

EAST LINDSEY DISTRICT COUNCIL - PRIVATE HIRE VEHICLE OPERATOR LICENSING POLICY

1. Introduction

1.1. The licensing and control of private hire vehicle operators is an essential and important part of the private hire vehicle regulatory system contained within the Local Government (Miscellaneous Provisions) Act 1976. Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same Authority, and so the location of the operator's base will determine from which Authority all other licences must be obtained.

1.2. The term 'operate' is defined at Section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles. Various legal cases have examined this definition in detail, as a result of which a wide range of businesses will require licensing under these provisions – the meaning will extend greatly beyond the provision of local 'minicab' services, and will include executive, limousine and chauffeur services and novelty hire vehicles. This licensing requirement includes courtesy vehicles provided by pubs, restaurants and hotels for their customers and vehicles carrying out school and other contracts.

1.3. Private hire operators play a key role in ensuring that:

- the public are kept safe,
- that drivers are suitably trained, experienced and supported to deliver the best service possible, and,
- that vehicles are kept in a clean, safe and sound condition at all times.

Although operators may have less direct contact with the public than drivers, their other duties in ensuring the safety of the public mean that the Council must apply similar checks when considering applications for licences, as we must be satisfied that prospective operators are fit and proper persons to hold a licence.

1.4. This policy contains guidelines for consideration by the Council's Licensing Committee (consisting of Councillors), and by Council Officers, when determining applications for Operators licences. It has been approved by the Council's Licensing Committee and published, to provide guidance as to the Council's expectations of applicants and licence holders. However, nothing in this document will bind the Council to a particular course of action, and we will continue to consider each licence application on its merits. Similarly, this policy does not take precedence over any statutory provision or established case law.

1.5. It should be noted that it is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for an operator's licence.

2. Application Process

2.1. Applications for operator's licences must be made in writing using the application form provided by the Council. Every question on the application form must be completed fully and accurately, and the form must be signed by every applicant.

2.2. Where the application is being made by a single individual, the questions on the application form should be answered by that individual. Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the

applicants. Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors. This is particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Council must be satisfied as to the fitness and propriety of every applicant.

2.3. Completed application forms should be returned to the Council's offices. An application fee, which will be reviewed on a regular basis, and set by the Council, will also be payable with each application.

2.4. Applications must also be accompanied by a Basic Disclosure Certificate, issued by the Disclosure and Barring Service (DBS) for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the application was made.

2.5. The requirement to provide a Basic Disclosure certificate will not apply to any applicant (or director) who holds a current private hire or hackney carriage driver's licence issued by East Lindsey District Council. These individuals have already been assessed for their fitness and propriety during their application for that licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary. Applicants who are applying simultaneously for a driver's licence (and have made an application, not simply requested a driver licence application pack) will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.

2.6. Right to a Licence Check - In line with the requirements of the Immigration Act 2016 this Authority must check that all new operator licence applicants are permitted to work in the UK. The Authority will not be in a position to accept and process a licence application unless the applicant complies with the aforementioned requirements. The application must be made in person and the applicant must present the required Right to a Licence documentation.

2.7. If any issues arise during the processing of the licence application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

2.8. When all required documents and other information has been received, the application will be determined. The following sections of this document set out details of how we will consider certain aspects of the application.

2.9. In determining applications, the statutory test that we must apply is set out at Section 55 of the 1976 Act – namely, that the Council “shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence”. No definition of the meaning of the term ‘fit and proper’ is given, either in statute or in subsequent case law, and so the Council will exercise its discretion and consider a wide range of matters in reaching its decision.

2.10. The Council has delegated to its Officers the authority to consider and determine applications for licences, subject to the criteria set out in this policy document. The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a

licence should be granted, then that licence application should be forwarded to the Council's Licensing Committee (consisting of Councillors) for determination. Please note that Officers can refer an application to the Licensing Committee at any time for determination. An applicant will be given an opportunity to make representations, either in writing or orally at a meeting of the Council's Licensing Committee. Any representations will be given full consideration prior to a decision being made in respect of the application.

2.11. If an application is granted by this Authority, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 5 years. However, the Council reserves the right to grant licences for a shorter duration, should this be considered necessary due to the circumstances of a particular application.

2.12. Operator licences are non-transferrable. In the event of control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply afresh for a licence.

2.13. Section 62 of the 1976 Act provides a power for the Council to suspend or revoke an operator's licence, on various grounds including:

- the commission of an offence or non-compliance with the 1976 Act,
- conduct on the part of the operator which appears to render him / her unfit,
- any material change in the operator's circumstances,
- or any other reasonable cause.

The Council may also prosecute an operator for various breaches, including failure to keep the prescribed records, or operation of unlicensed vehicles or drivers.

2.14. Where an application is refused, or a licence suspended or revoked, or if an operator is aggrieved by conditions added to his / her licence, a right of appeal to a Magistrates' Court will exist. Details of this right will be issued with any documentation sent at the relevant time.

3. Fitness and Propriety of Applicants

3.1. In the 1976 Act, no definition is offered as to the precise meaning and limitations of the term "fit and proper person", and it is, therefore, open to the Council to consider any and all information that may be of relevance in determining an application. This section of the policy does not attempt to form a definition of the term "fit and proper", but merely serves to highlight some of the matters that may routinely be examined as part of the determination of an application. It must, however, be noted at the outset that the provisions herein are not exhaustive, and if other relevant information is available the Council reserves the right to take it into account.

3.2. In accordance with the Interpretation Act, the term 'person' may apply to both individuals and bodies corporate and unincorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.

3.3. The Council will consider all applications on their individual merits. Although the following paragraphs set out some of the main considerations, any information which appears to the Council to question the applicant's suitability to hold a licence may be taken into account.

Convictions

3.4. Although operators will generally come into contact with the public less frequently than drivers, they play a critical role in ensuring the safety of public, through their employment/engagement of drivers and vehicles, the retention of personal data relating to customers and bookings, and in providing a transport service to vulnerable customers. For this reason, the Council will take into account any convictions or cautions for criminal offences, as well as relevant fixed penalty notices, when considering an applicant's fitness and propriety. The effect of any convictions or cautions, which are not considered to be 'spent' under the provisions of the Rehabilitation of Offenders Act 1974 (and associated regulations), will be considered, but offences relating to dishonesty, financial impropriety, violence, substance misuse, abuse of a person with a protected characteristic, safeguarding offences or misconduct under taxi and private hire legislation will be viewed with particular seriousness.

3.5. In view of the significant responsibility held by private hire vehicle operators in terms of setting standards for their company, recruiting drivers, and dealing with members of the public, the Council believes that the operator must be a person of impeccable character and should be an example to all those whom he/she employs. Therefore, the view of the Council is that applicants for a private hire operator's licence (and holders of a private hire operator's licence) must at least fulfil the same requirements as applicants for private hire drivers licences in terms of being free from serious convictions or a pattern of unlawful behaviour. A copy of this Authority's Guidelines Relating to the Relevance of Convictions for Drivers and Operators can be found on the licensing area of the Council's website.

3.6. Applicants must supply a criminal record certificate which details any unspent convictions (or have supplied a certificate in connection with an existing driver's licence). A declaration must also be made in respect of any unspent convictions or cautions, both within the jurisdiction of the British courts and overseas.

3.7. Applicants for an operator licence will be asked to declare whether within 5 years of the date of licence application they have at any time lived or worked outside the UK for a continuous period exceeding 3 months. Applicants who answer in the affirmative will be required to obtain a certificate of good conduct (or similar document) from the country (or representative of the appropriate jurisdiction) in which they resided. Any costs, involved in the translation of the aforementioned document, will be the sole responsibility of the licence applicant.

3.8. It shall be the applicant's responsibility to obtain the criminal record certificate(s) in good time, and to pay any fees or charges associated with them. An application will not normally be accepted for processing until all required documents have been presented.

3.9. Applicants are also required to declare whether they have been charged with any offences and are currently awaiting trial. If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

3.10. Private hire operators are not identified as an exempt profession under the Rehabilitation of Offenders Act 1974, and, therefore, the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full. The Council will not take into consideration any conviction, caution or similar sanction that is deemed to be spent by virtue of a provision of the 1974 Act (and any associated regulations).

Financial Propriety

3.12. As operators will be responsible for the financial aspects associated with operating a business (which may including maintaining customer accounts, negotiating contracts, payments to employed/engaged drivers, and maintenance of accurate business accounts), the Council will consider evidence of previous financial impropriety or difficulties when assessing the fitness and propriety of applicants for licences. Although convictions for finance-related offences will be listed on the criminal record certificates referred to in the preceding paragraphs, there are a number of other sanctions which may be applied, which would not be shown on the certificate. The Council may carry out checks of applicants to ensure that these sanctions have not been applied.

3.13. In particular, where an applicant is currently subject to one or more of the following sanctions or proceedings, which is active at the time of application, an application for a licence will usually be refused:

- An undischarged bankruptcy order
- Other insolvency proceedings, including an Individual Voluntary Agreement (IVA)
- Disqualification from appointment as a company director

3.14. Where a limited company applicant has been liquidated or dissolved, an application for a licence will usually be refused. Where a company is currently in administration and is continuing to trade under the control of an administrator, the Council will usually seek further information and assurances from the administrator prior to determining a licence application. In these cases, the administrator must be named on the application, and should complete the application form on behalf of the company.

3.15. Where an existing private hire vehicle operator is subject of a bankruptcy order then this Authority will seriously consider revocation of the private hire vehicle operator's licence. In addition, the Authority is likely to advise that at least two years should elapse (after the automatic discharge of the bankruptcy) before this Authority would expect to receive any application for a private hire vehicle operator's licence from him/her.

Previous Licences

3.16. Any relevant licensing history relating to an applicant or operator may be considered during further applications. For example, if an applicant has previously had a licence revoked, whether by this Authority or by any other Authority, this may indicate an underlying issue with the fitness or propriety of that person. Where appropriate to do so, further information may be sought from any other relevant authority, to the extent permitted by data protection laws.

3.17. Where an applicant has had a previous licence revoked, or an application for a licence refused within the preceding 5 years, any further application for a licence will usually be refused.

Penalty Point Scheme, Complaints, etc.

3.18. Where a number of previous complaints have been made against an operator, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by the Council during its determination of a licence application and the review of the status of an existing licence.

3.19. This Authority has adopted a Penalty Point Scheme in relation to the licensing of drivers, operators and proprietors. The aim of the penalty points scheme is to work in conjunction with other enforcement options that are available to the Authority. The scheme provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver and operator behaviour and conduct, so as to ascertain whether an individual is a fit and proper person to hold a licence. The scheme does not prejudice the Authority's ability to take other forms of compliance or enforcement action. A copy of this Authority's Penalty Point Scheme can be found on the licensing area of the Council's website.

4. Planning

4.1. Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc.) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice from the Council's Planning Service prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

4.2. Planning and licensing operate as separate regulatory regimes, and the absence of planning permission for a particular site will not serve to prohibit the Licensing Authority from granting a licence. However, applicants must be aware that planning and licensing requirements must both be satisfied prior to the commencement of operations, and if this is not the case then the applicant will be liable to enforcement action for breaches of the relevant legislation.

5. Insurance and Other Vehicle Related Matters

5.1. The Council strongly advises all operators to take out suitable liability insurance policies covering all aspects of their business, prior to the start of operations.

5.2. In particular, we recommend that operators hold policies in respect of public liability (to deal with any claims for damages arising from the activities of the business affecting customers and members of the public) and employer's liability (relating to any claims by persons employed or engaged by the operator, who are injured, become ill or otherwise suffer damages as a result of the business activities).

5.3. The Council cannot give advice as to which insurance policies or providers will be the most suitable – it is for operators to source their own advice in this regard.

5.4. It falls outside the remit of the Licensing Authority to stipulate a suitable level of insurance to be held, or to take action against businesses who fail to secure appropriate policies. However, in the absence of an insurance policy any legal claims made against the operator could result in the individual proprietors of the business being held liable for any damages or legal costs incurred during proceedings, which could run to very large sums.

5.5. Applicants and existing licence holders are advised that infringements of vehicle road tax, MOT, vehicle insurance and other legal requirements relating to vehicles are viewed particularly seriously by this Authority and may result in licence refusal, suspension or revocation.

6. Communications and Information Security

6.1. In the course of their business, operators will be required to process and store various pieces of data, some of which will be personal data. The processing and storage of this data will fall under the provisions of Data Protection law, which requires the operator to take measures to ensure the security of that data, and to prevent unauthorised breaches of the security, or usage of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).

6.2. Although the basic business activities of an operator are not likely to require registration with the Information Commissioner's Office (ICO) as a data controller, operators should be aware that if they go beyond the basic activities, they may well have to register. In particular, the operation of a CCTV system (either at publicly accessible premises or in cars provided by the operator) or similar recording of audio or video signals will require registration with the ICO.

6.3. For further advice on whether registration as a data controller is required, please see the website of the Information Commissioner's Office, at www.ico.org.uk

6.4. Where an operator maintains a radio network for use by his drivers, the range or frequency used by the system may require the operator to obtain a Business Radio Licence from OFCOM. Operators will be asked to confirm whether they have satisfied this requirement on making an operator licence application. For further advice on whether a licence is required, please see the OFCOM website at: www.ofcom.org.uk

7. Trading Names

7.1. Operators will be asked to declare their (proposed) trading name(s) within their licence application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the operator.

7.2. While trading names are a matter for an operator to determine, the Council will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used.

7.3. In particular, licence applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- An expletive, derogatory or offensive term
- A term associated with inequality or racism
- A term with political implications
- A registered trademark (unless the applicant can demonstrate a right to use that mark)
- The trading name of an existing Private Hire Operator licensed in the East Lindsey District.
- The trading name used by an East Lindsey hackney carriage proprietor, where the proprietor has previously notified the Council of the use of that name and the name has been used regularly since 16 September 2019.
- A name which implies official recognition or endorsement by the Council or another regulatory body

- A term in any language other than English which when translated would fall within any of the preceding categories.

7.4. Only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators. However, if the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising in respect of those hackney carriage vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

7.5. Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his/her application.

7.6. This section of the policy will not be retrospectively applied to any operator's trading name which has been continuously in use since before the 16 September 2019 (and where an operator's licence has been continually maintained in respect of this), but will apply to any new operator (including new applications made following the lapse of a previous licence) or new trading name applied by an existing operator.

8. Vehicle and Advertising

8.1. Under the Council's standard conditions applying to vehicle licences, vehicles must not display advertisements or signage, in or on the vehicle which are racist or sexist or would cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials, vaping materials or alcohol products unless as part of a health education or similar campaign. Furthermore, any advertisement or signage should not contain anything of a religious or political nature.

8.2. Any door signs, on private hire vehicles, should be manufactured of a robust material, suitable for the expected use of the vehicle, and must be replaced if they become badly damaged or faded.

8.3. Business card dispensers containing cards with the operator's contact details may be utilised within vehicles, without restriction (other than to ensure that they do not obstruct the safe operation of the vehicle).

9. Operator Licence Conditions

9.1. Under Section 55(3) of the 1976 Act, the Council may attach such conditions to an operator's licence as are believed to be reasonable and necessary. This power is subject to a right of appeal by any applicant aggrieved by one or more of the conditions so attached.

9.2. The Council has adopted a schedule of standard conditions which will be attached to all operator licences issued. These conditions are set out at Annex A of this policy document.

9.3. The attachment of these standard conditions does not prevent the Council from attaching any other necessary condition to the licence, in response to specific issues that have been considered as part of the application process. This power may also be used to substitute or go beyond any of the standard conditions with requirements that are more or less stringent, as the case may be.

10. Exemptions

10.1. The Council may consider requests from certain operators in niche sectors for their businesses to be exempted from one or more of the requirements imposed under licences. In all cases, operator, vehicle and driver licences will still be required, but the Council may agree to waive one or more of the licence conditions or licensing pre-requisites – where the operator can demonstrate a genuine need for this. However, exemptions will be the exception rather than the norm.

10.2. Exemptions will only ever be granted sparingly, and before a request is considered a significant amount of supporting material will be required. This may include customer account details, letters of reference from prospective clients, and evidence of the effect of refusal to grant an exemption. Exemptions will only be considered for specialist businesses – for example, those providing novelty vehicles, or executive chauffeur businesses, and not for those businesses undertaking what would typically be regarded as ‘routine’ or ‘general’ private hire work.

10.3. The Council’s position on exemptions is that the requirements imposed under its licences are reasonable and necessary to fulfil our main duty of ensuring public safety, and we will expect to apply them in every case. However, in certain exceptional circumstances we will consider requests from operators for exemption from one or more of our requirements, on a whole-business level only. Exemptions will only be granted if we are satisfied that there is an exceptional need for this to be so. It will not be enough to simply state that being exempted will assist the business – we will need to see demonstrable evidence that the business would not be viable if the requirement were applied rigidly, that there are no suitable ways in which the requirement could be satisfied through alternate means and that our duty to maintain public safety will not be adversely affected by the grant of the exemption.

10.4. In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.

10.5. Exemptions will not be granted as a matter of course. The case for exemption will have to be made by the operator / proprietor of the business.

10.6. Where exemptions are granted, the Council reserves the right to impose substitute conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternate. All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Council can no longer be satisfied that the exemption is necessary, or if there is evidence that the exemption has been abused.

10.7. This Authority will not normally consider exemptions regarding the licensing pre-requisites for private hire drivers.

10.8. All applications for exemption will be considered by the Council’s Licensing Committee and will not be considered by Officers acting under delegated powers.

11. Prestige Type Vehicles and Private Hire Vehicle Identification Plate Exemptions

11.1. The 1976 Act gives the Licensing Authority the discretion to grant a proprietor a dispensation from displaying the licence identification plate on the rear of their licensed private hire vehicle. This

Authority has adopted a specific licensing policy and vehicle specification with regard to Prestige Type Vehicles and Private Hire Vehicle Identification Plate Exemptions.

11.2. Each application for a dispensation will be considered by the Council on its own merits. The overriding consideration at all times will be public safety. The granting of any dispensation by the Authority will be confirmed in writing by the Council's Licensing Team and a copy of the dispensation must be carried in the vehicle at all times and must be produced to an Authorised Officer on request.

11.3. Dispensation will not be granted as a matter of course. The case for dispensation will have to be made by the proprietor. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the dispensation should be granted. The high quality of the vehicle being used will be strongly supportive of an application, but will not be the sole determining factor. Before any plate exemption notice is issued, the operator must satisfy the Licensing Authority that such an exemption would be integral to his business.

12. Premises of a Private Hire Vehicle Operator

12.1. This Authority will require an operator to indicate the address from which he/she intends to be licensed to accept private hire vehicle bookings. The Authority will know this address as the operating centre or base.

12.2. An operator may operate more than one operating centre but the address or addresses an operator intends to use as operating centres must be specifically detailed in the operator licence granted by this operator.

12.3. The Council recommends that private hire vehicle operators provide adequate off-street parking. In some cases this Authority may consider requiring individual operators to provide off-street parking by way of conditions attached to the grant of the operator's licence. This Authority currently recommends a minimum standard of one off street space for every four vehicles operated. The ratio of one off-street space for every four vehicles operated should include any hackney vehicles (taxis) also operating from the base.

12.4. There is a duty on private hire vehicle operators to keep certain records of their operations. The required records can be found in the licence conditions shown at **Appendix A** of this policy document. These booking records must be kept in writing or in a form in which it can be reduced to writing. Computer records are acceptable if they can be printed off a printer on demand.

12.5. This Authority's private hire vehicle operator licence conditions include the following requirements with regard to the operator booking office:

- Keep clean, adequately 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.
- Ensure that any waiting area provided by the operator has adequate seating facilities.

The above conditions do not require private hire operators to provide waiting facilities for the public – however, if they decide to do so or the public have personal access to the office then the above

provisions must be complied with. In assessing the suitability of such offices this Authority will also take the following (and any other relevant) matters into consideration:

- The size of the workspace provided for the person employed to take bookings in the office. Under the Workplace, (Health Safety and Welfare) Regulations workrooms should have enough free space to allow people to get to and from workstations and to move within the room, with ease.
- Access for the disabled to the waiting area at the booking office.

12.6. This Authority's private hire vehicle operator licence conditions include the following provision:

- A licensed operator will only conduct the business from the booking office address specified on the licence. The office must remain in the location described on the licence unless the Operator applies and is given approval, by the Licensing Authority, for a change of location.

12.7. The legal case of Kingston upon Hull City Council v Wilson makes it clear that the Licensing Authority may specify the address or addresses from which a private hire operator may operate. If the operator moves, then he/she must not only inform the Local Authority, but also ensure that a revised licence is issued.

12.8. Such approval and issue of a revised licence will normally be determined by Council Officers acting under delegated powers. However, where Officers have concerns regarding the suitability of a proposed new location, which cannot be resolved through discussions with the operator, then the matter, will be forwarded to the Licensing Committee for determination.

12.9. Whilst this Authority does not intend to set a minimum period within which the proposed new location must be notified to the Authority – operators are advised to ensure that a reasonable period of notice is given in order to ensure that all relevant checks can be made by Council Officers and the subsequent licensing hearing can be undertaken, if required.

12.10. Where consent for a change of location is declined then the licence holder will be entitled to appeal that licence condition to the local Magistrates Court.

13. Touting

13.1. Private hire vehicle drivers can only carry out private hire vehicle bookings through licensed private hire vehicle operators. Private hire drivers who pick up passengers that have not been booked through their private hire vehicle operators are committing the offence of touting for which they may be prosecuted and fined and also have their private hire vehicle driver's licence suspended or revoked.

13.2. Should a licensed private hire vehicle operator, or an individual associated with an operator's licence, receive a conviction for touting then revocation or suspension of the operator's licence is likely to be seriously considered by the Licensing Authority.

14. Safeguarding Training, Driver Training and Disability Awareness

14.1. A number of high profile safeguarding and child sexual exploitation issues around the country have been publicised in recent years and some of those have involved hackney carriage and private hire licence holders. With this in mind the Council has made the online taxi and private hire vehicle safeguarding training, provided by the Lincolnshire Safeguarding Children Board (LSCB), a mandatory

requirement for all hackney carriage drivers, private hire vehicle drivers and private hire vehicle operators licensed with this Authority.

14.2. The purpose of the online LSCB courses is to increase and raise awareness, amongst licensed drivers and operators, of all aspects of the safeguarding requirements for both children and vulnerable adults.

14.3. All first time applicants for an operator licence will be required to successfully undergo the relevant online courses prior to their licence being granted. Details of how to register and access the on line courses can be found in the guidance leaflet provided by the LSCB.

14.4. The Council recommends that all persons employed by the operator, who are engaged in customer contact, should be encouraged to attend training programmes to raise their awareness in customer care and other associated matters. Licensed drivers can complete the NVQ Level 2 in Road Passenger Transport, specialising in taxi or private hire work. Also available is the BTEC Level 2 Certificate in Transporting Passengers by Taxi and Private Hire. This is a short course designed to support new drivers, and anyone who wants to update their qualifications after a break from driving.

14.5. **Disability Awareness - Operators with Wheelchair Accessible Vehicles (WAVs):** At present there is no specific requirement for drivers and operators to undergo a wheelchair passenger assessment prior to gaining a licence with this Authority, However, this Authority recommends that operators with Wheelchair Accessible Vehicles (WAVs) arrange for their drivers to successfully undergo disability awareness training and a wheelchair loading assessment before driving a wheelchair accessible vehicle.

15. Other Relevant Matters

15.1. **Courtesy Cars:** All vehicles with not more than 8 passenger seats carrying passengers for hire and reward must be licensed by the Local Authority. Current case law supports the view that vehicles which are used as 'courtesy cars' (i.e. for transporting customers to and from hotel, night-clubs, etc.) are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They, therefore, should be licensed accordingly.

15.2. Those operating 'courtesy cars' (e.g. for transporting customers to and from hotels, night-clubs, etc.) should have an operator's licence and drivers and vehicles must be appropriately licensed. All three licences (operator, vehicle and driver) must be from the same Licensing Authority.

15.3. **Exempt Vehicles – Funeral and Wedding Vehicles:** Vehicles that are used solely in connection with a funeral, or are being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals, do not need to be licensed.

15.4. A vehicle does not need to be licensed while it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered by this Authority to be a licensable activity.

15.5. **Exempt Vehicles - Community Car Schemes and Voluntary Sector Transport:** The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the above types of organisation are

providing a service, it is less clear that such provision can be defined as operating a private hire business. The Council will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Council considers that private hire vehicle licensing is necessary. The Department for Transport on the GOV.UK website gives details and guidance notes regarding Community Car Schemes and what is, and what is not, a private hire vehicle.

15.6. Stretched Limousines: Stretched limousines are elongated saloon cars that have been increasingly used for executive and specialist private hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing over previous years. Their private hire use generally includes special occasions such as days at the races, stag and hen parties, school proms and children's birthday parties. This Authority has adopted a specific licensing policy and vehicle specification with regard to the licensing of such vehicles and operators.

15.7. Alcohol Licensing and Stretched Limousines & Executive Hire Vehicles: It is an offence under the Licensing Act 2003 to provide facilities for the 'sale of alcohol' within a limousine or any other vehicle (i.e. payment for alcohol is taken within the vehicle). If the limousine is to be provided whereby part of the booking fee includes the provision of alcohol in the vehicle, then the premises which accepts the booking and supplies the alcohol within the vehicle will need a premises licence (and named Designated Premises Supervisor holding a personal licence) under the Licensing Act 2003, otherwise a criminal offence would be committed. Further information on the subject of alcohol licensing can be found on the Council's website (www.e-lindsey.gov.uk) and on the GOV.UK website.

15.8. Licence Renewal: Holders of existing Private Hire Operator licences shall normally be reminded by this Authority, in the month preceding their expiry, when their licences are due to be renewed. However, non-receipt of a reminder letter will not be an excuse for failing to apply for licence renewal; reminder letters are sent as a matter of courtesy and there is no legal requirement on the Licensing Authority to issue the same.

16. Policy Review

16.1. The Policy Statement will remain in existence for a period of 3 years and will be subject to review and further consultation before 2022. However, following consultation, the Council may make revisions to it as deemed necessary.

Adopted 16 September 2019