therefore, applicants must deal with the Disclosure and Barring Service through the Council and the required fee incorporated within the application fee.
- 3.9. The Rehabilitation of Offenders Act 1974 does not apply to applicants for drivers' licences and applicants are required to disclose all convictions, including those that would normally be regarded as spent, as well as arrests, charges or cautions on their application form. Applicants with relevant offences, cautions, charges or arrests or who have failed to declare them on their forms will be referred to a Licensing Sub-Committee for consideration.
- 3.10. Dorset Council is bound by rules of confidentiality and will not divulge information obtained to any third parties or keep copies of any completed criminal record checks after a decision has been made. An applicant for a DBS disclosure will be sent a DBS Certificate to their home address. If there is any content disclosed, they will be required to present the original Certificate to the Licensing Team within 14 days. The DBS Certificate will be used to process the application and then returned to the driver after a decision has been made.
- 3.11. Because of the very strict need for confidentiality for an enhanced check this information cannot be shared with any other department within the Council. If an applicant will be undertaking any School Contract work, they will have to complete checks with that department, this is because the coding under which the DBS check is undertaken is different for a general taxi licence and one for working with children or adults.
- 3.12. Applicants who have been resident in another country for more than three consecutive months will be required to provide a certificate of good conduct from each country within which they have resided.
- 3.13. New DBS disclosures will be required every 6 months once a licence is granted, unless the licence holder subscribes to the DBS update service. If the update service is not subscribed to, Dorset Council will require a new check within 2 weeks either side of the 6-month anniversary of the granting of a licence. These checks will be undertaken by Dorset Council and will subject to a fee.

## Driver Knowledge and Suitability Test

- 3.14. A Knowledge and Suitability Test (KaST) will be used to consider the suitability of an applicant for a licence. The content will vary from time to time to reflect any emerging issues. The test will consist of; -
- a discussion about why the applicant wishes to become a driver and how and where they will be working,
  - a formal question and answer element testing that they have a good understanding of the law covering both types of licence, the Highway Code, the conditions that will be attached

to licences, and anything else contained within this policy including the contents of the appendices,

- a geographical element to ensure that they have a good knowledge of the area that they will be working in,
- an English language element to ensure that the driver can communicate with passengers, and,
- a numerical element to ensure that a driver can give the correct change in cash transactions.

3.15. If a person has previously completed a knowledge test and subsequently surrenders the licence and they decide to apply again, a new test will not be required if they re-apply for a licence within 12 months. If more than 12 months has elapsed since the licence was surrendered, or the licence was refused or revoked a new test will have to be undertaken and passed if a new licence is applied for.

### Child Safeguarding Awareness Training

3.16. All new applicants for a driver licence will have to have completed a training course as specified by the Council on spotting and reporting signs relating to Child Safeguarding Awareness.

3.17. The training programme will cover the key areas of responsibility for licenced drivers with the overall aim of equipping them with the skills and knowledge to spot the signs of safeguarding and know what to do if they come across anything that may give rise to concerns. The exact nature of the training may change from time to time or if the current provider becomes unavailable.

### Driving Proficiency

3.18. The Driving Standards Agency (DSA) provides a driving test specifically designed for hackney carriage and private hire drivers, if an applicant has passed this test or holds an advanced driving qualification, they will not be required to undertake any further test or assessment.

3.19. If an applicant does not hold an advanced driving qualification, they will be required to undertake, and pass, a driving assessment with an approved instructor at their own expense. A full list of approved instructors can be found on the web site<sup>16</sup>, and may be updated and changed from time to time.

3.20. If a person has previously completed a driving assessment and subsequently surrenders the licence and then they decide to apply again, a new assessment will not be required if they re-apply for a licence within 12 months. If more than 12 months has elapsed since the licence was surrendered, or the licence was refused or revoked a new assessment will have to be undertaken and passed if a new licence is applied for.

### Medical Examination

3.21. Dorset Council requires all applicants to meet the Group 2 Standards of Medical Fitness (as applied by the DVLA to the licensing of lorry and bus drivers) as this is the appropriate standard for licensed hackney carriage and private hire drivers. This is a higher standard of fitness than is required because drivers will be driving for a living and this is the standard that is required for other public transport drivers.

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<sup>16</sup> [Taxi and private hire licences - Dorset Council](#)

- 3.22. The medical must be completed using the Council form and must be submitted at the initial application. A fresh medical will be required at every subsequent renewal. All fees for the medical must be met by the applicant. Any medical certificate submitted must be less than one month old.
- 3.23. The medical must be either at the applicant's normal medical practice or by another doctor if, and only if they have access to the applicants full medical record, a summary of that record provided by the applicants doctor or access to an 'App' which holds the medical record. If the medical is carried out by another doctor, we will require applicants to sign a declaration to say they have disclosed all relevant information relating to their health, and the Doctor or health professional completing the form to declare they have had access to the relevant health records.
- 3.24. Licence holders must advise Dorset Council, in writing and within 48 hours, of any deterioration in their health that may affect their driving capabilities.

### Cost of a licence

- 3.25. The fee for a licence will be made up of two parts, the application fee which covers the Council's costs in considering the application. This fee is payable in all circumstances and must be made at the time of applying. If a licence is granted there will be an additional licence fee which covers the costs of compliance. Applicants may pay both fees at the time of application and if they are unsuccessful the licence fee element will be refunded, or, they may just choose to pay the application fee initially until a decision has been made regarding the licence, however the licence will not be issued until the remainder of the required fee is received.
- 3.26. Payments should be made by card either online or over the phone. Cheques may be accepted but this may cause delays in issuing licences to allow the funds to clear.
- 3.27. All licences issued will be for a "Combined Driver Licence" that will incorporate licences to drive both types of vehicles. This is because the tests for both type of licence are the same and as licences are issued for three years it allows a licence holder who has been considered as safe and suitable to drive both types of vehicle they wish to during the life of the licence. Dorset Council may grant licences for a lesser period if necessary.

### Procedure for applying for a licence.

- 3.28. Applicants for licences will need to complete all the relevant forms, tests, assessments and training before a decision will be taken as to whether they are 'Fit and Proper persons' to hold a licence.

### Decisions on Applications

- 3.29. Once the application has been made and all the additional checks and information have been received and if there is no adverse information that is revealed on any of the checks the application will be decided by Licensing Officers under delegated authority.
- 3.30. In any circumstance when information is revealed on checks, or assessments are failed the Council will consider each case on its merits. It will take account of cautions and convictions, whether spent or unspent, but only as far as they are relevant to an application for a licence. If there is content on a DBS or medical form, or when a test has been failed the application will be referred to the Licensing Team Leader or Service Manager in the first instance.
- 3.31. An applicant with a single historical spent conviction or a single motoring offence will be considered by the Licensing Team Leader or the Service Manager with the discretion to refer to a Sub-

Committee if they are not certain whether the revealed conviction poses a threat to the safety of the travelling public.

- 3.32. Any application where more than one relevant offence is revealed or where more than one current motoring conviction exists will be referred to a Sub-Committee for a decision.
- 3.33. Where there is any doubt as to the medical fitness of the applicant or licensed driver, the Council may request more information from the applicant's doctor or may require the applicant or licensed driver to undergo and pay for a further medical examination by a medical professional appointed by the Council.
- 3.34. If there are still concerns about the fitness of any applicant or licensed driver following the first medical or a further medical examination the Licensing Sub-Committee will review the medical evidence and make any final decision considering the medical evidence available.
- 3.35. Licences will normally be granted subject to the model set of conditions; however, these may be supplemented on a case-by-case basis by a Sub-Committee.

### Length of Licence

- 3.36. Drivers' licences will be issued for three years unless an applicant specifically requests a one-year licence. Driver's licences will not be issued for shorter periods or for a probationary period.

### Refusals

- 3.37. Any refusal to issue a licence will be recorded on the Local Government Association National Register (NR3)<sup>17</sup>.

### Licensed Drivers

- 3.38. Dorset Council expect that drivers will continue to be 'Fit and Proper Persons' throughout the time that they are licenced. Licenced drivers are expected to
  - Inform us within 48 hours of any criminal charges, convictions, arrests, or cautions
  - Inform us within 48 hours of any motoring convictions (points, fines or bans)
  - Inform us within 48 hours of any significant changes to their health
  - Comply with the conditions of their licence,
  - Always have their ID badges clearly visible whilst they are working,
  - Comply with the Driver's Code of Practice at appendix B covering conduct, dress and cleanliness.
- 3.39. If a licensed driver fails to inform the Licensing Team within 48 hours of any of the above, that failure will be taken into consideration by officers or Sub-Committees when they are required to make decisions about retaining or renewing their licence(s).

### DBS check every 6 months or update service

- 3.40. The Statutory Guidance states that DBS checks on drivers should be undertaken every six months so if an applicant or licence holder has not signed up to the DBS update service and fails to complete

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<sup>17</sup> [National Register of Taxi and Private Hire Licence Revocations and Refusals \(NR3\) | Local Government Association](#)



a DBS re-check after 6 monthly, then unless there are exceptional circumstance their licence will be suspended on the 7-month date and they will be unable to drive until the check is completed and the certificate returned.

### Conditions of Licence

- 3.41. Drivers' licences will be issued with the model conditions attached, these can be found in Appendix D.
- 3.42. Any breaches of the conditions of a licence can be dealt with by a verbal warning, a written warning or being reported to a Sub-Committee. Usually, a stepped approach would be taken. The action that is deemed by officers to be appropriate will take into account the severity of the breach and any history of previous breaches by the licence holder. If the matter is referred to the Sub-Committee, this will take the form of a hearing when the licence holder will be offered the opportunity to address the Sub-Committee before any decision is made.

### Drivers Badges

- 3.43. Once granted, a badge will be issued which shall remain the property of Dorset Council and must be surrendered if the licences are suspended or revoked by the Council. The badge shall be always displayed on the driver's person when they are acting as a licensed driver. The display may be around the driver's neck, attached to clothing by a clip, displayed on the dashboard in a holder or worn on the arm of the driver.

### Notification of Convictions/Charges/Arrests

- 3.44. Any convictions that are obtained whilst a driver holds a licence will be treated in line with the criminal conviction policy for new drivers. If the taxi team have not been informed of any arrest or charge relating to the conviction this will be considered when considering the offence and may lead to a stronger sanction.
- 3.45. Drivers who are convicted of any criminal or motoring offence or issued with a police caution during the period of their licence must disclose the conviction and the penalty imposed, in writing to the Licensing Team within 48 hours of receiving the caution or conviction. This also applies if drivers are arrested and released.
- 3.46. Each case will be dealt with on its individual merits and in line with the IOL Safe and Suitable which Dorset Council has adopted as it's Criminal Convictions Policy and will normally result in an appearance before a Sub-Committee to decide whether the driver remains a fit and proper person to hold a licence.
- 3.47. Any revocations will be entered on LGA NR3 Register

### Notification of Changes to Health

- 3.48. If a licensed driver has any significant changes to their health relating to any of the health conditions that are contained within the current Group 2 Standards contained in the DVLA "Fitness to Drive"<sup>18</sup> they must inform the Licensing Team within 48 hours. The Council will consider any information in line with the medical criteria for licensing group 2 drivers that is current at the time and if that

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<sup>18</sup> [Fitness to drive](#)

means that the driver is no longer fit to the Group 2 standard their licence will be suspended until they can meet the standard, as evidenced by information from their doctor or specialist, or have a new medical undertaken by a doctor with full knowledge of the medical history.

- 3.49. Failure to advise the Licensing Team of any medical change may be viewed as evidence of dishonesty and be referred to a Licensing Sub-Committee.

## Driver Code of Practice

- 3.50. Anything that serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed. To support this Dorset Council has a Driver Code of Practice, found at Appendix B, this should be read in conjunction with the other statutory and policy requirements set out in this document.
- 3.51. The code sets out the minimum standards Dorset Council considers appropriate in the drivers it licences and includes appearance, behaviour and hygiene.
- 3.52. Any breaches of this code will be treated on its merits and failure to observe the code may lead to a verbal warning, a written warning or a hearing before a Licensing Sub-Committee where consideration will always be given to any history of complaints when the decision as to the course of action that is appropriate in the circumstances.

## Renewal of Licences

- 3.53. Although every effort will be made to remind licence holders in the month preceding their expiry, when their licences are due to be renewed, it remains the responsibility of the licence holder to ensure that applications to renew are made at least five working days before the expiry date. Application forms, appropriate fees, and supporting documentation, must be submitted at the time of application. Applicants for renewals will need to ensure appointments for medicals are made well before the expiry date to ensure they are completed in the month before the expiry date.
- 3.54. At every renewal the Council will need to consider whether a driver remains a fit and proper person. For that reason, at every renewal application an applicant will have to undertake: -
- a fresh DBS check unless they have previously signed up to the DBS update service,
  - a new medical,
  - a check of DVLA licence for validity and points and a check of the history of complaints or any warnings that have been issued will be made.
  - Complete a [tax check](#)
- 3.55. It may be that drivers who were previously considered to be fit and proper under previous policies will need to have their applications scrutinised under the new policy. In these cases, consideration will be given to the length of time they have held a licence with the Council.
- 3.56. Any refusals to renew a licence will be entered on the LGA NR3 Register.

## Section 4 - Vehicles

### Introduction

- 4.1. Under section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976 a council may require any hackney carriage licensed by them under the Town Police Clauses Act of 1847 to

be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage. Vehicle licences will be issued for one year and may be transferred between proprietors on the production of an updated V5 Registration document. Licences are specific to one vehicle and may not lawfully be transferred to a different vehicle.

## Type of Vehicle

- 4.2. Dorset Council do not make any stipulation regarding the design and size, or appearance of the vehicles they will licence as either hackney carriages or private hire vehicles. This is due to the large and varied geographical nature of the Council's area.
- 4.3. Dorset Council has signed a climate emergency motion and will welcome applications for any vehicle that is either hybrid or fully electrically powered. In the Weymouth area where there is a restriction on the number of vehicles licensed as hackney carriages, licences for vehicles that are fully electrically powered will not be refused on the grounds that the limit would be exceeded.
- 4.4. Comfort in the vehicles is important and we will therefore licence a vehicle for the number of seats that an average adult can comfortably fit into. Each seat must meet the following criteria; -
  - the distance from the top of the seat cushions to the roof at its lowest point must not be less than 800 millimeters (31.5 inches)
  - each seat must allow at least 400 millimeters (15.8 inches) in width per person.
  - the distance between the rear of the front seats and the squab of the back seat must not be less than 750 millimeters (29.5 inches) to allow enough leg room
- 4.5. The Council will plate the vehicle for the number of adults that can comfortably sit in it and this may be any number between 1 passenger and 8 passengers.
- 4.6. Any vehicle that has previously been licensed for seats that do not meet the seat measurements will continue to be licensed for the life of the vehicle.

## Applications for Vehicle Licences

- 4.7. The suitability and safety of a vehicle will be checked to the same standard whether it is the first time it is licensed or whether it has been licensed before. Applicants will have to complete an application form or complete an online application, submit the current MOT, Insurance Certificate and V5 document and pay the relevant fee. No decision will be made until a mechanical Inspection form has been completed by an approved inspector and all the documentation has been supplied.
- 4.8. Any changes or renewals to these documents must be sent by post or email to Dorset Council. Officers may also require sight of such documents during the life of the licence to ensure continuous compliance.

## Identification of Licensed Vehicles

- 4.9. The Council does require that there are specific distinguishing marks to ensure that a vehicle can be clearly identified by any person approaching it or using it.
- 4.10. Hackney carriages are required to have; -
  - a roof sign that must be capable of being lit,
  - a rear plate displayed on the outside of the vehicle and

- an internal plate, either on the windscreen in a suitable holder or fixed to the dashboard that is clearly visible from the nearside front of the vehicle

4.11. Private hire vehicles be required to have; -

- a door sticker or magnetised sign with the words “pre-booked only”
- a rear plate affixed to the outside of the vehicle
- an internal plate either on the windscreen in a suitable holder or fixed to the dashboard that is clearly visible from the nearside front of the vehicle

4.12. Private hire vehicles will not be permitted to have a roof sign of any description as this could lead a person to believe they were a hackney carriage.

### Mechanical Safety

4.13. All vehicles will have to be mechanically sound, safe and comfortable. Before a licence is considered it will have to have a valid MOT if it is to be a hackney carriage and is more than one year old or more than three years old if it is to be a private hire vehicle.

4.14. Because licensed vehicles will normally do higher mileages than a domestic use vehicle it will have to be inspected and certified by an approved garage within 2 weeks of an application being submitted and before it is licensed. It will thereafter be inspected by an approved garage at the midway point of the licence, and prior to any renewal of the licence being granted.

4.15. All inspections will be carried out to the FTA National Standards<sup>19</sup> or any subsequent National Standards.

### Non-driver Proprietors

4.16. Most vehicles will be owned and driven by licensed hackney or private hire drivers, however there is nothing in law to prevent an unlicensed person from applying to hold a vehicle licence. In such circumstances the Council will require the applicant to produce a suitable DBS check to ensure that they are a suitable person to hold such a licence and that public safety is not compromised.

### Renewals of Licenses for Vehicles

4.17. All vehicle licences will be issued for one year and the Council will treat a renewal of a vehicle licence in the same way as a new licence and will require the same proof of mechanical soundness, insurance and ownership before a licence will be renewed.

4.18. Renewal applications must be made before the current licence expires, any late renewals will be treated as new applications and the vehicle must not be driven whilst the application is being processed and until the new plate and/or paper licence is issued.

### Transfers of Licences

4.19. Transfers of ownership of vehicles must be notified to the Council within 48 hours. There can be no transfer of licences between vehicles as there is no legislative provision for this.

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<sup>19</sup> [GetFile.aspx \(logistics.org.uk\)](http://logistics.org.uk)

## Condition of Vehicles

- 4.20. The Council expects all vehicles to be kept clean in good condition throughout their life as a licensed vehicle. It is expected that all vehicles will remain compliant and if there is any fault with the vehicle that would be likely to cause it to fail an inspection it will not be used.
- 4.21. Licensing Officers may carry out periodic ad-hoc inspections of vehicles and the Council has adopted a Vehicle Code of Practice, which can be found at Appendix C to assist both proprietors of vehicles and the Officers to make decisions about vehicle standards at this type of inspection.

## Accidental Damage

- 4.22. From time to time any vehicle can be involved in an accident. Proprietors of vehicles that have been in accidents must inform the Council within 48 hours of any accident that results in damage that needs to be repaired or is significant.
- 4.23. If the repair is for a prolonged period and when a replacement vehicle will be required, the Council may issue a licence for a temporary vehicle. Replacement vehicles need to be of the same standard as any other vehicle and will therefore be subject to the same process as any new vehicle. However, as they will only be required for a brief time the licence will only be subject to the application fee and will only be valid for 1 month. Should the repair take longer than 1 month, but no more than 6 months, temporary licences will be extended free of charge.

## Plate Exemptions

- 4.24. Plate exemptions will only be granted by exception and only if there is a need to remove a plate for matters relating to the safety of the occupant. Exemptions will only be granted if there has been evidence produced that satisfies the Council that there is a real and credible threat to safety of the person(s) travelling.

## CCTV

- 4.25. Dorset Council encourages any use of cameras that complies with the Data Protection Principles as laid out by the Information Commissioners Office (ICO)<sup>20</sup>.
- 4.26 Proprietors should inform the Licensing Team when any cameras are fitted and where it is installed officers may ask to see the Data Protection Impact Assessment (DPIA) that should have been completed before the installation any CCTV and will expect to receive any data relating to any complaint. Any failure to supply footage that is requested may result in a verbal or written warning or the matter may be referred to a Sub-Committee.

## Trailers

- 4.27. Trailers are permitted to be used with a licensed vehicle as long as they have been tested by the approved garage and found to be suitable in line with the FTA National Standards<sup>21</sup> or any subsequent National Standards issued by the DfT.

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<sup>20</sup> [Installing CCTV? Things you need to do first | ICO](#)

<sup>21</sup> [GetFile.aspx \(logistics.org.uk\)](#)

## Section 5 - Operators

### Introduction

- 5.1. As with any other licence the overriding concern is the safety of the travelling public. An Operator's Licence is required to allow a person to take bookings for private hire vehicles. All private hire vehicles must be linked to a licensed operator and owners of vehicles should inform the Licensing Team of any changes to the operator they are affiliated with.

### Applications for Operators Licences

- 5.2. Often applicants for private hire operators licences already hold private hire or hackney carriage drivers licences and so have been subject to a number of tests to determine whether they are a fit and proper person, a currently licensed driver who applies to become an operator will not normally be subject to any further DBS checks. If the applicant does not hold a current private hire or hackney carriage licence with Dorset Council, they will be required to produce a basic disclosure certificate from the DBS which will have to be re-checked annually in line with the Statutory Guidance.
- 5.3. Licences will be granted for a period of five years, however they may be suspended if the annual DBS check is not supplied. Applicants may only require a licence for a year and the Council will consider applications for shorter periods on request.
- 5.4. All applicants for operator licences, whether new or renewal, will be asked to produce a copy of their record keeping facilities prior to a licence being issued.

### Record Keeping

- 5.5. By law (section 56 LGMP76) operators must keep records and in line with the Statutory Guidance Dorset Council requires that records are kept of:-
  - Name of the passenger
  - Time of the request
  - Pick up point
  - Destination
  - Name of the driver
  - Licence number of driver
  - Vehicle registration
  - Name of person who took the booking
  - Name of dispatcher of the vehicle
- 5.6. New applicants will be expected to demonstrate their record keeping facilities to the Council before a licence is granted and Licensing Officers will routinely inspect the record keeping of all operators. All records will be kept for a minimum of six months and must be produced within 48 hours of any request for production by an authorised officer.

## Booking and Dispatch Staff

- 5.7. Operators must keep a register of all their booking staff and all booking staff will be required to have an annual basic disclosure check (DBS).

## Use of a Passenger Carrying Vehicle driver or Vehicle to fulfil a booking

- 5.8. The Statutory Guidance clearly states that private hire bookings should not be undertaken by PCV vehicles and drivers as they are not subject to the same level of checks as private hire drivers, any operator found to be using a vehicle that is not a licensed private hire vehicle or a hackney carriage may receive a verbal or written warning or may be referred to a Sub-Committee for consideration of their continuing suitability to hold a licence.

## Renewal of Operators Licences

- 5.9. Only a current licence can be renewed so it is imperative that any application to renew a licence is received before the existing licence expires. Any applications received after the expiry date of the previous licence will be treated as a new application and the operator will have to cease operating until such time as the new licence is granted. Renewal notices may be sent out as a courtesy, but it is the responsibility of the licence holder to ensure they renew on time.

## Complaints against drivers

- 5.10. Operators are expected to keep a written or computerised record of all complaints in a format that can be produced and shown to a visiting authorised officer on demand, or in a format that can be easily read if the request is by letter or email. We expect operators to report any serious complaints, any complaints that relate to inappropriate behaviour, or any complaints that lead to disciplinary measures. Complaints falling into these categories must be reported to the Licensing Team within 48 hours. All dismissals or any driver leaving their operation should also be reported within 48 hours.

## Section 6 - Appendices

### Appendix A - Equality Charter

#### Introduction

This charter has been drafted as a result of stakeholder engagement received when the new Taxi Policy was being developed. We were told that there were still instances, sadly too frequently, of people being refused travel, for example if they had guide dogs or walking aides, this is clearly unacceptable and feedback was that it made those affected feel like “second class citizens”.

This charter will set out the behaviours relating to equality issues that people using taxis in Dorset can expect to see. Any instances where this behaviour is not exhibited by a hackney carriage or private hire driver, or operator will be taken very seriously, and Dorset Council may take any driver falling short of this charter to a Sub-Committee to consider whether they are a “fit and proper” person to continue to hold a licence.

#### Equality

Equality is not about treating everyone the same – it is about giving everyone the same opportunity to use the taxi service. This means that some people will need more assistance in booking a vehicle, getting into a vehicle and alighting from a vehicle.

Dorset Council will take a three-staged approach to tackling inequality issues in taxis: -

1. Creating a Charter to set out expectations.
2. Working with providers to build a suite of training modules.
3. Developing a small accessibility toolkit to assist people travel comfortably.

This Charter will fulfil the first stage.

#### Expectations

Every customer, their friends and family, carers, personal assistants and travel companions, should be treated with courtesy and recognition of the diversity of conditions and impairments experienced and the impacts of these. This should be done from the perspective of the Social Model of Disability, which recognises that people are disabled by their environments, in terms of the physical, social and attitudinal barriers which are created by a society which fails to plan for and adapt to the diversity of experiences of individuals and therefore, the duty that services have to remove, as far as possible, those barriers.

Everyone should be treated with recognition that they are unique, without assumptions and a person-centered approach taken. Everyone involved in the customers’ journey, from the council licensing and inspecting operators to booking staff and drivers, should be aware of and sensitive to individuals and their supporters’ needs, without depriving customers of their independence. Time and help should be given freely and offered when appropriate, no-one should be disadvantaged nor left to struggle and aids and adaptations (including assistance or therapy dogs), accommodated willingly and without question.

Customers and their supporters are not defined by their experiences of disability and should not face intrusive or inappropriate questions or comments.



All information, signage and language issues by the Council and taxi operators at all stages must be fully inclusive and appreciate the diversity of customers' experiences, across all nine protected characteristics and the additional characteristics adopted by Dorset Council. This includes disability, gender identity and sexual and romantic identities and it is expected that everyone will feel taxi operators and transport are a safe space for them. Language should be gender neutral, not make assumptions, welcoming and inclusive of people and provide support whenever needed to maintain the safety of people both within and outside the taxi (e.g. as a place of solace and support if at risk of or under threat of physical or verbal harm).

All taxi operators and Dorset Council as the licensing authority, should offer and promote a transparent and accessible feedback and complaints mechanism. The standards of behaviour and treatment customers should rightly expect should be advertised via the booking system they use, whether this by telephone, app, website etc. and in the vehicles themselves. This information should be available in a variety of different formats, to be fully inclusive of people who may have communication barriers. Dorset Council should seek to offer a variety of mechanisms which take account of people's preferences and access issues, including those who are not digitally connected and those who need facilitated access. Feedback should be proactively sought via the same mechanism as is used to book a journey and the council, as the licensing authority, should seek to engage with a range of different community organisations representing diverse experiences, such as Dorset Disability Equality Forum, Help and Kindness, LGBT+ Voices Dorset Forum, Dorset Race Equality Council, Citizens Advice Central Dorset and LGBT+ Dorset Equality Network to name but a few.

### Guide and Assistance Dogs

Drivers must take all assistance and therapy dogs unless they have a medical exemption certificate. If a driver has a medical exemption certificate, this should be advised at the point of booking and an alternative be explored if necessary. All customers should be able to decide how and where their dog travels with them.

### Booking

When booking a journey, whether by phone, online or app, a checklist/series of questions should be asked to understand and be able to support the passenger's needs as well as possible. It is important this is not left until the driver picks up, so they have all the correct information, are able to support as needed and the vehicle is suitable for the passenger to proceed with their journey without delay/problem.

The driver must pick up this information and reliably use it. Collection of this information needs to be routinised by call handlers and made easily accessible whether booking online or via an app. The "spiel" must not be rushed through but pride incited in call handlers and drivers so they feel upskilled and positive about giving the service. All operators and drivers should be aware of and sensitive to the diversity of conditions people experience and able to respond appropriate to these.

It may not always be appropriate for the passenger to be interacted with directly - they may be uncomfortable or unable to communicate independently. The option to record an alternative contact should be facilitated via all booking methods and utilised if information is needed to be communicated, such as if the taxi is going to be late. This may apply for example in cases where the passenger has dementia or learning disabilities.

Return journeys should be bookable at the point of booking or taking the outward journey, to give reassurance that the person can get back at their chosen time and complete their journey.

Taxis should run punctually and should reasonably be expected to arrive within five minutes of their booked time, especially if it has been pre-ordered and if it is operating under contract from the

council. Unreliability can cause additional problems for passengers with additional needs and carers or supporters who have to deal with high levels of anxiety, distress and/or uncertainty. Contact via the booking method should be routinised if there are any delays or anticipated issues with providing the booked service.

Different payment methods, including cash, should be available as standard, to protect disabled people from potential vulnerabilities associated with different payment types, e.g. sharing card details. The cost of the journey should be made clear at time of booking so clients can have the exact amount of cash ready, if that is the desired payment method.

Booking methods, whether by phone, online or app, must effectively convey all requirements and drivers meet the requirements where agreed.

### Boarding

All passengers should reasonably expect to enter a freshly cleaned and safe vehicle, including having interior and exterior door handles and frames wiped down between bookings.

Drivers must not refuse, as often happens, to take people with particular conditions, which results in high levels of distress and the person being stranded. All drivers should willingly and freely assist, for example by opening car doors and dropping passengers off where it is safe, not simply where it is convenient for the driver.

### Journey

Drivers should be confident not only of the quickest routes but of the context of a route, to inspire passengers and reduce their anxiety. Space should be respected, as well as preferences to not communicate or ways of communicating. Communication should be compassionate and genuine, without being patronising or condescending.

### Getting out the taxi

People may need physical and emotional support getting in and out of taxis and making sure they get to where they need to go. Drop offs should be in a suitable place and the passenger may need taking into the building and/or be handed over to someone else. Drivers should make every effort to drop the client off as near to the venue entrance as possible & they should not be dropped off where a road needs to be crossed. Drivers should be sensitive to people's speed of action and movement and not show any impatience. If the passenger is visually impaired, drivers should give guidance to them as to exactly where they are positioned so that they can be aware of their surroundings.

## Appendix B – Driver’s Code of Practice

The Council recognises the valuable service provided by licensed drivers and operators. The following Code of Conduct will be used as a reference when any complaints are received that relate to the conduct of a licensed driver or operator. A driver or operator will always be given an opportunity to respond to any complaint before officers make a decision as to whether a warning is warranted. Serious substantiated reports may result in a hearing before a Licensing Sub-Committee. The Sub-Committee will consider the severity of the misconduct, this code, any previous appearances before them and any other information put to them.

### Customer Care

Passengers are entitled to expect a vehicle that is odour free and clean inside and out. This includes the boot or any luggage space.

A vehicle should be kept free of any rubbish.

The driver should always drive in an appropriate manner for their passengers, taking special care if they are vulnerable, old, young, nervous or disabled.

In the event of a pre-booked vehicle being unable to fulfil a booking the driver or operator will be expected to let the customer know as soon as possible to allow for alternative arrangements to be made.

Treating people with courtesy and having a sympathetic manner is very important - especially when dealing with complaints from customers. Drivers and operators are always expected to remain polite and well-mannered towards customers.

### Nuisance

Drivers should do their best not to cause a nuisance to their passengers, other drivers or other members of the public. This can include, but is not limited to, sounding a horn to attract a passengers attention, this may annoy others especially if it is early in the morning or repeated every day.

Radios should only be played with the consent of the hirer and should not cause a nuisance to anyone either inside or outside of the vehicle.

Leaving car engines running can cause fumes and noise nuisance, particularly in the middle of a town at quiet times, or if several cars are sitting at the same place at the same time.

If parking a licensed vehicle when it is not in use due consideration should be given to the potential impact on neighbours. Care should be given not to annoy neighbours by blocking other cars in or obstructing the road or driveways.

### Inappropriate behaviour

The following behaviours are unacceptable;

- Rude gestures or aggressive or threatening behaviour to other drivers or members of the public,
- Road rage,
- Rude or offensive notes on windows of premises or vehicles,
- Swearing at other drivers or members of the public.

### Inappropriate behaviour towards other licensed drivers

It is important that drivers have respect for each other and treat other members of their profession fairly. Complaints of cutting up or blocking other licensed drivers on the rank in order to secure a better position at the rank will be deemed to be inappropriate as will appropriating other drivers pre-booked fares.

### Disregarding requests from an Officer of the Council

Disregarding repeated reminders for things like incorrect plate display or producing an insurance certificate could lead to the licence holder being required to attend the Licensing Sub-Committee.

### Mobile Phones

Whilst Officers are unable to prosecute drivers for using handheld mobile phones or other devices Dorset Council consider this unacceptable behaviour as it may put the safety of the travelling public at risk. Any sightings by officers or substantiated complaints will be put before a Sub-Committee and or reported to the Police.

### Money

If a customer asks for a receipt, drivers are expected to be able to comply with their request.

While the law is quite clear on these points a driver or operator should make sure their passenger knows whether the fare is an agreed fare or will be run on the meter before the journey starts and preferably at the time of booking. Drivers should give a specific figure and not give an estimate as this can lead to disputes and complaints.

### Dress

It is not for the Council to tell drivers what to wear, however as Dorset Council licensed drivers a certain level of appearance and hygiene is expected. The wearing of offensive t-shirts, revealing clothing or dirty clothes may offend passengers and should be avoided.

The same goes for tattoos, if there is any possibility that a tattoo could cause offence or upset to any customer it should be covered up.

Should complaints be received a common-sense approach will be taken by Officers and the Sub-Committee as to whether a reasonable person is likely to be offended.

### Personal Hygiene

Drivers should maintain high standards of personal hygiene

## Appendix C - Vehicle Code of Practice

The vehicle should be maintained to a high standard, with vehicles cleaned and valeted on a frequent basis, especially during times of bad weather.

### Exteriors

Vehicles should be clean and free of damage. Cleanliness will be judged on the amount of dried mud on the vehicle, any finger marks on the boot opening, whether the plate and registration number are clearly visible.

The door handles must be fully operational and clean to the touch.

Vehicles should be free from damage, and repairs should be professional and properly finished. This will be judged by the number of scratches and dents that are clearly visible to any passenger about to enter the vehicle.

All lights should be functioning.

All tyres must comply with the legal limits.

### Interiors

Vehicle seats should be clean with no stains. Floor and ceiling coverings must be clean and have no stains.

All seat belts should be working and not damaged.

All door and window controls must be operational.

A good proportion of the boot or luggage space should be clean and available for passenger mobility aids, luggage or any other bags.

Child Seats - The law allows a child in a taxi to be carried without the need for a child seat or belt in the back seat. Over 3's should be in the back with a seat belt. [Child car seats: the law: When a child can travel without a car seat - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/child-car-seats-the-law-when-a-child-can-travel-without-a-car-seat)

## Appendix D - Driver Licence Conditions

These conditions of licence are made pursuant to Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976.

### Driver Badge

The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.

The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.

The badge must be returned to the Council immediately should the licence be suspended, revoked or becomes invalid for any reason (e.g. on expiry).

### Conduct of Driver

The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.

The driver must afford all reasonable assistance with passenger luggage as may be required.

At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).

The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability.

The driver must not smoke tobacco or like substance in the vehicle at any time as detailed by the Health Act 2006. Drivers should also refrain from vaping or other similar activities in licensed vehicles.

The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.

### Standard of Vehicle

The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.

The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

The driver of a private hire vehicle must be in attendance at an appointed time and place punctually unless delayed or prevented by sufficient cause.

Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / Hackney Carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'.

The driver must ensure that in cases where the vehicle has been fitted with a CCTV system, it is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes). Video recording must be active at all times. The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.

#### Fares and Farecards

Drivers of hackney carriages must ensure that the fare card is displayed in a clearly accessible place.

Drivers of a private hire vehicles must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey.

When a fare scale is used in a private hire vehicle, the driver must ensure that the fare scale is displayed and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

The driver must not, if driving a licensed vehicle fitted with a taximeter, or other approved device, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

The driver must not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

The driver must, if requested by the hirer, provide a receipt for the fare paid, such receipt to bear the name and the badge number of the driver.

#### Passengers

The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence.

The driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

The driver must provide all reasonable assistance to passengers and especially those with a disability.

All drivers must comply with the requirements of The Equality Act 2010 duty to assist passengers in Wheelchairs Section 36 of the Disability Discrimination Act 1995 places a duty on the driver of a designated<sup>1</sup> wheelchair accessible Hackney Carriages and Private Hire vehicles to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

#### Duty to carry guide dogs and assistance dogs

The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle. Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle. Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where they may have concerns about excess dog hair being left in the vehicle.

#### Found Property

The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property must follow the guidelines contained within Dorset Police's Found Property Policy, unless an alternative arrangement has been made with the owner of the property. Dorset Police's policy can be found here: <https://www.dorset.police.uk/do-it-online/report-lost-and-found-property/found-property/>

#### Medical Condition(s)

The licence holder must notify the Council in writing within 48 hours of any change in medical condition.

#### Convictions, Cautions and Arrests

The licence holder must notify the Council in writing within 48 hours<sup>2</sup>, providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on them during the period of the licence.

#### Disclosure and Barring Service Online Update Service

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

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

#### Change of Operator

The licence holder must notify the Council in writing of any change of operator through whom they work.



### Change of Address and Email Address

The licence holder must notify the Council in writing/email within 2 working days of any change of their home address or email address taking place during the period of the licence, whether permanent or temporary.

### Customer and Other Personal Information

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

### Duty to Cooperate on Regulatory Matters

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

### Appearance of Driver

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

### Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 48 hours (by telephone or email).

## Appendix E - Vehicle Licence Conditions

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847.

The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder.

### Internal and External Licence Plates to be Displayed

The External Plate relating to that Licensed Vehicle shall be fixed to and displayed on the outside body of the Licensed Vehicle. The External Plate must be unobstructed and its contents should be legible from a distance of at least five (5) metres.

The Internal Plate relating to that Licensed Vehicle shall be fixed to and displayed on the left hand internal side of the windscreen of the Licensed Hackney Vehicle in such a position and manner so that there is nothing that covers its surface that would impair its legibility. The Internal Plate must be clearly visible to a person sitting in any rear seat of the Licensed Vehicle and seeking to view the Internal Plate looking either between the front seats or over the top of the passenger side front seat.

### Luggage

A roof rack may only be used when excess luggage is to be carried and any luggage so carried shall be safely secured and shall not exceed such weight or size that as can safely be carried on the vehicle.

Before any trailer is used with a licensed vehicle it will have been inspected at one of the Councils approved garages and an inspection form complying with Appendix A of the FTA will have been sent to the Council.

### Roof Signs

Licensed Hackney Carriages shall always be fitted with a roof sign indicating that it is a taxi. The roof sign should be on and/or above the roof of the Licensed Hackney Vehicle and will display the word "TAXI" to the front of the vehicle. In addition to the word "TAXI" the front of a Taxi Sign may only display a company name.

At all times that the Licensed Hackney Carriage is available for hire the roof sign will always be illuminated with an internal light source so that it is clearly visible to a person standing no less than five (5) metres from the vehicle.

Private Hire Vehicles must not display any type of roof sign.

### Other Signs and Notices, including Advertisements

Any third-party advertisements must be restricted to areas of the vehicle that do not contain important information such as the name of the operator or any identifying licence plates, signs or numbers.

Before any third-party advertisement is displayed on Licensed Vehicles pictures or diagrams of the proposed advertisements and where they will be placed on the vehicle must be submitted to the Council

Any advertisement must not be placed in a position where it would interfere with the identification of the vehicle or obscure window screens or back windows enough to cause a potential hazard or block the view of passengers.

Any advertisement must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Agency so all advertisements must be legal, decent, honest, and truthful. The code can be found here: <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html>

No adverts may be displayed that: -

- Involves unlawful prejudice and/or discrimination.
- Promotes smoking.
- Promotes the irresponsible consumption of alcohol.
- Promotes gambling or betting, except licenced or registered lotteries benefiting local good causes e.g. society or local authority lotteries.
- Promotes pornography or adult content.
- Promotes weaponry.
- Promotes payday lenders or financial organisations with punitive interest rates.
- Appears to promote racial or sexual discrimination, or discrimination on the basis of disability, faith, gender or age (or other protected characteristic.)

### Additional Equipment

Any Lifting or Pulling Equipment fitted to a licensed vehicle will not be used unless it has been examined in accordance with all legislative requirements relating to that Lifting or Pulling Equipment and is without any defect.

### Tyres

A spare wheel tyre appropriate for the vehicle must be carried when the vehicle is being used for hire and reward.

All tyres fitted to the vehicle or carried as a spare must comply with the Motor Vehicles (Construction and Use) Regulations 1986 and Motor Vehicle (Tests) Regulations 1981.

Re-cut and Re-moulded Tyres are not acceptable for M1 passenger vehicles and re-mould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- Nominal size;
- Construction type (e.g. radial ply);
- Load capacity; and

- Speed capability Space Saver Tyres.

The carrying and use of Space saver tyres and tyre sealant kits will only be approved with the support of a method statement. The method statement will detail the drivers and vehicle owners responsibility with regard to the maximum permitted speed and restrictions of use and highlight that they are ONLY a temporary measure to complete the journey in which the puncture occurred.

An approved repair to BS AU159 or a replacement tyre must be undertaken before any further fares are carried. Run flat tyres fitted to any vehicle by the manufacturer will not be replaced by any other type or make either individually or all of them. The use of these tyres must be supported by a method statement (such as the manufacturers handbook for the vehicle) specifying the capability and restrictions of use following a puncture. In all cases the Tyre Pressure Monitoring System (TPMS) must be working correctly and if required, be reset when a tyre(s) are renewed ore replaced. Worn or damaged run flat tyres must be replaced by the same make and size.

#### No smoking

The Health Act 2006 came in to force on 1 July 2007 and from that date it required all enclosed public and work places to be smoke free. This also includes vehicles used for public transport. The legislation covers all hackney carriages and private hire vehicles. Any commercial vehicle carrying members of the public will be required to be smoke free at all times (even when no passengers are being carried).

The legislation requires a manager to ensure all commercial vehicles used to transport members of the public are smoke free. A no smoking sign must be displayed in the vehicle. Electronic cigarettes must not to be used/smoked in hackney and private hire vehicles at any time.

#### Valid Insurance

A Licensed Hackney Vehicle shall at all times that it is being used as a Hackney Carriage have as a minimum third-party insurance that complies with the requirements of Part VI of the Road Traffic Act 1988, or any other relevant legislation that imposes insurance requirements for motor vehicles.

#### Alterations

No alterations or modifications shall be made to a Licensed Hackney Vehicle without the prior written consent of the Council.

#### Inspections

Licensed vehicles will be inspected at an approved garage on the six-monthly anniversary of the date of the grant of the licence. Inspections can be arranged two weeks either side of this date.

#### Updating details

The licence holder must notify the Council in writing/email within 48 hours of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

The licence holder must notify the Council in writing/email within 48 hours of any change of his/her contact numbers and/or email address taking place during the period of the licence, whether permanent or temporary \* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

#### Reporting of accidents

The licence holder must report any accident or damage to the vehicle within 1 day of the incident and provide full details

## Appendix F - Operator Licence Conditions

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847.

All operators must comply with the requirements of The Equality Act 2010.

### Record Keeping

Operators will keep records in a suitable book, the pages of which are numbered consecutively, a computer record or other durable recording format of: -

- a) Booking Records
- b) Driver Records
- c) Vehicle Records
- d) Booking and dispatch staff Register
- e) Complaints Records

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Booking Records will include particulars of every booking of a private hire vehicle invited or accepted by him and must include: -

- a) The time and date of the booking
- b) The name of the hirer or passenger
- c) The time of the pick-up
- d) The point of pick-up
- e) The destination
- f) The licence number of the vehicle allocated for the booking
- g) The name of the driver allocated for the booking
- h) The name of any individual who took the bookings (where applicable)
- i) The name of any individual that dispatched the vehicle (where applicable)
- j) Details of any sub-contract.

When the Operator passes the hiring to another company the record shall include the name, address, and Council with which that Operator is licensed. The records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records.

The Driver Records will include a record of the following particulars of all licensed drivers:

- a) The full names of the driver
- b) The permanent address of the driver
- c) The driver's date of birth
- d) The driver's licence (badge) number
- e) The start and expiry dates of the driver's licence issued by the Council
- f) The dates the driver's engagement/employment was commenced and terminated.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Vehicle Records will contain details of all the vehicles operated and will include; -

- a) The registration number of the vehicle

- b) The number of the identification plate provided by the Council pursuant to s.48(5) of the 1976 Act
- c) The make and model of the vehicle
- d) The name and address of the proprietor(s) of the vehicle
- e) The number of passengers permitted to be carried in the vehicle, as shown on the licence
- f) The start and expiry dates of the vehicle's licence issued by the Council
- g) The date on which the vehicle was added to the operator's fleet
- h) The date on which the vehicle was withdrawn from the operator's fleet.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

The Booking and Dispatch Staff Register will record details of all employee who take booking and dispatch vehicles. The Register will include the date that the operator had sight of a Basic DBS check, which must have been completed before any period of employment is started.

The Operator must have a written policy outlining how they will treat any disclosure of information that is revealed on a DBS Certificate.

The operator shall ensure all staff who take bookings and dispatch vehicles have been provided with suitable training in the awareness of and reporting of safeguarding concerns which includes human trafficking, county lines and child sexual exploitation. The operator will keep records for all staff who have received training.

The Complaints Records should contain:

- a) The date of the Complaint
- b) The name and contact details of the complainant
- c) The details of the journey
- d) The details of the complaint
- e) The action taken by the operator in response to the complaint.
- f) The operator shall notify the Council in writing, preferably email, within 48 hours, of any complaints that are either a safeguarding issue or are of a serious nature. Safeguarding issues would be anything that related to a child or a vulnerable adult. Operators should also report any drivers who receive multiple complaints.

All records must be kept in a format that can be inspected by an authorised officer or produced to an authorised officer following receipt of a written request for those records. All records must be kept for a minimum of six months.

### Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: -

- a) Ensure that when a private hire vehicle has been hired to attend at the appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- b) Keep clean, heated, ventilated, and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- c) Ensure that any waiting area provided by the operator has adequate seating facilities;
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

- e) Ensure that all vehicles dispatched by them are always maintained in a safe and roadworthy condition.
- f) Publish a complaint handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council.

#### Updating Details

**Change of Operator's Home Address** The operator shall notify the Council in writing of any change of his/her home address during the period of the licence within seven days of such change taking place.

If an operator wishes to change the base from which they operate they will be required to submit a new application. (Note: all operators' business premises must be within the Dorset Council Boundary).

The operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on them (or, if the operator is a Company, of any its directors) during the period of the licence.

#### Public Liability Insurance

Operators shall always have a current valid policy of public liability insurance for any premises they are licensed to operate from if those premises are open to the public.

If the premises are open to the public the Certificate of Insurance must be displayed.



## Appendix G – Criminal Conviction Policy

The Full Policy that has been adopted can be found online at [guidance-on-suitability](#)

### *Foreword*

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC, Cornerstone Barristers

April 2018

## Chapter 1 - Introduction

- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications<sup>1</sup>. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

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<sup>1</sup> Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*<sup>2</sup>.

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

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<sup>2</sup> [2007] 1 WLR 2067

## Chapter 2 - Offenders and Offending - An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.<sup>3</sup> With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm<sup>4</sup>. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

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<sup>3</sup> DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

<sup>4</sup> Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

- 2.6 Flaud<sup>5</sup> noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place<sup>6</sup>.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future<sup>7</sup>. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%<sup>8</sup>. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences<sup>9</sup>.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity<sup>10</sup>. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population<sup>11</sup>. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

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<sup>5</sup> Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>6</sup> Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>7</sup> Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

<sup>8</sup> Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

<sup>9</sup> Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

<sup>10</sup> McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

<sup>11</sup> Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

*Risk of re-offending:*

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”<sup>12</sup>.
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”<sup>13</sup>.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over<sup>14</sup>. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships<sup>15</sup>. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males<sup>16</sup>.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist<sup>17</sup>. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance<sup>18</sup>. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

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<sup>12</sup> National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

<sup>13</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

<sup>14</sup> Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

<sup>15</sup> Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

<sup>16</sup> Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

<sup>17</sup> Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

<sup>18</sup> Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3<sup>rd</sup> Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”<sup>19</sup>.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

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<sup>19</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

## Chapter 3 - 'Taxi' Licensing Overview

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:

"The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

### Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory



criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person<sup>20</sup>.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK<sup>21</sup>.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.<sup>22</sup>
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*<sup>23</sup>. Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or 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.”
- 3.16 This is reflected in a test widely used by local authorities:
- ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a 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?’<sup>24</sup>
- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

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<sup>20</sup> Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

<sup>21</sup> Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

<sup>22</sup> “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1<sup>st</sup> December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

<sup>23</sup> [2002] EWHC 1145 (Admin), [2003] RTR 199

<sup>24</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”<sup>25</sup>

This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments<sup>26</sup>. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared<sup>27</sup>) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker<sup>28</sup>.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks<sup>29</sup> and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

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<sup>25</sup> Local Government (Miscellaneous Provisions) Act 1976 s57(1)

<sup>26</sup> See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

<sup>27</sup> “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

<sup>28</sup> See *Adamson v Waveney District Council* [1997] 2 All ER 898

<sup>29</sup> “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability<sup>30</sup>.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account<sup>31</sup>. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

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<sup>30</sup> As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

<sup>31</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar*[2011] EWHC 2943 (Admin)

to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

#### *Private Hire Operators*

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same

authority<sup>32</sup>. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person<sup>33</sup>.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “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?”<sup>34</sup>
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

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<sup>32</sup> See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD

<sup>33</sup> Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>34</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation<sup>35</sup>. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

#### *Vehicle Proprietors*

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.

- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence<sup>36</sup> and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.

- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.

- 3.47 A suitable test would be:

“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

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<sup>35</sup> See s57(1)(c) of the 1976 Act.

<sup>36</sup> S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"<sup>37</sup>

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<sup>37</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 8.98

## Chapter 4 - Guidance on Determination

- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

### *Pre-application requirements*

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

#### *Vehicles:*

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.



#### Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

#### Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership<sup>38</sup>) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

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<sup>38</sup>Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>39</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>40</sup>.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

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<sup>39</sup> This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

<sup>40</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

#### *Drivers*

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

#### Crimes resulting in death

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

#### Exploitation

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

#### Offences involving violence

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

#### Possession of a weapon

- 4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Sex and indecency offences

- 4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

#### Dishonesty

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

#### Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

#### Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

#### Other motoring offences

- 4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not normally be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Hackney carriage and private hire offences

- 4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Private Hire Operators

- 4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

#### *Vehicle proprietors*

4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.54 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

### *Acknowledgements*

In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

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- Louise Scott Garner
- Jenna Parker, Institute of Licensing

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Institute of Licensing  
Egerton House  
2 Tower Road Birkenhead CH41 1FN  
T: 0151 650 6984  
E: [info@instituteoflicensing.org](mailto:info@instituteoflicensing.org)



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The Local Government Association (LGA) is the national voice of local government. [www.local.gov.uk](http://www.local.gov.uk)



Lawyers in Local Government (LLG). [www.lawyersinlocalgovernment.org](http://www.lawyersinlocalgovernment.org)



National Association of Licensing and Enforcement Officers (NALEO).  
[www.naleo.org.uk](http://www.naleo.org.uk)

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# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART II

#### HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### **65 Fixing of fares for hackney carriages.**

- (1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.
- (2)
  - (a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
  - (b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
- (3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (4) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 65. (See end of Document for details)*

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table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

- (5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.
- (6) On the coming into operation of a table of fares made by a council under this section for the district, any hackney carriage byelaws fixing the rates and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.
- (7) Section 236(8) (except the words “when confirmed”) and section 238 of the <sup>M1</sup>Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under this section [<sup>F1</sup>by a district council in England] as they apply to byelaws made by a district council [<sup>F2</sup>in England] .
- [<sup>F3</sup>(7A) Section 8(5) and section 19 of the Local Government Byelaws (Wales) Act 2012 shall extend and apply to a table of fares made or varied under this section by a council for a county or county borough in Wales as they apply to byelaws made by a council for a county or county borough in Wales.]

#### Textual Amendments

- F1** Words in s. 65(7) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), s. 22(2), [Sch. 2 para. 10\(2\)\(a\)](#); S.I. 2015/1025, art. 2(r) (with art. 3)
- F2** Words in s. 65(7) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), s. 22(2), [Sch. 2 para. 10\(2\)\(b\)](#); S.I. 2015/1025, art. 2(r) (with art. 3)
- F3** S. 65(7A) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), s. 22(2), [Sch. 2 para. 10\(3\)](#); S.I. 2015/1025, art. 2(r) (with art. 3)

#### Marginal Citations

- M1** 1972 c. 70.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 65.

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### Proposed 2023 Tariff

<b>Tariff 1: Day Rate</b>	Chargeable from 7 am until 11 pm
Initial Charge	£2.80
First Mile	£5.50
Each Additional Mile	£2.10

Waiting Time to be charged at 10p per 20 second period

<b>Tariff 2: Night Rate</b>	Chargeable from 11 pm until 7 am
Initial Charge	£3.20
First Mile	£6.10
Each Additional Mile	£2.50

Waiting time to be charged at 10p per 20 second period

<b>Tariff 3: Tariff 1 + 50%</b>	Chargeable Good Friday and all Bank Holidays unless covered by Tariff 4
Initial Charge	£4.20
First Mile	£8.25
Each Additional Mile	£3.15

Waiting Time to be charged at 15p per 20 second period

<b>Tariff 4: Tariff 1 + 100%</b>	Chargeable Christmas Day, Boxing Day and New Year's Day
Initial Charge	£5.60
First Mile	£11.00
Each Additional Mile	£4.20

Waiting Time to be charged at 20p per 20 second period

<b>Extras</b>	
<b>NO CHARGE FOR ANY ASSISTANCE DOG OR WHEELCHAIR</b>	
Proprietors of Hackney Carriages licensed to carry <u>and actually carrying</u> 5, 6, 7, or 8 passengers are entitled to Charge 1 and ½ times each Tariff.	
For the soiling of the vehicle by the passenger(s)	£80
For each item of luggage, bicycle, perambulator or animal	20p

**Detailed Breakdown: Tariff 1** - Minimum Charge is for 226.4 yards. All increments beyond that distance are 10p per 56.80 yards until 1 mile has been travelled and 10p per 83.81 yards for all subsequent miles.

**Tariff 2** - Minimum Charge is for 220 yards. All increments beyond that distance are 10p per 53.10 yards until 1 mile has been travelled and 10p per 70.40 yards for all subsequent miles.

**Tariff 3** - Minimum Charge is for 226.4 yards. All increments beyond that distance are 15p per 56.80 yards until 1 mile has been travelled and 15p per 83.81 yards for all subsequent miles.

**Tariff 31** - Minimum Charge is for 226.4 yards. All increments beyond that distance are 20p per 56.80 yards until 1 mile has been travelled and 20p per 83.81 yards for all subsequent miles.

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