

Public Document Pack



NOTICE OF MEETING

Meeting:	Licensing Committee
Date and Time:	Tuesday 6 February 2024 7.00 pm
Place:	Council Chamber
Enquiries to:	Committee Services committeeservices@hart.gov.uk
Members:	Smith (Chairman), Harward (Vice-Chairman), Axam, Butler, Clarke, Coburn, Collins, Crisp, Delaney, Farmer, Forster, Southern, Vernon, Woods and Worlock

Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website.

Please download all papers through the Modern.Gov app before the meeting.

- At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- The Chairman will announce that this meeting may be recorded and that anyone remaining at the meeting has provided their consent to any such recording.**

1 MINUTES OF THE PREVIOUS MEETING (Pages 4 - 6)

The minutes of the meeting held on 7 November 2023 are attached for confirmation and signature as a current record.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence from Members*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

3 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

4 CHAIRMAN'S ANNOUNCEMENTS

5 STREET TRADER POLICY 2024 - 2029 (Pages 7 - 24)

To consider the Executive Director – Place's report which proposes the adoption of the Street Trader Policy following public consultation.

Recommendation

The Licensing Committee is recommended to:

- adopt the Street Trader Policy; and
- authorise the Executive Director – Place to make any necessary minor alterations/typographical corrections to the Policy before it is published.

6 DRAFT STATEMENT OF PRINCIPLES – GAMBLING ACT 2005 (Pages 25 - 63)

To consider the Executive Director – Place's report which proposes approval of the draft Statement of Principles – Gambling Act 2005 for public consultation. The Council is due to publish a new three-year Statement of Principles to be effective from 1 October 2024.

Recommendation:

The Licensing Committee is recommended to:

- approve the draft Statement of Principles – Gambling Act 2005 for consultation; and
- authorise the Executive Director – Place to make any necessary minor alterations and typographical corrections to the Policy.

7 DRAFT HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY 2024-2029 (Pages 64 - 163)

To consider the Executive Director – Place’s report which proposes the approval of the draft Hackney Carriage and Private Hire Licensing Policy 2024-2029 for public consultation.

Recommendation:

The Licensing Committee is recommended to:

- approve the draft Shared Hackney Carriage and Private Hire Licensing Policy for consultation, as set out in Appendix 1; and
- authorise the Executive Director – Place to make any necessary minor alterations and typographical corrections to the Policy prior to publication for consultation.

8 REPORTS FROM LICENSING HEARINGS

The Committee to note that the following Licensing Hearings have taken place:

- **13 November 2023 – Variation to a premises licence – The Wyvern Public House**
Summary of Decision: Refused
- **21 November 2023 – Private hire vehicle licence renewal**
Summary of Decision: Approved
- **27 November 2023 – Hackney carriage licence renewal**
Summary of Decision: Approved
- **6 December 2023 – Hackney carriage licence renewal**
Summary of Decision: Approved
- **8 December 2023 – Hackney carriage licence renewal**
Summary of Decision: Approved
- **12 December 2023 – Premises licence application – Asda Petrol Filling Station, 42 Reading Road South, Fleet**
Summary of Decision: Approved
- **12 January 2024 – Premises licence review application – Redacted**
Summary of Decision: Licence revoked
- **18 January 2024 – Hackney carriage licence renewal**
Summary of Decision: Approved

Date of Publication: Monday 29 January 2024

LICENSING COMMITTEE

Date and Time: Tuesday 7 November 2023 at 7.00 pm

Place: Council Chamber

Present:

Smith (Chairman), Clarke, Coburn, Collins, Farmer, Forster, Vernon and Woods

In attendance:

Officers:

Mark Jaggard, Executive Director - Place

Neil Hince, Environmental Health & Licensing Manager

Tom Payne, Head of Environmental & Community Services (Basingstoke and Deane Borough Council)

Emma Coles, Licensing Team Leader, Shared Licensing Services

Louise Misselbrook, Shared Legal Services

Jenny Murton, Committee and Member Services Officer

Emma Evans, Committee and Member Services Officer

12 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 5 September 2023 were agreed, confirmed and signed as a correct record.

Proposed by Councillor Collins; seconded by Councillor Vernon.

13 APOLOGIES FOR ABSENCE

There were apologies from Councillor Delaney. Councillor Woods informed Committee Services in advance she may be slightly delayed. Councillor Clarke arrived at 7:02pm.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements.

The Executive Director – Place apologised that due to resourcing and capacity issues in the Shared Licensing Service three items which had been due to be considered were now delayed until February's Committee: These were:

- Review of the Taxi Licensing Policy,
- draft Gambling Act Policy review and
- adoption of the Street Trader Policy following public consultation.

Members accepted this explanation regarding these items. It was questioned if this delay would cause the Council any problems regarding timescales.

The Chairman replied there were no specific deadlines for reviewing these policies.

A Member expressed surprise that there had been no responses to the street trading consultation. The Licensing Team Leader explained that as the policy was almost identical to the previous version, which itself had been consulted upon, that was likely to be the reason why the relevant authorities did not comment.

A Member queried if an additional Licensing Committee meeting could be arranged before February. The Chairman commented that the Shared Licensing Service needed the time available before the February meeting in order to produce the necessary documents and reports.

16 FEES AND CHARGES

The Licensing Team Leader introduced the report to consider the fees and charges for taxi licensing services relating to hackney carriage and private hire vehicles, drivers, and operators. It was recommended that the 2023/24 fees and charges should remain the same for the 2024/25 financial year.

A Member asked whether the fees should be lowered to reflect the increase which was introduced in April 2023, which both included the correction from the previous year's published fees, and the inflation increase. In addition, the taxi trade was also affected by the cost-of-living crisis. It was suggested that there is a predicted surplus in the Council's budget for 2024/25 and this could be used to lower fees to assist taxi drivers.

The Executive Director – Place confirmed that the predicted surplus was for one year only, and at this stage is only an end of financial year prediction. He also highlighted that the cost of the Shared Licensing Service to Council had increased and was due to increase further this financial year.

The Chairman highlighted that if fees were reduced and not frozen then a consultation would still be required which would cost the Council additional money. The Licensing Team Leader confirmed this was correct.

Councillor Woods arrived at 7:13pm.

A Member highlighted that the fees and charges should be zero for wheelchair accessible vehicles and also for 100% electric vehicles up to 31 March 2025, as agreed at the February Licensing Committee. Officers confirmed there was a mistake in the table at Appendix 1 in the agenda pack. The Team Leader confirmed it is zero in the published fees and charges on the Council's website.

A Member asked if the fees for 100% electric vehicle licences could be frozen for a further year as people make investments on these types of vehicles.

The Chairman stated that he felt that before any decision was made on extending or changing the zero rate charges, evidence would be needed to show the effect of the incentives. That evidence was not available at the meeting.

The Executive Director – Place highlighted that Licensing Committee were not considering the fees for 2025/26 at that time but suggested that Committee do consider these matters in a year's time when considering the 2025/26 fees.

The recommendation was proposed by Councillor Collins; seconded by: Councillor Clarke. The recommendation was unanimously agreed.

Decision

The Committee agreed that the 2023/24 fees and charges relating to hackney carriage and private hire vehicles, drivers and operator's licences should remain the same for the 2024/25 financial year.

17 REPORTS FROM LICENSING HEARINGS

The reports from the Licensing Hearings were noted.

The meeting closed at 7.22 pm

Licensing Committee

Date of Meeting: 6 February 2024

Title of Report: Adoption of the Shared Licensing Service Street Trader Policy

Report of: Executive Director - Place

Cabinet Portfolio: Regulatory

Key Decision: No

Confidentiality: Non-Exempt

Purpose of Report

1. This report is for the Licensing Committee to adopt the Shared Licensing Service Street Trader policy following public consultation.

Recommendation

2. Licensing Committee are recommended to:
 - adopt the Street Trader Policy, and
 - authorise the Executive Director – Place to make any necessary minor alterations / typographical corrections to the policy before it is published.

Background

3. This policy sets out the details of the Councils' approach to the administration of the Street Trading Consent function under the Local Government (Miscellaneous Provisions) Act 1982.
4. The Licensing Committee in July 2023 approved the draft Shared Licensing Service Street Trader Policy for public consultation, which took place via email and on the Council's website from Monday 19 June to Monday 11 September 2023. No responses were received during the consultation.

Main Issues

5. The Street Trader Policy provides clear advice and information to all persons involved in the consent process. The policy sets out the Councils' expectation of the street traders in the districts and provides a clear understanding of what the Councils will consider when administering applications, dealing with issues, and undertaking any enforcement activities.
6. It will support Licensing Officers in their day-to-day role in ensuring the Councils' licensing aims within this policy are met and ensuring good minimum standards are met and maintained.

Alternative Options Considered and Rejected

7. By not approving a new policy potential difficulties and inconsistencies in decision making may occur. The application process will also remain less efficient and transparent for all parties.

Corporate Governance Considerations

Relevance to the Corporate Plan

8. The Hart Corporate Plan 2023-2027 has three focus area:
 - Planet - make all areas directly under the control of the Council carbon neutral by 2035 and make Hart a carbon neutral district by 2040,

- People – fair treatment for all, help for those in need, and a sustainable economy that makes Hart a great place to live, work and enjoy, and
- Place - delivering warmer, better homes in sustainable locations that people can afford to live in.

9. This will be underpinned by providing a resilient and financially sound Council.

Service Plan

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal? Yes, existing provision.

Legal and Constitutional Issues

10. The Council is required to regularly review this Policy and this Policy has been added to the 5-year review cycle.
11. Street trading in Hart district is regulated under part III and schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This allows the Council to grant a consent upon receipt of a valid application and anyone trading in a consent street without authority commits an offence.
12. There is no formal right of appeal against refusal or revocation of a Street Trading consent, however an informal appeal in writing will be considered by the Council.

Financial and Resource Implications

13. There are no financial implications identified within this report. The Council recovers the costs associated with any application and the application fees are set annually through the Council's general fees and charges process.

Risk Management

14. There are no risk management implications identified within this report.

Equalities

15. When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.
16. There are no equality implications arising from the recommendations.

Climate Change Implications

17. There are no climate change implications arising from the recommendations.

Action

18. If the Licensing Committee approve the recommendation, the Council's website will be updated with the approved policy.

Appendices

Appendix A – Street Trader Policy (Final)



Basingstoke
and Deane



working together

Street Trader Policy

2024 to 2029

1 Introduction

1.1 The Shared Licensing Service (SLS) is responsible considering applications for a range of activities that require a street trading consent under schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 in Basingstoke and Deane Borough Council and Hart District Council areas.

1.2 The aim of this policy is to provide guidance on the law relating to and how the SLS administers applications when applying the law and regulations.

1.3 This policy will be subject to review every 5 years.

2 Aim of Policy

2.1 The policy aims are:

- To ensure fair trading between mobile premises
- To protect the amenity of residents by ensuring that consented traders do not cause nuisance, damage, disturbance or annoyance;
- To ensure the safety of the people using them;
- To promote diversity and consumer choice;
- To provide applicants with advice and guidance on the council's approach to the administration of applications for street trading consents.
- The SLS aims to avoid duplication with other statutory provisions and works in partnership with other enforcement agencies. Where applicants need to have regard to other legal requirements, the Licensing Authority will signpost applicants to the relevant organisation.

3 Exemptions

3.1 The following do not require street trading consents:

- **Pedlars** (see definition in Appendix C). To operate as a pedlar, a pedlar's certificate must be obtained through the local Police Authority, who can provide advice on the application and the conditions of the certificate.
- **Markets/Parks/Top of Town (Basingstoke Only)** - see section 10.1.

- **News Vendors** selling newspapers or periodicals
- **Shop forecourts** selling goods associated with the shop
- **Roundsman**. Anyone trading as a roundsman has defined customers and defined routes. There is no statutory definition of a roundsman, however for the purposes of the Policy the Licensing Authority considers a roundsman to be anyone who goes the round of his customers for orders and the delivery of goods, generally trading door to door rather than from the street.

3.2 The SLS does not authorise consent to trade from privately owned land such as the Harlington Centre (Hart) or Festival Place/ The Malls/ or parts of Chineham Shopping centre (Basingstoke) (this is not an exhaustive list of all privately owned land). Any traders interested in applying to trade from privately owned land must contact the managing agent or owner to enquire about pitch availability and trading conditions and to obtain the necessary permission to trade before making an application for a consent.

4 Choosing a Trading Location / Pitch

4.1 Before applying for a street trading consent, applicants must first identify a suitable trading pitch. It is for the applicant/trader to identify a suitable pitch having regard to the requirements laid out in the policy and their business needs. The licensing authority does not hold a list of available trading pitches or a waiting list for existing pitches.

4.2 The SLS maintains a list of sites deemed unsuitable within Basingstoke which can be found on the [Street Trading](#) page of the BDBC website.

4.3 It is for the applicant to determine a business viability of any pitch. A pitch must satisfy a number of criteria before being considered suitable to trade from. The applicant is expected to conduct this research themselves and provide the information to the licensing authority before submitting a full application. Any pitch in use before the approval of this policy may remain under grandfather rights until the consent is renewed, however any new pitches must meet all of the following criteria:

- Safe for public access by foot or by vehicle
- Has suitable parking spaces for customers and trading vehicle
- Is suitably lit (if trading after dark) to promote safe access and egress for customers and for visibility by other road users.
- Is more than 800m from another street trader selling similar types of goods and trading at the same time.
- Does not breach highway regulations or make hazardous the passage of the public, including people with disabilities, over the highway or otherwise cause a traffic hazard.

- Does not impede the passage of emergency vehicle access.
- Where adjacent to a highway there must be a safety barrier or a verge or footpath between the proposed trading location and the carriageway.
- Does not cause the loss of parking spaces to residents or businesses.
- Will not cause a disturbance, damage, interference, annoyance, inconvenience (e.g. noise nuisance, litter, odour etc.) to local residents or businesses.

4.4 In order for the SLS to assess the potential trading pitch, the application will be required to submit a map of the location with the potential pitch marked out, along with photographs of the pitch site showing exactly where the vehicle is proposed to be sighted, including a grid reference. If the pitch is on private land, to which the public have access without paying, written evidence of the landowner's permission to use that site will also be required for the application. The applicant or landowner must determine if there is appropriate or necessary planning permission to sell goods from the proposed location. If there is no necessary planning permission in place then advice must be obtained through the planning department prior to making an application for consent. If the site is on council land then permission will be needed from the relevant council's Property Services team.

4.5 If a pitch of interest is already occupied, or is of interest to two street traders, then a pitch can be shared by splitting either the times or the days on which the traders wish to operate. The street traders must have a written mutual agreement between them, approved by the licensing authority, detailing when the pitch is going to be occupied by both traders. The individual traders will need their own consents for the location.

4.6 The SLS will inform applicants if a pitch is unlikely to meet the criteria. However, advice from the licensing authority does not guarantee that a proposed pitch will not be subject to relevant objections during the consultation process, following an official application, and therefore be deemed unsuitable.

5 Trading Vehicle

5.1 The trading and/or towing vehicle used must be compliant with DVSA MOT standards. The trading and/or towing vehicle must be maintained in a roadworthy condition, taxed, insured and have an MOT certificate at all times. The type, colour and dimensions of any trading vehicles to be used will be submitted to the SLS with colour photos for approval. Details of where the trading vehicle is to be kept overnight must also be submitted. The trading vehicle must not be set up as a permanent structure and must be removed from the trading pitch within 30 minutes of the end of the consented hours and upon any reasonable request made by the emergency services, Highways or similar authority.

5.2 Maintenance logs must be kept for the trading vehicle and made available for inspection when requested by the responsible authorities (see paragraph 4.2).

5.3 If a trailer is going to be used as the trading vehicle, it must comply with the relevant laws around maximum weight that can be towed, height restrictions etc. The driver of the vehicle towing the trailer to and from the location must have the appropriate B3 driving category included on their DVLA driving licence.

6 Employees

6.1 Under the Immigration Act, introduced in 2016, the Home Office granted new duties for local authorities to deal with illegal workers and those who employ them. Anyone employing illegal workers, (those without the right to be working in the UK) can be fined up to £20,000 per illegal worker. The wages of the illegal workers can also be seized as proceeds of crime. The applicant is required to check the residency status and right to work of anyone who is employed to trade under the street trading consent before including their names on an application form. For more information on the Immigration Act, and the duties of employers to check the rights of their employees to work, please review the Home Office guidance. Any trader found to allow an illegal worker to work as part of their trading activities is likely to have their street trading consent revoked.

7 Goods for Sale

7.1 Traders wishing to sell food items must be registered as a food business with the Environmental Health team in whose area the trading vehicle is stored and where any off site food preparation takes place. A complete list of the food and beverages available for purchase must be provided to the licensing authority with the application form.

8 Advertising

8.1 There must be no available means of attracting attention for the purposes of trading or any stands or signs away from the consented pitch. Any trader wishing to display advertising, such as A-boards, will require the approval of the highways authority. Any unauthorised advertising will be removed. Advertising on the trading vehicle must be approved by the licensing authority.

9 Waste

9.1 The trader must provide at least one suitably sized waste container by the trading vehicle with signage requesting the customers to use it. The consent holder is responsible for disposal of refuse and must not use council, highway or other waste bins. The consent holder has a duty of care to dispose of the commercial waste lawfully. Advice can be sought from the Environment Agency through the Environment Agency Website

9.2 There must be no disposal of liquid waste down the drains or onto the pavement, road or grassland. This includes waste cooking oil as it leads to

blockages, odour, vermin problems and can pollute watercourses. Such action could result in prosecution. Waste oils should also not be disposed of with the rest of the catering or kitchen waste.

9.3 Section 111 of the Water Industry Act 1991 makes it illegal to permit any substance, which may interfere with the free flow of the sewerage system, to pass down any sewer or drain connecting to a public sewer. This is enforced by Thames Water. Further information about disposal of waste oils from catering premises can be found on the Food Standards Agency website. All waste water from the trading vans sinks must be collected and disposed of correctly.

9.4 Officers of the responsible authorities will take the steps they consider appropriate if traders are found to be disposing of oils, waste water etc. in an unlawful or unacceptable manner. Consent holders must also organise adequate sanitation provision for themselves and their employees.

10 Opening / Trading Hours

10.1 Any applicant who wishes to trade after 23:00 hours will also require a premises licence issued under the Licensing Act 2003 authorising the sale of hot food and drink after 23:00. Where a premises licence has not been granted, any consent will restrict trading hours to 23:00. To apply for a premises licence applicants will need to refer to the Licensing pages on the relevant council's web site. This licence is subject to a separate application, consultation process and annual fee.

10.2 The consent holder will be allowed 30 minute preparation time prior to the start of their consented hours in order to set up their trading vehicle, and there will be a 30 minute closing time to allow the trader to tidy and pack up. Consent holders are not permitted to trade during the preparation or closing times.

10.3 If a pitch is shared between two consent holders who will be operating on the same day, there will be an hour between the end time of the first consent and the start time of the other consent to allow for the respective closing and preparation time. If the location is shared (for example a layby), and not the exact pitch, then the preparation and closing times may overlap, requiring a 30 minute gap between trading times.

11 How to Apply for a Street Trading Consent

11.1 All street trading applications must be made in writing or online via the appropriate forms to the SLS. The consent may be granted for up to 12 months.

11.2 The consultation process may take as long as 3 months. The application must include the following supporting documents:

- Completed application form
- Details of all individuals working on the trading vehicle
- Evidence of deposit payment

- Evidence of Public Liability Insurance to the value of £10 million
- A map, graphical drawings and/or photographs of the proposed trading pitch
- Photos and specifications of the trading vehicle
- Evidence of registration of the food business with the appropriate Local Authority
- The Consent Holder shall provide photographic ID and evidence of their right to reside and work in the UK.
- Commercial waste removal contract, including oil if relevant.
- MOT for trading vehicle/towing vehicle
- Copy of driving licence for proposed applicants/employees who may drive or tow the trading vehicle. A print out from the DVLA website dated within the previous 14 days is preferred.

11.3 An application without all the relevant evidence will be returned and not processed. In such circumstances the SLS will inform the applicant within ten working days and will return the application. The deposit fee will be held for 14 days pending the receipt of a complete application. If no replacement application is received a refund will be issued

12 Consultation

12.1 Each new application will be referred to some or all of the following Responsible Authorities for consultation and comments:

- Hampshire Highways
- Ward Councillor(s)
- Parish/Town Council(s)
- Hampshire Constabulary
- Hampshire County Council's Trading Standards Team
- Planning and Development Team
- Street Scene and Parks Team
- Environmental Health Team
- Immigration Enforcement
- Local residents and businesses.
- Any other person or body the Licensing Authority may consider appropriate depending on the type of application e.g. Property Services team.

12.2 Renewal applications will be referred to any additional responsible authorities/consultees at the discretion of the Licensing Team Leader.

12.3 The consultation period for street trading applications is 21 days. This allows time for members of the public and the responsible authorities to consider the application and respond to the consultation.

12.4 A new application may take up to 28 days after the consultation period to be processed, depending upon comments/objections received during the consultation period.

12.5 The deposit fee covers the initial processing of the application and the cost of consultation. Should the application be refused after the consultation, the deposit will not be refunded.

13 Determining Applications

13.1 If there are no objections to the application, the consent will be granted and will be active from the date issued. Each consent may be granted for a maximum period of twelve months. Applicants will be issued with a laminated copy of the consent, which must be displayed in the trading vehicle at all times. The consent will be issued subject to conditions which set out the permissions and requirements for compliance with the consent during the consent period (see Appendix A). Additional conditions may be added by the SLS if required.

13.2 If objections are received then the decision on whether to grant the consent will be made with in accordance with the scheme of delegation. The applicant will be given the opportunity to make submissions regarding any objection prior to any final decision.

13.3 The full cost of the consent must be paid before the consent is issued.

14 Renewals / Refusals / Appeals

14.1 The licensing authority may remind the named holder of the consent prior to the existing consent expiring. This is a courtesy and it is the Street Traders responsibility to be aware of when the consent is about to expire and provide the renewal paperwork in time for it to be processed. Applications for a renewal consent must be sent as soon as possible and received by the SLS before the expiry of the consent. Applications to renew are subject to a 10 working day consultation period in which Ward Councillors will be contacted regarding the renewal. Further responsible authorities may also be contacted regarding the renewal at the discretion of the Licensing Team Leader, depending on the history of compliance with the consent.

14.2 Where a renewal application is not received prior to the expiry date of an existing consent, all trading must cease until a new consent application has been received and processed.

14.3 If the licensing authority receive valid and relevant objections from any of the consultees the application may be refused. Valid objections can relate to any matters pertaining to the list in paragraph 2.1.

14.4 There is no formal right of appeal against the refusal of a street trading application; however should the consent be refused, either at first application or at renewal, then the applicant or consent holder has 14 days to informally appeal in writing to the Regulatory Services Manager stating the reasons why the consent should be granted.

15 Transfer

15.1 There is no provision in the legislation to transfer a street trading consent. Should someone wish to take over a pitch or business, the current consent must be surrendered and the applicant must apply for a new consent.

16 Enforcement Procedure and Complaints Investigation process

16.1 The Enforcement Policy sets out the general approach to enforcement. Licensing Officers will conduct compliance visits to check that street traders are complying with the consent conditions. These visits will not always be announced and may be in conjunction with other responsible authorities such as DVSA, Police or Environmental Health. During these visits the Licensing Officer, or any responsible authority, have the authority to request any documentation relating to the trading vehicle and the running of the business.

16.2 Should the SLS receive complaints about a street trader, the Licensing Officer will investigate according to the seriousness and potential risks to public safety or the level of breach of conditions under which the consent was granted. Any investigation and subsequent enforcement action will be to ensure compliance with the relevant requirements, and this can often be achieved through advice or warnings in the first instance, and before other options, such as revocation, are considered. Where complaints relate to food hygiene or health and safety on the trading vehicle, these will be investigated by the relevant council's Environmental Health team.

16.3 When investigating a complaint or breach of conditions the following details will be taken into consideration:

- Nature and seriousness of the offence
- History of alleged offender
- Reliability and scope of the complaint and evidence
- Likelihood of the alleged offender being able to establish a statutory defence to alleged breach or offence
- Explanation offered by the alleged offender, and the willingness to prevent a reoccurrence of the alleged infringement.

16.4 Following investigation into the complaint and review of the evidence, the Licensing Manager may decide on a number of options depending on the nature of the breach and compliance history of the consent holder:

- Verbal warning and advice
- Written warning and advice
- Final Warning
- Suspension
- Revocation/refusal to renew

- Pass details to another Authority for their investigation (Police, EH, DVSA etc.)
- Prosecution

16.5 Where a decision to prosecute is made, this decision will be taken in accordance with the Code for Crown Prosecutors, which sets out an evidential test and considerations to be taken in the public interest when bringing proceedings.

17 Fees and Payments

17.1 The fees are set annually on a cost recovery basis. All fees will include all of the allowable charges to cover the cost of administering an application and any inspection or compliance check costs. The fees are set annually by the relevant council's Licensing Committee and the current fees can be found on the Street Trading pages on the relevant council's website.

18 Markets and Parks

18.1 Hart - Anyone wishing to trade with a stall or pitch as part of a market in HDC will need to contact the market organiser to obtain permission to trade. Trading in the parks during events is arranged and managed through event organisers. Should an applicant wish to trade in conjunction with an event, the organiser of the event should be contacted.

18.2 Basingstoke - Anyone wishing to trade with a stall or pitch as part of the Wednesday or Saturday Chartered Market that is held in the 'Top of Town' location must apply to the Basingstoke Market Team.

18.3 Basingstoke - The SLS does not issue Street Trading Consents for the public parks in Basingstoke and Deane Borough. The parks are covered by a number of bylaws which regulate the activity that can take place in parks, and these can be found on the Parks and Open Spaces web pages.

18.4 Basingstoke - Trading in the parks during events is arranged and managed through event organisers. Should an applicant wish to trade in conjunction with an event, the organiser of the event should be contacted, who will consider your application and apply to the BDBC Events team for permission for you to trade during the event. The Events team web pages provide further advice.

19 Selling goods for 'Charitable donations'

19.1 Collections for charity on public land will need to apply for a street collection permit. Information is available from the council's web site. Anyone wishing to collect on private land will need to contact those organisations separately for their permission.

20 Ice cream vans

20.1 Ice cream vendors undertaking regular rounds to sell ice cream from vans on designated consent streets require a street trading consent. Ice cream vans are generally granted consent to trade on all streets. The SLS will not intervene in any disputes that may arise between traders over trading locations. Under Section 62 of the Control of Pollution Act 1974, chimes must not be sounded before 12:00 or after 19:00 as it is an offence. In addition it is also an offence to permit the operation of any loudspeaker of the ice cream van chimes in the street when there is reasonable chance that playing the chimes may cause annoyance to persons in the vicinity. There is a code of practice available from DEFRA which provides more guidance.

20.2 Ice cream vendors with more than one trading vehicle are required pay an additional fee to cover the administration of the consent for each vehicle.

21 Christmas Trees

21.1 To sell Christmas trees, or other seasonal goods on a street, a consent must be obtained. Short term consents may be granted for seasonal sellers subject to a complete and valid application and the receipt of no objections.

21.2 In order to process the consent and observe the full consultation period, the consent will need to be applied for at least 28 days before the trader wished to start trading. Consents received with less than 28 days before the requested start date may lead to a delay in commencing trading.

22 Mobile Catering Units

22.1 Traders who wish to provide a mobile catering unit which has a dedicated list of customers, not serving the general public, parked on private land and which parks up at a location for 10 - 15 minutes to make a sale, such as a sandwich van which caters to a list of specific businesses in a set area, is a roundsman (see Appendix C for definition) and will not require a street trading consent. This type of business will however need to register with the Environmental Health team in whose area the unit is stored. It is recommended that advice is obtained from the SLS regarding mobile catering units to determine if a street trading consent is required.

23 Busking

23.1 Busking does not involve a formal sales transaction because donations are given to buskers by members of the public on a voluntary basis. Buskers wishing to trade, i.e. sell CD's, posters etc. for a fixed price, will require a street trading consent.

23.2 For the sale of any item associated with the busking performance to be outside the scope of street trading, it must be offered on a voluntary basis/for a donation and this must be made clear to members of the public. In addition, all buskers must comply with the relevant Local byelaws.

24 Vehicles for sale on the Road

24.1 All streets in HDC are consent streets, which means consent must be given by the local authority for goods to be sold. Vehicles for sale on the road (including verge or pavement) can also cause a parking hazard, be an obstruction on the highway or cause pollution.

24.2 Under Part 2 Section 3 Clean Neighbourhoods and Environment Act 2005 , a person commits an offence if they: a) leaves two or more motor vehicles parked within 500m of each other one a road or roads where they are exposed or advertised for sale. A person guilty of an offence under this legislation is liable on summary conviction to a fine. The other legislation relating to this is:

- Section 137 , Section 147A, Section 148 and Section 149 The Highways Act 1980
- The Town and Country Planning Act 1990, aimed at those running a business from home or potentially causing a change of use to the highway.
- Section 4 Local Government (Miscellaneous Provisions) Act 1982 and Section 7(1) Local Government (Miscellaneous Provisions) Act 1976.

24.3 Where vehicles are exposed for sale on the street, officers may record vendor and vehicle details and conduct registration checks with the DVLA to establish the vehicle owner and whether sales are being conducted as part of a business. This information could be shared with other enforcement agencies including Hampshire Police and other relevant council departments. Vehicles which have no registered keeper, or whose keeper sold it on to a third party will be treated as a commercial sale. Vehicles for commercial sale on private land will require the necessary planning permission.

24.4 Enforcement concerning selling vehicles from the highway will only be pursued as an offence where it is conducted by people who run a business, selling motor vehicles or make a profit from selling motor vehicles and use the road as a mock showroom. Enforcement will not be pursued against legitimate individual private sellers of single vehicles, however they will be given relevant advice about selling. Licensing Officers will monitor locations from where vehicles are regularly exposed for sale and liaise with the Hampshire Highways and other council departments (e.g. Planning and Community Safety) about activities from these locations to enable them to investigate the best course of action to remedy any ongoing problems.

25 Safeguarding

25.1 A Street Trading Consent will only be issued to those aged 18 years or older. Further, only those aged 18 years or older may be allowed to work on the trading vehicle and all employees must be covered by the appropriate employment law.

25.2 There have recently been well-publicised issues relating to Child Sexual Exploitation (CSE) and human trafficking. As a Licensing Authority, we have a duty

to assist consent holders and the public in tackling these issues, to protect the vulnerable and those at risk of, or who are, being exploited. For more information on the warning signs of CSE please see the following [Child Sexual Exploitation information](#).

25.3 If you have concerns that a child or adult you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency, or contact the Safeguarding Services.

Appendix A

Consent Conditions

The licensing authority will attach the following conditions to all street trading consents. The licensing authority reserves the right to change all or part of these conditions without notice, and may add additional conditions on consent grant and renewal if considered necessary. Failure to comply with the conditions may lead to the revocation of the consent or prosecution.

1. The trader shall display the issued street trading consent and nameplate at all times whilst trading. This must be in a prominent position and visible to members of the public.
2. Current public liability insurance cover of £10 million will be maintained at all times, and available for inspection on site.
3. The trader must work only within the operating hours and days of trading authorised by their consent (subject to the permitted 30 minute start up/clear up period)
4. The trader may only sell goods which are applied for at the time of the application.
5. Traders must provide refuse bins or make arrangements a licensed waste collection contractor for disposal of all waste produced from trading in accordance with the duty of care regulations.
6. No cooking oil or liquid waste may be disposed of down drains, on grassland or placed in roadside or other waste bins.
7. Traders must ensure that all litter associated with the business is picked up at regular intervals throughout trading hours within a radius of 100 metres and that the pitch is left tidy and litter free at the end of business.
8. The trader must use the exact pitch nominated in the consent application.
9. Upon request by an officer of the council or the Police the trader must provide any documentation relevant to the trading vehicle.
10. Traders shall ensure that no nuisance to residents or businesses arises from their trading activity or customers.
11. Traders must comply with all relevant legislation

Appendix B

Relevant Offences

From Schedule 4 Section 10 of the Local Government (Miscellaneous Provisions) Act 1982:

(1) A person who -

- a. Engages in street trading in a prohibited street; or
- b. Engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule; or
- c. Contravenes any of the principal terms of a street trading licence; or
- d. Being authorised by a street trading consent to trade in a consent street, trades in that street -
 - i. From a stationary van, cart, barrow or other vehicle; or
 - ii. From a portable stall

Without first having been granted permission to do so by the council; or

e. Contravenes a condition imposed by the council shall be guilty of an offence.

1) It shall be a defence for a person charged with an offence under subparagraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

2) Any person who, in connection with an application for a street trading licence or for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.

3) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level three on the standard scale (currently £1,000).

A person convicted of contravening conditions relating to the times of trading shall be liable on summary conviction to a fine not exceeding level three on the standard scale (currently £1,000).

Appendix C

Definitions

SLS	Shared Licensing Service
Consent Street	All streets where consent from the Council is required before any trading may take place.
Pedlars	<p>Are defined under The Pedlars Act 1871 as “...any hawker, pedlar, petty chapman, tinker, caster of metals, .or other person who, travels and trades on foot and goes from Town to Town or to other men's houses, carrying to sell or exposing for sales any goods, wares or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered.”</p> <p>Pedlars may only trade on foot, door to door, place to place or town to town. Pedlars are expected to either carry their goods to their customers or hold them in a small easily moved trailer and not to remain stationary for a reasonable amount of time.</p>
Prohibited Street	No trading is permitted at any time.
Street Trading	Means the selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment (this can include private land).

Licensing Committee

Date of Meeting: 6 February 2024

Title of Report: Draft Joint Statement of Principles – Gambling Act 2005

Report of: Executive Director - Place

Cabinet Portfolio: Regulatory

Key Decision: No

Confidentiality: Non-Exempt

Purpose of Report

1. To consider the draft Joint Statement of Principles – Gambling Act 2005 and approve it for public consultation.

Recommendation

2. Licensing Committee are recommended to:
 - approve the draft Statement of Principles – Gambling Act 2005 for consultation, and
 - authorise the Executive Director – Place to make any necessary minor alterations and typographical corrections to the policy prior to consultation.

Background

3. The Councils' Joint Statement of Principles – Gambling Act 2005 (also known as the Gambling Policy) expires in October 2024. The Gambling Act 2005 (the Act) under the requirements of Section 349(1) requires the Licensing Authority to prepare and publish a new three-year Statement of Licensing Principles which is due to be effective from the 1 October 2024.
4. Section 349(2) requires the Council to review its Statement of Principles for Gambling under this section from time to time. If it is deemed necessary considering a review to revise the Statement and publish any revision before giving it effect.
5. This will be a shared Policy with Basingstoke and Deane Borough Council once it has been adopted by their Licensing Committee in July 2024.

Main issues

6. In April 2023 there were several updates to the Gambling Act 2005 of which many of the changes were to make the Act more consistent, changing local authorities to licensing authorities through the Act.
7. There were several changes that relate to online gambling and the responsibilities of those holding an operator's licence. These are areas controlled and managed by the gambling commission for which the Licensing Committee have no responsibility for, or power to amend.
8. These changes in national gambling regulation and policy do not require any amendments to the Statement of Gambling Policy presented to this Committee.
9. It is proposed that the policy attached to this report will be consulted upon from the 12 February 2024 for a period of 8 weeks.
10. All current licence holders and the responsible authorities will be emailed a copy of the consultation.
11. The consultation will also be available on the Council's website.

12. The requirements for the placing of notices and making the draft Statement available as described will meet the requirements of the Act and the relevant Regulations.
13. Following that consultation, and after reviewing any responses to the consultation, the definitive version will be presented to the Licensing Committee in July 2024 for approval.

Alternative Options Considered and Rejected

14. By not reviewing policy and adopting a new policy the Council will not be complying with the Gambling Act 2005.

Corporate Governance Considerations

Relevance to Corporate Plan

15. The Hart Corporate Plan 2023-2027 has three focus areas:
 - Planet - make all areas directly under the control of the Council carbon neutral by 2035 and make Hart a carbon neutral district by 2040,
 - People – fair treatment for all, help for those in need, and a sustainable economy that makes Hart a great place to live, work and enjoy, and
 - Place - delivering warmer, better homes in sustainable locations that people can afford to live in.
16. This will be underpinned by providing a resilient and financially sound Council.

Service Plan

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal?
Yes

Legal and Constitutional Issues

17. The Council is required to review this Policy every 3-years. This ensures that the Licensing Authority continues to meet its obligation under section 349(1) of the Gambling Act 2005.
18. Section 349(1) of the Gambling Act 2005 requires the council, as licensing authority, to prepare a statement of the principles they propose to apply in exercising their functions under the Act during that three-year period and to publish that statement.
19. When preparing and publishing a statement of principles under the Gambling Act 2005, the licensing authority must have regard to the Statutory Guidance 'Gambling Commission: Guidance to Licensing Authorities'.

Financial and Resource Implications

20. There are no financial implications identified within this report.

Risk Management

21. There are no risk management implications identified within this report.

Equalities

22. When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.
23. There are no equality implications arising from the recommendations.

Climate Change Implications

24. There are no climate change implications arising from the recommendations.

Action

25. If the Licensing Committee approve the recommendation, the draft Statement of Principles – Gambling Act 2005 Policy will be consulted upon for a period of 8 weeks.
26. The policy will return to Licensing Committee in July 2023 following Consultation for adoption.

Appendices

Appendix A – Draft Statement of Principles – Gambling Act 2005 Policy



Basingstoke
and Deane



working together

Statement of Principles

Gambling Act 2005

2024 to 2027

Joint statement of licensing policy

This policy was adopted by the Hart District Council at the meeting of Licensing Committee on **July 2024** comes into force from **1 August 2024** and will be reviewed by **August 2027**.

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GLOSSARY

Adult gaming centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Gaming Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See adult gaming centres and licensed and unlicensed family entertainment centres.

Betting

Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000). Prize bingo is traditionally played in arcades or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo.

Casino

A location where people can participate in one or more casino games.

Casino games

Games of chance not being equal chance gaming. i.e. games in which players stake against a "bank".

Councils

The licensing authorities. Hart District Council in its capacity as the licensing authority for the area of Hart and Basingstoke and Deane Borough Council in its capacity as the licensing authority for the area of Basingstoke and Deane.

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a “bank”. It is immaterial how the “bank” is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non-commercial gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- the profits will be for a purpose other than that for private gain
- the players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain
- the event must not take place in premises which either have a premises licence or on premises relying on a temporary use notice under the Act
- the gaming must not be remote.

Any regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity are used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as: gaming, betting or participating in a lottery.

Games of chance

This covers games that involve both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.

Gaming

Gaming means playing a game of chance for a prize.

Guidance

The Gambling Commission under section 25 of the Act is required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.

Interested parties

Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities
- has business interests that might be affected by the authorised activities
- represents persons in either of these groups.

Interested parties can also be a councillor or an MP.

Licensed family entertainment centres

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Operators

Individuals or companies who provide facilities for gambling

Operating licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling a:

- casino operating licence
- bingo operating licence
- general betting operating licence
- pool betting operating licence
- betting intermediary operating licence
- gaming machine general operating licence (for an adult gaming centre)
- gaming machine general operating licence (for a family entertainment centre)
- gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- lottery operating licence.

Premises licence

A premises licence issued by a licensing authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Representations

In dealing with applications the council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.

Tracks

A track is any premises where a race or sporting event may take place. Facilities for betting on tracks may be permitted by a track premises licence, a temporary use notice or an occasional use notice.

Unlicensed family entertainment centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

1.0 INTRODUCTION

1.1 Scope

- 1.1.1 Gambling activities are regulated by the Gambling Act 2005 ('the Act'). Basingstoke and Deane Borough and Hart Councils are licensing authorities for the purposes of the Act. This 'Statement of Principles' ('policy') covers the areas of Basingstoke and Deane Borough Council and Hart District Council ('the councils'). The Act requires the councils to produce a statement of principles concerning their duties under the Act every three years.
- 1.1.2 The Act gives the councils various regulatory functions in relation to gambling. The councils' main functions under the Act are:
- licensing premises for gambling activities
 - considering notices given for the temporary use of premises for gambling
 - granting permits for gaming and gaming machines in clubs and miners' welfare institutes
 - regulating gaming and gaming machines in alcohol licensed premises
 - granting permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
 - granting permits for prize gaming
 - considering occasional use notices for betting at tracks
 - registering small societies' lotteries
 - maintaining a register of premises licences (for casinos, bingo halls, adult gaming centres, family entertainment centres, betting shops and race tracks).

There is an obligation on the councils to provide information annually to the Gambling Commission to include details of licences, permits and registrations issued.

The councils maintain statutory registers of premises licensed under the Act. The registers can be viewed on the relevant council's website or by prior request at the relevant council office.

2.0 BACKGROUND

2.1 Purpose of policy

It is expected that the councils regulate gambling in the public interest. The purpose of this policy is to ensure the councils' compliance with the Act, to protect the health and welfare of the general public and to assist businesses

by ensuring they are aware of the councils' requirements and the way in which the councils carry out their regulatory functions.

2.2 Persons consulted

The following bodies/persons were consulted on this policy and their views taken into consideration:

- the Chief Constable of Hampshire Constabulary
- businesses and individuals in the councils' areas who held a premises licence granted under the Act at the time consultation commenced
- one or more persons who appeared 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. A full list of consultees is attached at Annex 2.

2.3 Declaration

This policy has been produced with due regard to the licensing objectives, the Gambling Commission's 'Guidance to Licensing Authorities 4th edition' and the responses received as part of the consultation process. The consultation ran for a twelve week period from 01 November 2020 to 01 February 2021. The policy will be in force for no longer than three years and it may be reviewed and amended at any time within the three year period. The policy does not override the right of any person to make an application, make representations about an application or apply for a review of a licence. Each application and representation will be considered on its own merits and in accordance with the Act. The policy has been agreed taking into account the Human Rights Act 1998 and the councils will consider the need to balance the legislation and the principles contained within the policy with the human rights of all parties, be they licence holders, applicants or interested parties.

2.4 Responsible authorities

2.4.1 Under the Act responsible authorities are public bodies who must be notified of applications and who are entitled to make representations to the licensing authority in relation to applications for and in relation to, premises licences. The responsible authorities for both councils are:

- the licensing authority
- the Gambling Commission
- the Chief Constable of Hampshire Constabulary
- Hampshire Fire and Rescue Service
- the planning authority (within the relevant council)

- the local town council, parish council or parish meeting
- the environmental protection team (of the relevant council)
- a body designated in writing by the licensing authority as competent to advise about the protection of children from harm (see 2.4.3)
- HM Revenue & Customs
- any other persons prescribed in regulations by the Secretary of State.

Contact details for the above authorities are included at Annex 2

2.4.2 In the event that the premises are a vessel, the following bodies are also responsible authorities:

- the Environment Agency
- the British Waterways Board
- the Secretary of State for Transport (who acts through the Maritime and Coastguard Agency)

2.4.3 In exercising the councils' powers under section 157(h) of the Act to designate a body competent to advise them about the protection of children from harm the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of a licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

Having regard to the above principles, the councils have designated the Hampshire Safeguarding Children Board at Hampshire County Council for this purpose.

2.5 Interested Parties

2.5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Act defines interested parties as persons or bodies who, in the opinion of the licensing authority:

- (a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) have business interests that might be affected by the authorised activities; or
- (c) represent persons who satisfy (a) or (b) (see 2.5.4)

2.5.2 Whether or not a person is an interested party is a decision that will be taken by the relevant council on a case-by-case basis, judging each case on its merits. However, the following factors will be taken into account:

- the size of the premises (for example, larger premises may affect people over a wider geographical area)
- the nature of the activities planned or already taking place
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- the circumstances of the complainant (which may be relevant to the distance from the premises, for example, it could be reasonable for an authority to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
- the catchment area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area, that might be affected (this is particularly relevant when representations are made by another gambling business who state their business interests may be affected, however whether or not there is demand for the premises shall not be taken into account).

2.5.3 This list is not exhaustive and other factors may be taken into consideration if the councils deem it necessary.

2.5.4 The councils considers the following people / bodies to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:-

- trade associations
- residents' and tenants' associations
- district, county, town and parish councillors
- MPs
- school head-teachers
- community groups
- charities
- faith groups
- medical practices
- bodies that exist to help people with gambling addictions such as GamCare or Gamblers Anonymous.

2.5.5 In other cases, the councils shall require written evidence that the person / association / body represent an interested party.

2.6 Licensing objectives

In exercising their functions under the Act, the councils must have regard to the licensing objectives as set out in 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.

The councils will aim to permit the use of premises for gambling as required by section 153 of the Act.

2.6.1 The councils can only make decisions based on the licensing objectives and not for unrelated moral, ethical or business reasons, for example, a general dislike of gambling, nuisance or expected demand.

2.7 Local area profile and operator risk assessments

2.7.1 The Councils will maintain a local area profile (LAP) containing information on the makeup of their area and any actual or potential risks from gambling premises that the councils have identified by observation, data or consultation.

2.7.2 The local area profiles will be made available to operators to develop their risk assessments as required under the code of practice published by the Gambling Commission.

2.7.3 Operators will be required to submit their risk assessments along with any applications for new premises licences, variations to existing licences or on request for any existing premises.

2.7.4 Operators will be made aware of any significant changes in the local area profile during the life of this policy so that their risk assessments can be updated.

2.8 Decision making and delegation of powers

2.8.1 All applications for the grant or review of a licence or permit will be considered on their own merits. The Act makes it clear that neither issues of demand for a premises nor compliance with planning or building regulations are to be considered when councils make decisions about applications. With regard to

premises licences, the councils will consider all applications in accordance with the principles contained in section 153 of the Act. Responsible Authorities and Interested Parties may only make representations relevant to the licensing objectives listed at paragraph 2.6. For clarification, these are different to the licensing objectives of the Licensing Act 2003.

2.8.2 The councils expect applicants to show that they have policies and procedures in place to support the licensing objectives, for example; exactly how they intend to ensure that children cannot gamble in their premises. Applicants are required to consider the following steps in promoting all three objectives:

- proof of age schemes
- Closed Circuit Television (CCTV)
- supervision of entrances / gambling areas
- physical separation of areas (for example when gaming machines are provided in pubs where children are permitted or in gaming centres where children may be permitted to play on some but not all of the machines)
- location of and entry to premises
- notices / signage
- training for staff on challenging persons suspected of being under-age
- training for staff on how to recognise someone with or developing a gambling addiction and what action to take
- training for staff on the types of crime that may occur as part of gambling and what action to take
- specific opening hours (for example if the premises are sited near a school or job centre)
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

2.8.3 All new applicants will be required to submit a risk assessment for their premises

2.8.4 The councils will not automatically refuse an application for the grant of a licence because a responsible authority or interested party has concerns relating to one of the licensing objectives, they will take into account any measures the applicant may offer to put into place to overcome the concerns.

2.8.5 The Act defines at what level decisions may be made within councils – see Annex 3. Where representations have been received and remain un-resolved to the satisfaction of all parties, a Licensing sub-committee will hold a hearing to decide whether a licence, statement or club gaming permit will be granted.

2.8.6 Guidance on making applications for licences or permits, to make representations regarding application or to request a review can be found on the relevant council website or by contacting the licensing team.

2.9 Reviews of Premises Licences

- 2.9.1 Section 197 of the Act provides that an application for a review of a premises licence may be made by a responsible authority or interested party. There are regulations governing reviews (The Gambling Act 2005 (Premises Licences) (Review) Regulations 2007) which state that the person applying for the licence to be reviewed must do so in writing using a prescribed form, stating the reasons why a review is being requested and submitting it to the relevant council with any supporting documents. They must then send the same information to all (other) responsible authorities within seven days. Failure to do this will mean that the review process is halted until the documents are received by all parties.
- 2.9.2 The relevant council must grant the application for a review unless it thinks the grounds on which it is sought:
- are not relevant to this policy, or any guidance or codes of practice issued by the Gambling Commission, or the licensing objectives
 - are frivolous
 - are vexatious
 - 'will certainly not' cause the council to revoke or suspend a licence or to remove, amend or attach conditions to the premises licence
 - are substantially the same as the grounds cited in a previous application or substantially the same as representations made at the time the licence was granted, depending on how much time has passed (the licence should not be reviewed based on the same arguments that have already been considered by the relevant council).
- 2.9.3 Within seven days of receiving the application to review a premises licence, the relevant council will publish notice of the application in accordance with the regulations mentioned in paragraph 2.9.1.
- 2.9.4 Representations in response to the application must be made within the 28 days which follow publication of the notice and the relevant council must carry out the review as soon as possible after the 28 days has ended.
- 2.9.5 If the relevant council deems action is justified, its options are to:
- add, remove or amend a licence condition imposed by the relevant council
 - exclude a default condition imposed by the Secretary of State (relating to for example, opening hours) or remove or amend such an exclusion
 - suspend the premises licence for a period not exceeding three months

- revoke the premises licence.

2.9.6 The relevant council will notify the licence holder, the applicant for the review, any person who made representations, the Gambling Commission, the Chief Constable of Hampshire Constabulary and HM Revenue and Customs of the outcome of the review as soon as possible.

2.10 Appeals against a decision of the councils

2.10.1 The Act details the process for appeals against the councils' decisions in regards to licences, permits, provisional statements and temporary use notices. In all cases appeals are to the local Magistrates' Court within 21 days of the appellant's receipt of the councils' decision.

2.10.2 Any party may apply for a judicial review if they believe that a decision taken by the relevant council is:

- beyond the powers available to it
- subject to procedural impropriety or unfairness
- irrational (a decision so unreasonable no sensible person could have reached it).

2.11 Enforcement

2.11.1 The councils seek to secure compliance with the law in a variety of ways. Most contact with individuals and businesses is informal; providing advice and assistance over the telephone, during visits and in writing. Formal measures will include warnings, licence reviews and prosecution. The objective of these measures will be to ensure compliance with the licensing objectives including any general or specific licence conditions.

2.11.2 Part 15 of the Act details inspections that may be made to check for compliance with the Act. The councils will adopt a risk-based approach to the inspection of gambling premises which will be operated in conjunction with the councils' current enforcement policy. This will allow for the targeting of high-risk premises or those where a breach would have serious consequences. Premises that are low risk and / or well run will be subject to a less frequent inspection regime.

2.11.3 Section 346 of the Act gives the councils the power to instigate criminal proceedings in respect of the offences specified in that section. The councils will ensure that enforcement is carried out in a fair and consistent manner in accordance the councils' enforcement policy.

- 2.11.4 The councils will endeavour to work with, and avoid duplication with, other regulatory regimes so far as possible.
- 2.11.5 Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the councils but will be referred to the Gambling Commission.

2.12 Exchange of information

- 2.12.1 The councils regard the lawful and correct treatment of information as important to the successful and efficient performance of their functions, and to maintain the confidence of the people / bodies they deal with. The councils will ensure that information is kept and shared lawfully and correctly.
- 2.12.2 The councils may share information in accordance with the following provisions of the Act:-
- sections 29 and 30 (with respect to information shared between the councils and the Gambling Commission)
 - section 350 (with respect to information shared between the councils and the other persons listed in Schedule 6 to the Act)
- 2.12.3 The purpose of information exchange is not only to fulfil the requirements under the Act, but also to enable both the Gambling Commission and the councils to carry out work related to their regulatory functions in a risk-based manner, using the best available information.
- 2.12.4 In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the councils' policies in relation to data protection and freedom of information.
- 2.12.5 Any information sharing between the councils and Hampshire Constabulary must also be carried out in accordance with the information sharing protocol under the Oxfordshire memorandum of understanding.
- 2.12.6 Any person wishing to obtain further information about their rights under the Data Protection Act 1998 or the Freedom of Information Act 2000 may view the councils' policies at www.basingstoke.gov.uk or www.hart.gov.uk or alternatively members of the public and businesses can also access information and advice regarding licensing by obtaining independent legal advice or contacting the following bodies:
- Local Government Association (LGA)
www.local.gov.uk
 - DCMS (Department for Digital, Culture, Media and Sport)
www.culture.gov.uk

- Citizens Advice Bureau
www.citizensadvice.org.uk

2.13 Application procedure

Applications for family entertainment centres, prize gaming and licensed premises gaming machine permits are to be made on the relevant council's forms available from their websites.

For all other types of licences and permits, the standard forms are available from the Gambling Commission website.

Applicants must ensure that they are aware of what should accompany each application (for example a plan of the premises). Each of the websites mentioned details these requirements.

2.14 Fees

Maximum licence fees are set by the government; however each council sets its own fees up to these maximums. Fees set by the councils are subject to annual review. A list of current fees to accompany the different licence / permit applications can be found by accessing the councils' websites at either:

<https://www.basingstoke.gov.uk/finance>

or

www.hart.gov.uk/licensing-and-permits/gambling-and-gaming/gambling-and-gaming-fees

3. PERMITS

Please refer to www.gamblingcommission.gov.uk for the latest details on machine categories including maximum stakes and pay-outs permitted and the entitlement of certain premises to certain categories and numbers of machines. A list of entitlements as at October 2019 is included at Annex 4.

The councils will expect applicants to be able to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permitted in their premises and that staff are trained to have a full understanding of them also.

The holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of any machine(s).

3.1 Unlicensed family entertainment centre gaming machine permits (FECs)

- 3.1.1 Unlicensed FECs are able to offer category D machines if granted a permit by the relevant council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a premises licence from the relevant council.
- 3.1.2 The councils can grant or refuse an application for an FEC permit but cannot attach conditions.
- 3.1.3 As unlicensed family entertainment centres appeal to children and young persons, the councils expect applicants to pay particular attention to the example measures detailed in paragraph 2.8.2.
- 3.1.4 In considering the protection of children, the councils will expect the applicant to show not only how they intend to protect children from gambling but also that they have taken into account wider child protection considerations in their policies and procedures. The efficacy of such policies and procedures will each be considered on their merits.
- 3.1.5 The councils will not grant a permit for unlicensed family entertainment centres if the applicant has a relevant conviction (as set out in Schedule 7 to the Act). Applicants will be required to undergo an enhanced Disclosure and Barring Service (DBS) check.

3.2 (Alcohol) licensed premises gaming machine permits

The Gambling Commission has published a number of useful leaflets and guidance about gaming machines and other types of gambling specifically to provide information to premises authorised to sell alcohol. These can be found on the Gambling Commission website.

- 3.2.1 Premises licensed to sell alcohol for consumption on the premises are automatically entitled to two gaming machines, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will simply need to notify the council and pay the prescribed fee.
- 3.2.2 The councils can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of section 282 of the Act

- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

3.2.3 If the holder of the premises licence wishes to have more than two machines in the premises, they will need to apply for a permit.

3.2.4 As there may be children in some alcohol licensed premises, the councils expect applicants to pay particular attention to the example measures detailed in paragraph 2.8.2. in order to protect the children.

3.2.5 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 applied for and dealt with under the Gambling Act, not the Licensing Act.

3.2.6 The councils can decide to grant the application with a smaller number of machines and / or a different category of machines than that applied for, however conditions cannot be attached to the permit.

3.3 Club gaming and club machine permits

3.3.1 The numbers and categories of machine permitted are different to non-clubs. Please refer to www.gamblingcommission.gov.uk for the latest maximum stakes and pay-outs permitted for each machine category and numbers of machine(s) permitted.

3.3.2 The councils may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance.

3.3.3 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the councils for a club machine permit under section 273 of the Act.

3.3.4 To qualify, members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. Bridge and whist clubs will be permitted, replicating the previous position under the Gaming Act 1968. 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, sports and social clubs and clubs with political affiliations.

3.3.5 The councils must satisfy themselves that the club genuinely meets the requirements of the Act to obtain a club gaming permit and therefore may ask for supporting documents. The following is a list of matters that will be considered:

- the procedures for guests accepted into the club

- how the club is advertised
- the running of the club, for example committee meetings, financial accounts and election of committee members.

This list is not exhaustive and the councils may ask for any documents they feel are necessary in determining whether or not a club is genuine, even if it has already been granted a club premises certificate under the Licensing Act 2003.

3.3.6 An application may only be refused on one or more of the following grounds:

- 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 it has applied
- the applicant's premises are used wholly or mainly by children and / or young persons
- an offence under the Act or a breach of condition 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 Gambling Commission or the police.

3.3.7 Under section 72 of the Act, there is a 'fast-track' procedure available for clubs 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 Gambling Commission or the police and the grounds upon which a council can refuse a permit are reduced.

3.3.8 The grounds on which an application under the fast track procedure may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12 of the Act
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club gaming machine permit issued to the applicant in the last ten years has been cancelled

3.3.9 The councils may grant or refuse an application for a club gaming or club machine permit but cannot attach any conditions to it. However there are a number of conditions in the Act that the holder must comply with. These are contained in the Gaming Machine Permits Code of Practice issued by the

Gambling Commission. This can be found on the Gambling Commission's website www.gamblingcommission.gov.uk

3.4 Prize gaming permits

- 3.4.1 Section 288 of the Act 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.
- 3.4.2 Casinos, bingo premises, adult gaming centres and licensed family entertainment centres do not require a permit in order to offer prize gaming.
- 3.4.3 Travelling fairs do not require a permit in order to offer equal chance prize gaming, provided that taken together, the facilities for gambling are ancillary to the fair.
- 3.4.4 Children and young persons may participate in equal chance prize gaming only.
- 3.4.5 Applicants for a prize gaming permit should set out the types of gaming that they are intending to offer. The applicant should be able to demonstrate:
- that they understand the limits on stakes and prizes that are set out in regulations; and
 - that the gaming offered is lawful.
- 3.4.6 The councils can grant or refuse an application for a permit, but cannot attach any conditions to it. However, there are four conditions in the Act that permit holders must comply with. These 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.

3.4.7 Councils can only grant a permit if they have consulted the chief officer of police about the application. Applicants must disclose any relevant convictions they may have to the council and the council will consider any objections that the police make about the suitability of person or the premises, including its location and the potential for disorder.

4. PREMISES LICENCES

4.1 Primary gambling activity

4.1.1 Premises licences authorise the provision of gambling activities in:

- casinos
- bingo premises
- betting premises (including tracks and premises used by betting intermediaries)
- adult gaming centres and
- family entertainment centres.

4.1.2 Premises licences will be considered in accordance with the principles set out in paragraph 2.8.

4.2 Premises

4.2.1 In the Act a premises is defined as 'any place'. No more than one premises licence can apply to any place, however one premises may hold more than one premises licence so long as the building can be genuinely separated. In determining whether or not the separation is genuine, the councils will base their decisions on the following:

- are the premises registered separately for business rates?
- are the premises owned by the same person?
- can each of the premises be accessed from the street or is access to one only via the other or another gambling premises?

4.2.2 Roping off and different coloured carpets are examples of methods used by some proprietors to artificially sub-divide premises and the councils will not consider premises 'divided' as such as two separate premises.

- 4.2.3 Where two or more licences are applied for within the same building and the council does consider separation genuine, the applicant(s) must still demonstrate how they will uphold the licensing objectives, with particular reference to how they plan to control the access from one part of the building into the other, in order to protect children from accidentally or otherwise accessing types of gambling to which they are not authorised.

4.3 Location

- 4.3.1 The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern

- schools
- vulnerable adult centres
- residential areas with a high concentration of children.

- 4.3.2 Much will depend upon the type of gambling that is proposed will be offered on the premises. The councils will consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant must demonstrate how they propose to overcome such concerns.

4.4 Conditions

- 4.4.1 Conditions may be imposed upon a premises licence in a number of ways. These are:

- (a) mandatory – set by the Secretary of State, some set out in the Act and some to be prescribed in regulations, for all, or classes of licence
- (b) default – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the licensing authority
- (c) specific – conditions that can be attached to an individual licence by the licensing authority

- 4.4.2 Conditions will only be imposed to address specific risks under the licensing objectives. Any conditions imposed by the councils will only be considered where there is evidence of a risk to the licensing objectives and be proportionate to the circumstances that they are seeking to address. In particular, the councils will ensure that premises licence conditions:

- are relevant to the need to make the proposed building suitable as a gambling facility
- are directly related to the premises and the type of licence applied for
- are fairly and reasonably related to the scale of premises and
- are reasonable in all other respects.

4.4.3 Certain matters may not be the subject of conditions. These are:

- any condition on the premises licence which makes it impossible 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.

4.5 Door supervisors

4.5.1 It is not a mandatory requirement of the Act to impose a condition relating to door supervision. However, if the councils consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors they shall be licensed by the Security Industry Authority (SIA).

4.5.2 There is an exemption for 'in house' employees working as door supervisors at licensed casino or bingo premises, however 'contract' staff employed as door supervisors will need to be licensed by the SIA. The councils may still impose specific requirements on these unlicensed door supervisors if they considered it necessary at particular premises.

4.6 Adult gaming centres

4.6.1 Operators of an adult gaming centre must obtain an operating licence from the Gambling Commission and a premises licence from the relevant council. This will allow the operator to make category B, C & D machines available to their customers.

4.6.2 In considering licence applications for adult gaming centres, consideration will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The councils will therefore expect applicants to

demonstrate that there will be sufficient measures in place to promote this objective.

4.7 Licensed family entertainment centres

4.7.1 Operators of a licensed family entertainment centre will require an operating licence from the Gambling Commission and a premises licence from the relevant council. This will allow the operator to make category C & D machines available to their customers.

4.7.2 Children and young persons will be able to enter licensed family entertainment centres and play on the category D machines. They will not be permitted to play category C machines.

4.7.3 As family entertainment centres will particularly appeal to children and young persons, consideration shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the councils will require 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
- only adults are admitted to the area where the category C machines are located
- access to the area where the category C machines are located is supervised
- the area where the category C machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

4.8 Tracks

4.8.1 Tracks are sites (including racecourses and dog tracks) where races or sporting events take place. Operators of tracks will require a premises licence from the relevant council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

4.8.2 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

- 4.8.3 It is a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided and any area where a gaming machine, other than a category D machine, is situated. In relation to the areas used for betting, special dispensation from this rule is provided for dog tracks and horse racecourses on days when racing takes place. On these days families will be entitled to attend a track or racecourse and children may enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided and the councils will therefore expect that suitable measures are in place to prevent children from entering such areas.
- 4.8.4 Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track. The councils will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.
- 4.8.5 The councils will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public, for example, the rules could be printed in the race-card or made available in leaflet form from the track office.
- 4.8.6 The councils will require the following information from applicants for premises licences in respect of tracks:
- detailed plans for the racetrack itself and the area that will be used for temporary 'on-course' betting facilities (often known as the 'betting ring')
 - in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated as well as any other proposed gambling facilities.
- 4.8.7 Plans submitted with the application should be clearly marked to show what licensable activities will take place where and how children will be separated from category C machines.
- 4.8.8 The councils will accept occasional use notices for tracks in accordance with section 39 of the Act.

4.9 Casinos

- 4.9.1 The Act states that operators of a casino must obtain an operating licence from the Gambling Commission and a premises licence from the relevant council.

4.9.2 In July 2012 a Culture, Media and Sport Select Committee reviewed the Act and recommended that any local authority should be able to make its own decision about whether or not to have a casino in its district. The Committee also recommended that the licences for casinos that were licensed under the pre-existing Gaming Act of 1968 be made portable, allowing operators to relocate to any local authority (with the authority's consent).

4.9.3 Policy to allow applications for a casino

Section 166 of the Act gives the council the power to pass a 'no casino' resolution, meaning that applications for a casino would not be considered. The councils have not adopted a 'no casino' policy. As such, all applications received for a premises licence to operate a casino in the council area would be judged on their own merits, in accordance with paragraph 2.8 and the requirements set out in paragraph 4.9.4.

4.9.4 Applicants for casino licences are required to:

- submit a procedure with their application for the reporting of any suspicious activity
- follow a policy of requiring proof of identification to be shown on entering the casino in order to act as a deterrent to those considering using the casino for criminal activities (such as money laundering) and to effectively support gambling self-exclusion schemes
- detail any entertainment to be provided
- submit details of employee training to promote the licensing objectives
- submit a policy to promote the protection of children and vulnerable persons
- submit a policy regarding the identification of and interventions in force to aid problem gamblers
- set aside at least one 'training room' where customers can learn how to play the various games offered in a non-threatening environment. The room shall clearly display information on how and where help for problem gambling can be sought
- set aside a quiet area as a refuge from gambling. The room shall clearly display information on how and where help for problem gambling can be sought.

4.10.4 Basingstoke and Deane Borough Council are aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under section 175 of the Act) there are likely to be a number of operators which will want to operate the casino. In such situations the local authority will hold a 'competition' under Schedule 9 of the Act. The council will run such a competition in line with any regulations issued under the Act.

4.10 Betting premises

- 4.10.1 Betting premises are those premises which take bets other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the relevant council.
- 4.10.2 It is unlawful for anyone under the age of 18 to place a bet. Persons under the age of 18 shall not be permitted to enter a premises licensed for betting.
- 4.10.3 The councils expect applicants to demonstrate how they will ensure that neither children nor vulnerable persons are able to place a bet, for example by detailing proof of identification and self-barring schemes and staff training.
- 4.10.4 At the time of writing, the holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.
- 4.10.5 The councils may, in accordance with section 181 of the Act, enforce the number of betting machines, their nature and the circumstances in which those machines are made available for use. When considering whether to impose such conditions, the councils will take into account the following:
- the size of the premises
 - the number of counter positions available for person-to-person transactions and
 - the ability of staff to monitor that machines are not used by children and young persons or by vulnerable people.

4.11 Bingo

- 4.11.1 Operators of premises offering bingo (cash or prize bingo) will require a bingo operating licence from the Gambling Commission and a premises licence from the relevant council.
- 4.11.2 The council will need to be satisfied that bingo can be played in any premises for which it grants a bingo premises licence. This is a relevant consideration where the operator of an existing bingo premises applied to vary their licence to exclude an area of the existing premises from its ambit and then applied for a new premises licence, or multiple licences for that or those excluded areas.
- 4.11.3 The councils note the unusual circumstances in which the splitting of a pre-existing premise into two adjacent premises might be permitted and in particular that it is not permissible to exceed 20 per cent of the total number of B3 machines available for use in the premises.

4.11.4 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are present, these must be separated from areas where children and young people are allowed. Where category C or above machines are available in premises to which children are admitted the councils will require 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
- access to the area where the machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

4.12 Temporary use notices

4.12.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling.

4.12.2 There are a number of statutory limits concerning the use of temporary use notices. Please refer to www.gamblingcommission.gov.uk for details of the maximum numbers of days premises may be used and for other restrictions.

4.12.3 If objections are received to a temporary use notice (from the police, Gambling Commission, HM Revenue & Customs or any other licensing authority in whose area the premises are situated), the council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

4.12.4 If the council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it must issue a counter-notice which may:

- prevent the temporary use notice from taking effect
- limit the activities that are permitted
- limit the time period of the gambling or
- allow the activities to take place subject to a specified condition.

4.12.5 The councils will apply the principles set out in paragraph 2.6 of this statement to any consideration as to whether to issue a counter-notice.

4.13 Provisional statements

4.13.1 Section 204 of the Act provides for a person to make an application for a provisional statement in respect of premises they expect to be constructed, altered or expect to acquire the right to occupy. For example, a developer may wish to apply for a provisional statement to see whether or not a premises licence would be issued prior to entering into a contract to buy or lease the premises. Equally, a provisional statement may be applied for where there is already a premises licence in force but the application is for a different type of gambling.

4.13.2 An applicant need not hold an operating licence from the Gambling Commission before applying for a provisional statement and the councils shall not take into account the likelihood of an operating licence being granted in determining whether or not to grant the provisional statement.

4.13.3 If a provisional statement has been granted, the fee for the subsequent premises licence application will be less and the councils are constrained in considering matters; no further representations from responsible authorities or Interested Parties may 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.

4.13.4 The councils may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by way of representations at the provisional statement stage
- which, in the council's opinion, reflect a change in the operator's circumstances
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. (There must be a substantial change to the plan and the council shall discuss any concerns with the operator before coming to a final decision).

4.14 Travelling fairs

- 4.14.1 The Act defines a travelling fair as, 'wholly or principally' providing amusements.
- 4.14.2 To be exempt from requiring a permit for gaming machines, the fair must be on a site that is not used for a fair for more than 27 days per calendar year (regardless of whether it is the same or different travelling fairs which occupy the land).
- 4.14.3 Fairs may provide an unlimited number of category D machines provided the facilities for gambling amount to no more than ancillary amusement to the fair.
- 4.14.3 Whilst the gaming machine providers may be exempt from the requirement to hold a permit, they must comply with the legal requirements about how the machines operate.
- 4.14.4 The councils will liaise with neighbouring authorities to ensure that land used for fairs which crosses local authority boundaries is monitored.

ANNEX 1

List of persons / bodies responding to the consultation on this policy

Organisation Details	Responding as:

DRAFT

ANNEX 2

List of responsible authorities

The Responsible Authorities for the council areas under the Act, and their contact details are as follows.

Contact details may change, and other responsible authorities may be designated by regulations by the Secretary of State. For latest information, please check with the relevant council's licensing team.

		Contact details for preliminary discussions or follow-up enquiries
Responsible Authority	Address	Telephone, e-mail and website
The licensing authorities	Licensing Team Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH	01256 844844 licensing@basingstoke.gov.uk www.basingstoke.gov.uk
	Licensing Team Hart District Council Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH	01252 622122 licence@hart.gov.uk www.hart.gov.uk
The planning authorities	Planning Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH	01256 844844 planning.comments@basingstoke.gov.uk www.basingstoke.gov.uk
	Planning Hart District Council Harlington Way Fleet GU51 4AE	01252 774419 planningadmin@hart.gov.uk www.hart.gov.uk

Environmental Health	<p>Environmental Protection Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH</p> <p>Environmental Protection Hart District Council Harlington Way Fleet GU51 4AE</p>	<p>01256 844844 eht@basingstoke.gov.uk www.basingstoke.gov.uk</p> <p>01252 622122 eh@hart.gov.uk www.hart.gov.uk</p>
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	<p>0121 230 6666 info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk</p>
Hampshire Constabulary	Chief Constable, Hampshire Constabulary Headquarters 18-24 Leigh Road Eastleigh Hampshire SO50 9SJ	<p>101 postmaster@hampshire.pnn.police.uk www.hampshire.police.uk</p>
Hampshire Fire and Rescue Service	Hampshire Fire and Rescue Service 18-24 Leigh Road Eastleigh Hampshire SO50 9SJ	<p>023 80644000 support.hub@hantsfire.gov.uk www.hantsfire.gov.uk</p>
Hampshire Safeguarding Children Partnership	Hampshire Safeguarding Children Partnership Falcon House Monarch Way Winchester SO22 5PL	<p>01962 876355 hscp@hants.gov.uk www.hampshirescp.org.uk</p>
Revenue and Customs	Her Majesty's Revenue and Customs	https://www.gov.uk/contact-hmrc

ANNEX 3

Licensing authority delegations

Matter to be dealt with	Full Council	Licensing Sub-Committee	Officers
Final approval of three year licensing policy statement	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made and not withdrawn	Where no representations received or all have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X indicates the lowest level to which decisions can be delegated

ANNEX 4

Summary of gaming machine categories

Category of Machine	Maximum stake (from April 2019)*	Maximum prize (from January 2014)*
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab, coin pusher, penny fall machines)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D money prize (other than coin pusher or penny falls machines)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machines)	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	£20 (of which no more that £10 may be a money prize)

ANNEX 5

Summary of machine provisions by premises

	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 occupied by Pool Betting		Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo Premises					Maximum of 20% of the total number of machines available for use on the premises category B3 or B4	No limit on category C or D machines		
Adult gaming centre					Maximum of 20% of the total number of machines available for use on the premises category B3 or B4	No limit on category C or D machines		
Family entertainment centre (with premises licence)							No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on Category D machines	
Clubs or miners' welfare institute (with permit)					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 gaming machine permit)							Number as category C or D machines on permit	
Travelling Fair							No limit on category D machines	
		A	B1	B2	B3	B4	C	D

*It should be noted that members' clubs and miners' welfare institutes 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. Commercial clubs are entitled to a total of three machines in categories B4 to D.

Licensing Committee

Meeting Date: 6 February 2024

Issue Title: Draft Shared Hackney Carriage & Private Hire Licensing Policy 2024-2029

Report of: Executive Director - Place

Cabinet Portfolio: Regulatory

Key Decision: No

Confidentiality: Non-Exempt

Purpose of Report

1. To consider the draft Shared Hackney Carriage and Private Hire Licensing Policy 2024-2029 and approve it for public consultation.

Recommendation

2. Licensing Committee are recommended to:
 - approve the draft Shared Hackney Carriage and Private Hire Licensing Policy for consultation, as set out in Appendix 1, and
 - authorise the Executive Director – Place to make any necessary minor alterations and typographical corrections to the policy prior to publication for consultation.

Background

3. The current policy covering only Hart district was adopted by Licensing Committee in March 2021. Currently Basingstoke & Deane have a separate policy.
4. In Basingstoke & Deane only, purpose built vehicles which are Wheelchair Accessible Vehicles (WAV) can be registered as Hackney Carriage Vehicles. These are the 'black cab' type of vehicle. In Hart, normal saloon cars can be registered as Hackney Carriage Vehicles. It is not proposed to amend this. The approach to Private Hire Vehicles is the same across both Councils.
5. In line with other licensing policy documents, the draft Hackney Carriage and Private Hire Licensing Policy 2024-2029 is a shared policy covering both Hart and Basingstoke & Deane. The draft policy seeks to streamline the Shared Licensing Service and to ensure the consistency, efficiency and effectiveness across both Councils.
6. Following the adoption of the current policy, the following legislation has come into force or been amended and guidance relating to taxi and private hire vehicles has been updated:
 - Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022,
 - Taxis and Private Hire Vehicles (Disabled Persons) Act 2022,
 - Amendments to the Rehabilitation of Offenders Act 1974,
 - Statutory Taxi and Private Hire vehicle standards, updated 25 November 2022, and
 - Taxi and Private Hire Vehicle best practice guidance, updated November 2023.

7. The draft Shared Hackney Carriage and Private Hire Licensing Policy 2024-2029 is set out in Appendix 1. A summary of the changes proposed are detailed in Appendix 2.

Main Issues

8. The draft policy sets out the Council's approach to the administration of the Taxi and Private Hire licensing function under the Town Police Clauses Act 1847 and Local Government (Miscellaneous provisions) Act 1976 in respect of the licensing of hackney carriage and private hire vehicles, drivers and operators.
9. The Policy sets out the Council's position in respect of the criteria of vehicles, drivers and operators to protect and promote public safety and provide a high standard of vehicles within the licensed fleet. It also ensures licensed drivers have the knowledge and skills to undertake their role safely whilst providing high standards of service to those who live, work and travel within the district.
10. It supports licensing officers in their day-to-day role in ensuring the Council's licensing aims within this policy are met and ensuring good minimum standards are maintained protecting the reputation of the Council.
11. It also supports members when making decisions against revocations and suspensions of licences and supports the Council's position in relation to decisions that are appealed in the Magistrates or higher courts.
12. The policy should be reviewed periodically (statutory guidance suggests at least every five years) to ensure it reflects current best practice and legislation, and other changes such as in technology, and vehicle specifications. A review should also be considered where specific issues arise in the council's area or there are significant changes to legislation or guidance.
13. The draft policy takes into account the new legislation and updated statutory vehicle standards and best practice guidance set out in paragraph 4 above.

Age of vehicles

14. It is proposed that Private Hire Vehicles (PHV) for general private hire use must be newer than 3 years of age at first licence and can be relicensed until the vehicle is 10 years old at date of licence renewal. Applications to extend licences past 10 years will only be considered on an exceptional circumstance basis.
15. It is proposed that the 'saloon car' type of Hackney Carriage Vehicles (HCV) must be newer than 3 years of age at first licence and can be relicensed until the vehicle is 10 years old at date of licence renewal. Applications to extend licences past 10 years will only be considered on an exceptional circumstance basis.
16. Any 'purpose-built' Wheelchair Accessible Hackney Carriage Vehicles (WAV) must be newer than 5 years of age at first licence and can be relicensed until the vehicle is 12 years old at the date of renewal and subject to the vehicle meeting the Council's testing specification and appearance requirements. Applications to extend WAV licences past 12 years (15 years for ultra-low or zero emission vehicles) will only be considered on an exceptional circumstance basis.
17. There is a proposal to replace the current MOT certificate and Tick Test in Hart to a Certificate of Compliance test which is the approach used in Basingstoke. The draft policy proposes this change should be implemented on by 31

September 2024. This will streamline the process across the shared service and require all vehicle to maintain a set standard. The Certificate of Compliance test would need to be undertaken at an appointed garage. The testing requirements are set out in Appendix 3.

Convictions for drivers

18. There is a proposal to amend the policy in respect of convictions to reflect the amendments to the Rehabilitation of Offenders Act 1974 in relation to protected cautions.

Other amendments

19. There is a proposal to require all PHVs to display 'No booking no ride' stickers, except those with exemption plates. This will promote public safety and ensure consistency with PHVs in Basingstoke and Deane which are required to display these stickers.
20. It is proposed to remove the Designated Vehicle list in line with DfT guidance and in line with the provisions of the Equality Act 2010.
21. It is proposed that license holders will need to refresh their safeguarding training every 3 years to ensure their knowledge remains current. This reflects a recommendation from the section 11 audit for safeguarding. It is also proposed that license holders will need to refresh their disabled person training every 3 years.
22. It is proposed to update the policy regarding the passing of information by the Council to the National Register of Taxi Licence Refusals, Suspensions and Revocations (NR3). All Licensing authorities are now required to undertake checks for previous licensing offences at other councils via the NR3 system.
23. There are further changes outlined in the Summary of Changes document (in addition to those highlighted above) in Appendix 2, which are reflected in the draft policy and these include:
 - layout and design,
 - public liability insurance,
 - penalty points,
 - PHV, vehicle and operator conditions,
 - DAT test,
 - application processing for new drivers,
 - timescale for renewal applications,
 - environmental considerations,
 - appeals and committees,
 - age and experience, and
 - driver badged and identification.

Consultation

24. Prior to the adoption of the new shared policy, both Council must consult with those who will be affected by the new policy. This will include taxi and private hire licence holders, responsible authorities and the public. The draft policy will also be published on the Councils' website
25. It is proposed that the draft policy will be consulted upon for a period of 8 weeks.

Recommendations

26. It is recommended that members approve the inclusion of the amended age of licensed vehicles in the draft policy for consultation to bring the vehicle age policy more in line with that adopted by Basingstoke and Deane Borough Council. Also to approve the additional changes to the document so it reflects current advice and legislation.

Alternative Options Considered and Rejected

27. By not consulting on the revised draft policy, the current policy will continue to apply which does not take into account the legislation and guidance changes since it was adopted and may result in potential difficulties and inconsistencies in decision making. The application process will also remain less efficient and transparent for all parties.

Corporate Governance Considerations

Relevance to the Corporate Plan

28. The Hart Corporate Plan 2023-2027 has three focus areas:
- Planet - make all areas directly under the control of the Council carbon neutral by 2035 and make Hart a carbon neutral district by 2040,
 - People – fair treatment for all, help for those in need, and a sustainable economy that makes Hart a great place to live, work and enjoy, and
 - Place - delivering warmer, better homes in sustainable locations that people can afford to live in.
29. This will be underpinned by providing a resilient and financially sound Council.

Service Plan

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal?
Yes

Legal and Constitutional Issues

30. The Shared Taxi and Private Hire Licensing Policy provides the framework in which the licensing function is administered and sets out the Council's approach to assist with consistent decision-making.
31. In accordance with section 177(4) of the Policing and Crime Act 2017, licensing authorities must have regard to the Statutory taxi and private hire vehicle standards published by the DfT in 2020 and updated in November 2022, Taxi and private hire vehicle licensing: best practice guidance updated in November 2023 and all recent legislative provisions, including the Taxis and Private Hire Vehicles Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.
32. The Council is also required to publish its consideration of the measures contained in the Statutory taxi and private hire vehicle standards, and its policy stemming from this.

Financial and Resource Implications

33. There are no financial implications identified within this report.

Risk Management

34. There are no risk management implications identified within this report.

Equalities

35. When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

36. There are no equality implications arising from the recommendations.

Climate Change Implications

37. There are a number of policy amendments that seek to decarbonise the licenced taxi trade.

Action

38. If the Licensing Committee approve the recommendation, the draft Hackney Carriage and Private Hire policy will be consulted upon for a period of 8 weeks.

39. The policy will return to Licensing Committee in July 2023 following Consultation for adoption.

Appendices

Appendix 1 – Draft Hackney Carriage & Private Hire Licensing Policy 2024 - 2029

Draft policy on the Council's approach to the administration of the Taxi and Private Hire licensing function under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

Appendix 2 – Summary of changes document

Appendix 3 – Certificate of Compliance (Authorised Garages Inspection) form



Basingstoke
and Deane



working together

Draft Hackney Carriage and Private Hire Licensing Policy 2024 - 2029

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1 Glossary of Terms

Term	Description	Reference for Details
SLS	Shared Licensing Team	
Compliance testing centre	One of the designated test centres where vehicles may be tested and issued with a compliance certificate	
Compliance certificate	Test of mechanical fitness for a licensed vehicle and its compliance with the standards as set out in this policy	
Convictions and cautions	Any reference to convictions also includes, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, traffic offences and fixed penalty notices, including those that would previously have been regarded as spent under the 1974 Act	
DBS	Disclosure and Barring Service. Formerly Criminal Records Bureau (CRB)	
DfT	The Department for Transport	
DfT guidance on stretched limousines	The Department for Transport Guidance for Operators of Stretched Limousines, published March 2013	
DVLA DVSA	Driver and Vehicle Licensing Agency Driver and Vehicle Standards Agency	
DVLA driving licence	A full original Great Britain driving licence	
EEA	European Economic Area	
GDPR	General Data Protection Regulations	
Group 2 Medical	The DVLA Group 2 standard of medical fitness for professional drivers.	
Hackney carriage	A vehicle licensed to ply for hire throughout the district.	Town Police Clauses Act 1847
HGV	Heavy Goods Vehicle	
Licensing Committee	The committee of councillors that is responsible for the council's hackney carriage and private hire licensing functions in the area.	
Licensing sub-committee	A Taxi Licensing Committee of three councillors	

Passenger	A traveler in a vehicle other than the driver.	
Private hire vehicle	A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers	Local Government Miscellaneous Provisions Act 1976 Sec 80 (1)
Private hire operator	A person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake. 'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle	Local Government Miscellaneous Provisions Act 1976
PSV	Passenger Service Vehicle	
Regulated occupation	The principles of the 1974 Act do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.	Rehabilitation of Offenders Act 1974 Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
Taxi	This word has no meaning in law but is routinely used in government documents to describe hackney carriages.	To avoid confusion, the use is limited to instances where reference is made to other documents which have used it
UK Borders and Immigration	Previously the UK Border Agency. Provides guidance on Right to Work	
Ultra-Low emission vehicle (ULEV)	One with CO ₂ emissions below 50 g/km	
Vehicle or licensed vehicle	Either a Hackney Carriage or private hire vehicle.	
HC	Hackney Carriage vehicle	
PH	Private hire vehicle	

2 Background

2.1 Role of Hackney Carriages and private hire vehicles

Hackney Carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide responsive services in situations where public transport is either not available (for example in rural areas, or outside 'normal' hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

2.2 Contact details

If you have any queries about licensing issues, please contact the licensing team at the following address:

Shared Licensing Team (SLS)
Basingstoke and Deane Borough Relevant Council
London Road
Basingstoke RG21 4AH

Email : Licensing@basingstoke.gov.uk or Hartlicensing@basingstoke.gov.uk

Website: [Licensing \(basingstoke.gov.uk\)](http://Licensing.basingstoke.gov.uk) or Licensing and permits | Hart District Council

3 Introduction

3.1 This joint policy details the requirements that will need to be met before any Hackney Carriage or Private Hire Driver Licence, Hackney Carriage or Private Hire Vehicle Licence or Private Hire Operator licence is issued or renewed by the Shared Licensing Service.

3.2 "the relevant council" will mean when stated in this policy both Basingstoke and Deane Borough Council and Hart District Council respectively depending on the area that the licence is being applied for.

3.3 The purpose of licensing Hackney Carriages and private hire vehicles, drivers and private hire operators is to protect the public. Public protection will be the overriding consideration whenever the relevant council considers Hackney Carriage and private hire licensing matters.

3.4 As well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the relevant council's Hackney Carriage and private hire licensing powers are used to ensure that licensed vehicles are safe, comfortable, properly insured and available where and when required.

3.5 Licences are only granted to people who satisfy the relevant council that they are fit and proper people to hold such a licence. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the relevant council to prove that they are not.

3.6 Being a fit and proper person is not simply a question at the time of the application; it is a continuing requirement, and if at any time the conduct or behaviour of the licensee falls below the acceptable standard, action may be taken against the licence.

3.7 Holding a Hackney Carriage or private hire drivers, vehicle or operator licence is a privilege and a responsibility. At all times a licensee's behaviour and conduct must be of the highest standard. The relevant Council will consider all aspects of an applicant/licensee's behaviour; not

simply when they are using their licence. Unacceptable behaviour whilst using the licence will be seen as an aggravating factor. The fact that the licence was not being used at the time will not be seen as any mitigating factor.

3.9 There are statutory rights of appeal against refusals to grant licences, conditions attached to licences, and suspensions, revocations, or refusals to renew licences. Details of any right of appeal will be contained in the written notification of the relevant council's decision.

3.10 The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Regulatory Service Manager in consultation with the portfolio holder and the Head of Service / Executive Director of Place, are authorised to make minor administrative amendments to the policy where necessary.

3.11 This guidance, application forms and current fees are also available on the relevant council website. Applicants are strongly encouraged to use electronic applications where available on the relevant council's website.

3.12 This policy statement has four main purposes, which are:

- **to confirm to members** of the Licensing Committee the boundaries and powers of the relevant council and the parameters within which to make decisions
- **to inform licence applicants** of the parameters within which the relevant council will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the relevant council
- **to inform local residents and businesses** of the parameters within which the relevant council will make licensing decisions and therefore how their needs will be addressed
- **to support a case in a court of law** where the relevant council has to show how it arrived at its licensing decisions.

3.13 This policy applies to the following:

Hackney Carriages: A vehicle available to transport members of the public that has no more than eight seats for passengers, which is licensed to stand or ply for hire. A Hackney Carriage may stand at designated taxi ranks (referred to in legislation as a "Hackney Carriage stand") and also on the street ("standing for hire") and/or be hailed in the street by members of the public ("plying for hire"), in both cases within the relevant council's boundary. They may also undertake pre-booked journeys anywhere within the United Kingdom.

Private Hire Vehicles: These are licensed to carry no more than eight passengers and must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.

Private Hire Operators: are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.

Hackney Carriage and Private Hire Drivers: Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.

4 Legislation, Byelaws, Guidance and Best practice

4.1 The Department of Transport (DfT) has national responsibility for the Hackney Carriage and private hire legislation in England and Wales. The DfT has produced updated Statutory Taxi and Private Hire Vehicle Standards in July 2020 (hereafter the 2020 Guidance) to reflect an increasing appetite to improve safeguarding provision. The councils have taken account of the DfT guidance to shape this policy and any additional updates to this document. It was last updated in November 2023 at the time of writing this policy.

4.2 Hackney Carriage and private hire activity are governed by two principal pieces of legislation, the [Town Police Clauses Act 1847](#) and the [Local Government \(Miscellaneous Provisions\) Act 1976](#), in both cases as amended by subsequent legislation. These have been interpreted by the senior courts over the years (the High Court and the Court of Appeal, and ultimately, the Supreme Court). In addition, the Relevant Council has byelaws relating to Hackney Carriage activity. The Relevant Council will in addition have regard to guidance issued by the Department for Transport, the [Town Police Clauses Acts 1889](#), the [Public Health Act 1875](#) and the [Local Government Act 1972](#) and the [Road Traffic Act 1988](#) Part 11 (a) Construction and Use of Vehicles and Equipment in this policy. The policy also reflects changes due to the [Deregulation Act 2015](#).

4.3 Each application will be considered on its own merits, taking into account all the relevant circumstances, legislation, guidance and this policy.

4.4 Once a licence has been granted, the licensee will be subject to all the above, and the conditions attached to any licence and (in the case of drivers) the Code of Conduct.

4.5 A licence will not be issued until the appropriate fee is paid and cleared funds have been received by the relevant council.

4.6 The relevant council will comply with its duties under the [Equality Act 2010](#). In addition, licensees must comply with their duties under the relevant parts of the legislation.

Please Note - It is a criminal offence to carry out private hire or Hackney Carriage work without the valid licences. Applicants will not be able to start working whilst their application is being processed, they must wait until the licences have actually been granted (unless it is a renewal application, and their existing licences are still in effect).

5 Data Protection

5.1 All information provided by applicants or relating to licensees will be treated in accordance with the relevant council's retention and disclosure policies under the [Data Protection Act 2018](#), the [General Data Protection Regulations](#) and any other relevant legislation. The councils have data-sharing protocols with neighbouring local authorities, the police, immigration and border service, social services and other bodies. This allows information to be shared where there is a risk to public safety or criminal activity.

5.2 More Information on how personal data will be managed by the Licensing Authority can be found at [Privacy Statement \(basingstoke.gov.uk\)](#) or [Shared Licensing Service: privacy | Hart District Council](#)

5.3 Anyone who is not satisfied with the way that their personal data is being or has been processed can contact the Information Commissioner <https://ico.org.uk/concerns/handling/> or by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire,

SK9 5AF.

6 Limitation of numbers

6.1 No powers exist for the relevant council's to limit the number of private hire vehicles that they license. The relevant Council's takes the view that the market will determine the number of Hackney Carriage vehicles to meet demand.

6.2 If the relevant council were to take the view that a quantity restriction on the number of Hackney Carriage vehicles could be justified in principle, the DfT guidance advises that the level at which the limit should be set is addressed by means of a survey, including details on associated costs which would be funded by the trade.

7 Environmental considerations

7.1 Both councils encourage drivers and operators to adopt more efficient licensed vehicles, which reduce the levels of CO₂ and NO_x emitted. The use of alternative fuels and improved technology such as fully electric vehicles will further reduce local emissions.

7.2 The councils may offer reduced licence fees for vehicles that produce lower carbon dioxide or nitrous oxide emissions. Such fees are reviewed on an annual basis and may vary.

7.3 From 31 December 2025 all vehicles being licensed for the first time must have CO₂ emissions of less than 50 g/km. All vehicles licensed prior to this date will be relicensed provided they have been continuously licensed before 30 December 2025.

8 Costs and benefits of licensing policies

8.1 The councils will ensure that this policy and its enforcement meets the objectives set out in the introduction whilst avoiding imposing undue restrictions and costs upon the drivers, proprietors and operators.

9 Tariff

9.1 The tariff is a maximum figure that Hackney Carriage drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. The tariff does not apply to private hire vehicles or pre-booked journeys where the cost is agreed in advance. Drivers may charge any amount for a journey provided it does not exceed the fare on the meter. HDC Hackney Carriage vehicles must carry a tariff card within the vehicle which is readily available upon request. In BDBC Hackney Carriage vehicles the tariff card must be clearly visible and legible from the passenger area.

10 Enforcement

10.1 The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement will be proportionate and transparent. While the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers overseen by the Licensing Committee and the associated Licensing sub-committee.

10.2 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There are grades of sanctions from informal advice and warnings

through to suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by licensing officers. The councils operate a points-based enforcement scheme. The points system does not affect the driver's or operator's rights of appeal to the magistrate's court.

11 Sharing of information

11.1 The councils will share all information with other enforcement bodies including other councils, the police, UK Borders and Immigration, HMRC and the Department for Work and Pensions (or their successor bodies) on enforcement related issues involving licensed drivers, operators and vehicle owners.

DRAFT

Policy in Relation to Hackney Carriage Driver and Private Hire Driver Licences

12 General

12.1 The relevant council issues Hackney Carriage and Private Hire drivers' licences, these licences are granted for a period of three years.

13 Pre-requisites to Making an Application

13.1 It is the policy of the councils that every application for a licence to drive a Hackney Carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been valid until such time as they are complete. Applicants will need to provide evidence as stated in the driver application checklist contained within the application pack.

13.2 All applicants, aside from those who are renewing their licence, will have 4 calendar months from the initial interview to complete the application process. After this time any incomplete application will be closed, and any subsequent application will be treated as a fresh application.

NB - This time limit may be extended to 6 months where there is an unavoidable delay in obtaining a certificate of good conduct and / or DBS. This will only be granted following a written sub mission to the Shared Service Licensing Team Leader for review.

13.3 Hackney Carriage Driver Licensees will be required to comply with the current Hackney Carriage Byelaws in addition to the Code of Conduct detailed in this policy. A copy of these byelaws can be obtained from the relevant council's website at <https://www.basingstoke.gov.uk/taxi-driver-licensing> for Basingstoke and https://www.hart.gov.uk/sites/default/files/2022-11/hart_hackney_carriage_byelaws_accessible.pdf for Hart

13.4 Where a licence is found to have been obtained using false or incomplete information the licence may be revoked with immediate effect. Anyone obtaining or attempting to obtain a licence using false or misleading information may be subject to further enforcement action including, prosecution and reporting the matter to other enforcement agencies including the police.

13.5 New applicants will be required to disclose if they have been licensed as a driver with a previous authority. The councils reserve the right to check the details of applicants with any previous licensing authorities, in accordance with the relevant data protection legislation to aid the determination of the application.

14 Fitness and Propriety

14.1 Before any licence is granted or renewed a driver licence, the applicant or licensee must satisfy the following requirements.

15 Identity

15.1 To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

Applicants from outside the UK must provide:

- (a) a passport with a valid stamp from the Home Office to say that they have leave to remain in the country indefinitely; or
- (b) a passport with a valid UK visa, which allows the holder to work as a private hire or Hackney Carriage driver (student visas will not be accepted), and which has at least six calendar months remaining at the time of application.

15.2 A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The SLS reserves the right to verify, at any time, a licensee's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

15.3 To comply with the [Immigration Act 2016](#), the councils are required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence at time of application.

15.4 For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain and may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

15.5 If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

15.6 If a licensee loses the right to remain in the UK during the period of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within seven days to the relevant council.

16 Proof of right to work in the UK

16.1 All applicants for licensed driver badges must prove that they have a right to work in the UK. The councils will follow the guidance published by UK Borders and Immigration (or their successor bodies) on establishing proof of right to work. The right to work will normally only need to be proved once.

16.2 If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it. To issue the licence may be regarded as condoning the offence and assisting the applicant to gain employment to which they are not entitled.

16.3 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended if the period of right to work is extended. There is no discounted fee for licences of less than three years.

16.4 If after referring to UK Borders and Immigration (or their successor bodies) guidance, licensing officers are still unsure about an applicant's right to work in the UK, they will undertake further enquires with UK Borders and Immigration (or their successor bodies). If it transpires the applicant is illegally in the UK (due to illegally entering or overstaying for example) council officers will assist UK Borders and Immigration (or their successor bodies) or the Police in their enquiries as necessary.

17 HM Revenues and Customs (HMRC) requirements

17.1 All applicants must demonstrate that they are registered with HMRC for tax purposes. This is done by providing a tax code from the HMRC website.

18 Disclosure and Barring Service Checks (DBS)

18.1 New applicants must provide an Enhanced DBS Certificate which includes a check of the Adult and Child Barred Lists which is no more than one calendar month old at the date of submission of the certificate.

18.2 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar.

18.3 Applicant/licensees will also have to sign up to the [DBS update service](#) to enable the relevant council to make periodic checks. Any driver that does not sign up to this service will be required to complete a new DBS applications every six months for the life of the licence. The fee for this check will be paid by the applicant and will be shown on the relevant council's fees and charges.

18.4 Any licensee may be required to undertake a further DBS check at any time as directed by an officer of the SLS.

19 Certificate of Good Conduct

19.1 As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than six months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission. All documents used for this purpose must be presented in their original form and, if required, a certified translation into English by a qualified translator. Computerised translations will not be accepted. The relevant council may undertake checks to ensure the authenticity of any such documentation.

19.2 The [Home Office](#) has provided further guidance on applying for a certificate of good character.

20 Previous Convictions

20.1 In relation to the consideration of previous convictions and cautions recorded against applicants and licensees. The DfT guidance recommends that, when considering an individual's criminal record, the relevant council must consider each case on its merits, but to take a particularly cautious view of any offences involving violence, and sexual attack. It recommends that councils have a clear policy for the consideration of criminal records that must address:

- the type of offence
- the number of offences
- the number of elapsed years since the offence.

20.2 All applicants will need to demonstrate their fit and proper person status through a full disclosure of their full criminal history.

20.3 Relevant offences at the time of writing are set out in [Appendix A](#).

20.4 Where the licensing officer cannot be satisfied that either the applicant or an existing licence holder is a 'fit and proper person' the matter may be referred to a Licensing sub-committee.

21 Medical Examination

21.1 Each applicant, on first application and at the intervals indicated below,

Age	Frequency of Medical
On first application for a driver's licence	And thereafter from age 45*
Over 45 years and up to and including the age of 65 years	Every 5 Years*

****Those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary.***

21.2 The expectation is that the medical will be undertaken by a GP at the practice where the driver is registered. If the driver's GP is unable to undertake a Group 2 medical, then the authority will allow drivers to approach a different GP to undertake the medical or use an external provider approved by the relevant council.

21.3 The applicant will be responsible for paying the fee for the examination to their GP surgery or an external provider approved by the relevant council.

21.4 All medical reports will be submitted to the relevant council's independent medical advisor for consideration prior to the issue of a driver's licence.

21.5 Licence holders must advise the licensing team within three days, in writing, of any change in their health that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, the relevant councils may require the applicant to produce a letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the applicant.

22 Driving Licence

22.1 Applicants must have held a full UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for twelve months, after which it must be exchanged for a UK licence) for at least twelve months prior to application (this excludes the holding of a provisional licence).

22.2 A photo card driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the Driver and Vehicle Licensing Agency (DVLA) information issued. Any prospective applicant who does not hold a photo card driving licence must obtain one before the application is made. The address on the DVLA licence must be the same as the addresses on any other paperwork submitted with the application. The SLS may carry out spot checks on a random basis to ascertain any changes to the status of the DVLA licence.

22.3 On each renewal a DVLA check code will be required full details will be provided on the renewal form.

23 Age and experience

23.1 Beyond the statutory requirement of holding a full driver's licence for 12 months there is no minimum age requirement. Each applicant is assessed on their merits.

24 Practical Assessments for Licensed Drivers and Applicants

24.1 All applicants are required to have passed a driving assessment before their licence is issued. The test must be undertaken with an external provider approved by the relevant council. Basingstoke and Deane Hackney Carriage drivers will be required to undertake a wheelchair assessment in addition.

25 Knowledge (DAT) Test

25.1 In order to maintain the high standards that the councils expect of licensed drivers, new applicants will be required to undertake an assessment of competence. This will take the form of a test and will contribute to satisfying the requirement to be a 'fit and proper person'. The test is a test of the applicant's command of English as well as their knowledge of relevant legislation and for Hackney Carriage applicant's knowledge of the local area.

25.2 Applicants with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional the applicant will be given appropriate support. The need for such support must be identified at the time of the original application.

25.3 The knowledge test will be in a form and structure determined by the relevant council and may be administered by a third party.

25.4 Spoken and Written English

It is essential for public safety that all licensees are able to communicate by speaking and reading in English at an appropriate level. This is equivalent to level B1 on the Common European Framework of Reference for reading, writing, speaking and listening. Licensees must have an appropriate understanding of safety, equality and the regulatory requirements that apply to them. This helps ensure public safety and will enhance levels of customer service.

Most communication between drivers and passengers is spoken so it is essential that all candidates have a reasonable standard of spoken English. The licensing officer may decide to undertake additional testing of the applicant's spoken English. Applicants who have difficulties with spoken English will be required to demonstrate their ability to converse in English in an independently administered test. Candidates will be responsible for all the costs associated with this additional testing.

25.5 Mathematics

All Applicants will be tested on their ability to undertake basic calculation for the taking of money and calculating change.

25.6 The Hackney Carriage and private hire licensing legislation and relevant council rules and policy

Applicants will be tested on their knowledge and understanding of the law as it applies to Hackney Carriage and/or private hire licensing and this licensing policy.

25.8 Knowledge of Area

All Hackney Carriage applicants are expected to have a good local knowledge of the area and will be tested on this knowledge.

25.9 Highway Code and Relevant Legislation

All Applicants are expected to have a good knowledge of the [Highway Code](#) and the relevant provisions of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) and the [Town and Police Clauses Act 1847](#).

26 Training in the Assistance of Disabled Persons

26.1 All applicants must be able to show that they have undergone training in the assistance of disabled persons, to a standard acceptable to the SLS. Refresher training will be required every 3 years. The councils identify training providers (which may include the relevant council itself) from time to time and applicants will be informed of the available courses and any cost at the time of application.

26.2 The form and structure of the training will be determined by the relevant council and may be administered by a third party.

27 Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training

27.1 All new applicants for a driver licence must complete safeguarding, child sexual abuse and exploitation (CSAE) and county lines training prior to the issue of a licence. Existing drivers must complete refresher training every 3 years.

27.2 The form and structure of the training will be determined by the relevant council and may be administered by a third party.

27.3 Criminals may use licensed vehicles and drivers to move vulnerable people. Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have. The ability to spot the signs of human trafficking and having the knowledge of how to report their concerns can be a major help in preventing this crime.

27.4 If you think that you are carrying passengers who may be trafficked or sexually exploited then contact:

i) Hampshire Police: 101 (or if an emergency 999)

ii) Crimestoppers: 0800 555 111

28 Test Retakes

28.1 Applicants who fail to achieve the pass mark in the test will be invited to take a different test on another occasion. They will not be considered to be 'fit and proper' to hold a licence until

they have achieved the required pass mark. No applicant will be allowed to take no more than four times within the application period which commences at the new driver appointment.

28.2 If the applicant fails four tests their application will be returned, and they will be unable to apply for a 12-month period starting on the date of the original new driver's appointment.

29 The National Register of Taxi Licence Revocations and Refusals

29.1 Both councils provide information to the National Register of Taxi Licence Refusals, Suspensions and Revocations (NR3) a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage or private hire driver licence revoked, or an application for one refused. This is necessary for assessing whether an individual is a fit and proper person to hold a Hackney Carriage or private hire driver licence.

29.2 Where a Hackney Carriage or private hire driver licence is revoked or suspended, or an application for one refused, the relevant council will automatically record this decision on NR3.

29.3 The information recorded on NR3 itself will be limited to:

- Name
- Date of birth
- Address and contact details of the relevant Council who created the record
- National Insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective

Information will be retained on NR3 for a period of 25 years.

29.4 This is a mandatory part of applying for a Hackney Carriage and private hire driver licence.

29.5 Information will be processed in accordance with the [Data Protection Act \(DPA\)](#) and [General Data Protection Regulation \(GDPR\)](#). Any searches, provision or receipt of information of or under NR3 are necessary for the relevant councils statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

30 Public Liability Insurance

30.1 The licensing authority recognises that licensed drivers often perform duties other than driving passengers from A to B as part of their daily business e.g. carriage and loading of luggage, assistance of passengers (including the elderly and wheelchair passengers) etc.

30.2 For this reason, the licensing authority will require applicants to provide and maintain a suitable policy of public liability insurance of not less than £5 million covering any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of a driver's day to day activities.

31 Test of Fitness and Propriety

31.1 Once a valid application has been made, the relevant council will make a decision as to whether or not the applicant/licensee is fit and proper person to hold a driver licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the relevant council's standards. The test used will be:

“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

31.2 This will be determined on the balance of probabilities, and if the relevant council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the relevant council to prove that they are not.

31.3 If, after having considered the application or review against the criteria of the council's policy the licensing team considers that the person meets the criteria of a 'fit and proper person' the application may be approved under the relevant scheme of delegation.

31.4 Where the Shared Licensing Team Leader concludes that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation.

31.5 If the Shared Licensing Team Leader, is required to do so by the council's policy, or for other reasons considers it necessary, they will refer the matter to a Licensing sub-committee for consideration. The applicant or licence holder will be advised of the date, time and venue of the sub-committee.

32 Application for the Renewal of a Licence

32.1 An application for the renewal of a licence must be made at least 15 working days before the expiry of the licence. In exceptional circumstances the licensee can apply in writing to the SLS to request permission for an application, made after the expiry of the licence, to be treated as a renewal application. However, permission will only be granted when exceptional circumstances exist, and the application has been made in writing within five working days of the expiry of the existing licence.

33 Licences and Badges

36.3 You have been issued with two copies of your drivers badge You must wear one driver's badge visible on your external clothing at all times when you are driving or working with a private hire vehicle or Hackney Carriage and failure to do so is a criminal offence [under s54 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#)] when using a private hire vehicle and byelaw No 13 when using a hackney carriage]. You must display the second copy (large copy of your badge) in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi driver.

36.4 The badges remain the property of the relevant council and must be returned immediately on expiry, suspension, or revocation of the licence.

34 Change of details

34.1 Drivers must notify the council in writing within seven days of any change of address, email address or telephone number during the period of the licence.

35 Equality Act 2010

35.1 Drivers must comply with the requirements of the [Equality Act 2010](#), [Taxi and Private Hire Vehicles \(disabled Persons\) Act 2022](#) and the [Taxi and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#). This includes carrying assistance dogs with their passenger and providing mobility assistance to disabled and wheelchair using passengers (in the case of a listed wheelchair accessible vehicle). This does not apply to drivers who have been granted an exemption from those requirements by the relevant council. Details of the exemption requirements and processes are available on the website.

In addition, all drivers at all times must ensure that they do not discriminate unlawfully against any person.

36 Code of Conduct

36.1 This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi driver's licence, suspension, revocation or refusal to renew your licence.

36.2 You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person. You must ensure that you do not act in any way, at any time that might affect that. The relevant council will consider all your behaviour, and that is not limited to the times when you are driving a Hackney Carriage or private hire vehicle.

36.5 You have been issued with two copies of your drivers badge. You must wear one driver's badge visible on your external clothing at all times when you are driving or working with a private hire vehicle or Hackney Carriage and failure to do so is a criminal offence [under s54 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#)] when using a private hire vehicle and byelaw No 13 when using a hackney carriage]. You must display the second copy (large copy of your badge) in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi driver.

36.4 You must notify the Licensing Team within 72 hours if:

- you change your home or business address or contact details;
- you lose the right to work in the UK, or the right to remain in the UK;
- you wish to surrender your taxi driver licence;
- In the event of the loss of your licence or badge

36.5 If an authorised officer of the relevant council, an authorised officer of another council or a police officer asks you, you must produce your taxi driver badge.

36.6 All drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence.

36.7 Any hackney carriage or private hire driver's badge that is supplied by the council will cease to be valid on the expiry of the licence or upon suspension, surrender or revocation of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked or expired. If demanded the licence holder must return their licence and badge to the council within 7 days.

36.8 Whilst in control of a Hackney Carriage or private hire vehicle, the driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the owner/proprietor and the identification marks of the vehicle.

36.9 The driver shall give notice in writing to the council within seven working days of any convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

36.10 If a driver is given notice to undertake a random DBS check by the council, they must do so within 28 days of the request.

36.11 The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle. Drivers must ensure their appearance is smart and professional when working.

36.12 Any driver of a hackney carriage or private hire vehicle acting in a disorderly, abusive, aggressive, or violent manner towards any member of the public, other driver or officer of the council may be deemed not to be a 'fit and proper person' to hold a licence.

36.13 No driver of a hackney carriage/private hire vehicle shall at any time engage in any sexual activity in a licensed vehicle, whether consensual or otherwise, with a passenger. Any driver who contravenes this condition may be deemed not to be a 'fit and proper person' to hold a licence.

36.14 Vehicle proprietors and drivers shall ensure that licensed vehicles do not cause an obstruction or nuisance to other traffic or pedestrians when parked or collecting passengers.

36.15 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:-

- not sound the vehicle's horn.
- keep the volume of audio and communications equipment to a reasonable level.
- switch off the engine if required to wait.
- take all reasonable additional action as is necessary to avoid disturbance to residents in the neighbourhood.

36.16 Every driver shall at all times when in charge of a licensed vehicle wear their driver's badge supplied by the council and the badge should be clearly visible on their outer clothing.

36.17 Under the Equalities Act 2010 Section 168 (Assistance Dogs), drivers will be required to carry an assistance dog accompanying a disabled person without any additional charge unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons. This certificate must be displayed or readily available within the vehicle at all times.

36.18 Under the Equalities Act 2010 Sections 165 and 167 drivers will be required to carry a person using a standard wheelchair and the wheelchair without any additional charge. The only exception to this will be if a driver has a medical exemption certificate that allows him/her not to carry or assist wheelchair users for medical reasons. This certificate must be displayed or readily

available within the vehicle at all times.

36.19 A driver shall give notice in writing to the council within seven working days of any change in their medical condition. If required by the council a new medical may be required to determine if the driver is a 'fit and proper person'.

36.20 At hackney carriage ranks drivers shall:-

- queue in an orderly manner and proceed along the rank in order and promptly.
- if approached by a potential customer, direct them to the hackney carriage at the front of the rank unless the passengers specifically ask for a particular driver or company.
- assist in improving air quality by switching off vehicle engines when parked, unless there are reasonable safety or comfort grounds for not doing so, for example keeping warm in very low temperatures.
- remain in or within 30 metres of the vehicle.
- not park on the rank when not working.

36.21 Every driver of a licensed vehicle when requested by any person hiring or seeking to hire the vehicle shall:

- convey a reasonable quantity of luggage.
- afford reasonable assistance in loading and unloading.
- be polite, helpful and fair to passengers, particularly those whose mobility may be restricted.

36.22 Notwithstanding the relevant legislation, the council's conditions, the councils' Hackney Carriage and private hire driver, vehicle and operator policy and the councils' byelaws, drivers, proprietors and operators should be aware of the following criminal offences:

- failure to give assistance to wheelchair users or failure to carry them safely
- charging an additional fee/fare for carrying a passenger needing assistance or for carrying an assistance dog
- refusal to carry an assistance dog/wheelchair user without a medical exemption
- driving whilst using a handheld mobile telephone or device
- smoking in a hackney carriage or private hire vehicle
- driving whilst under the influence of alcohol, illegal or prescription drugs. Any amount of alcohol or illegal drug can affect a driver's capability to drive safely.
- exceeding the safe permitted number of working hours
- claiming benefits for which there is no entitlement
- and should always be aware of and obey traffic regulations and The Highway Code. This list is not exhaustive and the relevant enforcement agency (Police, local authority etc.) may take

action as it sees fit. This may include prosecution.

37 Action Against Licences

37.1 Section 61 of the [Local Government Miscellaneous Provisions Act 1976](#) allows the relevant council to suspend, revoke or refuse to renew a licence if the licensee has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the [Town Police Clauses Act 1847](#); failure to comply with the provisions of Part II of the [Local Government \(Miscellaneous Provisions\) Act 1976](#); has been convicted of an immigration offence or had to pay an immigration penalty, or any other reasonable cause.

37.2 A suspension or revocation can take immediate effect if that is necessary in the interest of public safety under section 61(2B). This will be clearly detailed in the decision notice.

37.3 Additional information can be found in the relevant councils local enforcement policy, [Basingstoke Enforcement Policy](#) or [Environmental Health and Licensing Local Enforcement Plan July 2021](#) for Hart.

37.4 The councils operate a penalty points scheme full details of which can be found in Appendix B

37.5 This statement was confirmed in discussion by Silber J. in the case of Leeds City Council v Hussain (2002) which surrounds the suspension of a driver:

'... the purpose of the power of suspension is to protect the users of licensed vehicles and those who are driven by them and members of the public. Its purpose 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 people'

37.6 Officers and licensing sub committees will bear the above statements in mind when determining applications, renewals and when making enforcement decisions. Other factors will also be considered on a case-by-case basis.

38 Licensing Committee and Licensing Sub Committee and Appeals

38.1 The Licensing Committee is responsible for administering licences. It has the power to grant licences, determine contentious applications, and also to suspend, revoke or refuse to renew licences. The committee has the delegated authority of the relevant council to determine policy matters, fee structures, contested applications, and disciplinary cases against licence holders. The committee's decisions are the relevant council's decisions as per the relevant council's constitution.

38.2 The Licensing Sub-committee consisting of three members of the Licensing committee will be chaired by a chairperson appointed on the date of the sub-committee. The Licensing Sub-committee will meet when required to determine appeals made against the Regulatory Service Manager's decisions. These meetings will also be known as Licensing Sub-committee 'hearings'.

38.3 Details of any right of appeal will be contained in the written notification of the relevant council's decision.

38.4 There is a right of appeal to the Magistrates' Court, and further right of appeal to the Crown Court in relation to any refusal to grant or renew a driver's licence, or suspension or revocation of

a licence and also imposition of any conditions on a licence. Full details about how to appeal will be contained in any decision notice.

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Policy in Relation to Hackney Carriage and Private Hire Vehicle Licences

39 Single Licences

39.1 Applications will not be accepted if the vehicle is already licensed by any other licensing authority (or Transport for London).

39.2 The councils issue Hackney Carriage and private hire vehicle licences. Legislation limits hackney carriage or private hire vehicle licences to a maximum period of 12 months.

40 Test of Fitness and Propriety

40.1 In addition to the vehicle itself, the council's will take the character of the applicant or existing proprietor into account when determining an application for the grant or renewal of a Hackney Carriage or private hire vehicle licence. Applicants for the grant or renewal of a vehicle licence must provide details of all convictions, cautions, fixed penalty notices, parking fines, Anti-Social Behaviour Orders, Community Protection Notices, injunctions, restraining orders and any other matter affecting their character on the application form and statutory declaration.

40.2 The relevant Council will then use the following test to determine whether the applicant/licensee is a suitable person to hold a vehicle licence:

“Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”

40.3 This will be determined on the balance of probabilities, and if the relevant council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the relevant council to prove that they are not.

41 General

41.1 Applications for a Hackney Carriage or private hire vehicle licence must be made on the prescribed application form which is available on the relevant council's website or the online application procedure. Guidance is available on the website to assist in the completion of the application.

41.2 The councils will only accept complete applications comprising all the necessary evidence as set out on the council's websites. Incomplete or missing evidence may result in the application being rejected. If an application is received late, the licence may expire before a new one can be issued. The vehicle will then be unlicensed and must not be used as a hackney carriage or private hire vehicle. Applications received after a licence has expired will be considered as new application.

41.3 Using a vehicle, as a private hire vehicle or Hackney Carriage, when it does not have a valid private hire vehicle or Hackney Carriage proprietors licence is a criminal offence.

41.3 Vehicle proprietors will be subject to a basic disclosure from the DBS, and this should be renewed annually. Any convictions disclosed on the basic disclosure would be subject to the assessment previous convictions guidance contained in this policy. There is no 'fit and proper' measure for vehicle licensing, but vehicle owners may have access to passenger details which could leave to safeguarding concerns. Any vehicle proprietor who is also a licensed a driver would not require a basic DBS as they will be covered by the 6 monthly enhanced DBS check.

41.4 As the vehicle cannot be separated from the licence, the vehicle must be owned or leased by the licensee. Proof of ownership of the vehicle must include:

- The original of the vehicle registration document (logbook/V5), certificate of registration for the vehicle (the new keeper's supplement section of the V5 document) will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required).
- Receipt for the purchase of the vehicle, or documentary evidence of any leasing arrangement with a vehicle leasing company must also be provided where the applicant does not own the vehicle. Any lease must be from a commercial leasing company, and leasing arrangements from individuals will not be accepted.
- The original insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for use as a Hackney Carriage or as a private hire vehicle (as appropriate).
- Confirmation from the relevant council appointed garages that the vehicle has passed the certificate of compliance test (Basingstoke) or current MOT certificate and Tick Test (Hart) {until the introduction of the compliance test system in HDC}.

41.5 The relevant council will consider all applications on their own merits once they are satisfied that the application is complete. An applicant should not be given the benefit of the doubt, and all decisions on the suitability of an applicant or licensee should be made on the balance of probability. Conduct that has not resulted in a criminal conviction can also be taken into account.

41.6 A valid application for the renewal of a licence, including all the required original documentation, must be made at least 15 working days prior to the expiry of the current licence. A valid application is one which is complete in all respects and can be processed immediately.

41.7 Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken. This may include taking action against the licence, prosecution of the applicant, reporting the matter to other enforcement agencies including the Police.

41.8 It should be noted that once a licence has been granted, that licence relates to that particular vehicle. The licence and the vehicle must be owned by the same person and cannot be separated. In this context, "ownership" includes leasing a vehicle from a leasing company, but not from an individual or any former or current licensee.

41.9 If a licensee wishes to change their vehicle during the currency of the licence, the existing licence must be surrendered, and a new application made for the replacement vehicle.

41.10 A licensee can transfer the licence to another person during the currency of the licence, and the relevant council will acknowledge that transfer and register the new licensee. The character of the new licensee will be considered when application is made to renew the licence and may be considered before that time. If the relevant council is not satisfied that the new licensee is a fit and proper person the licence will not be renewed or, in the case of an earlier review, action will be taken against that licence.

41.11 A 'transfer' is the sale of a licensed vehicle (including the paper licence and licence plate) from one person to another as opposed to when a proprietor wishes to license a vehicle as a hackney carriage or private hire vehicle which is not currently licensed as such, which is an application for a 'new vehicle licence'.

41.12 The council is empowered to impose such conditions as they consider reasonably necessary, in relation to the grant of hackney carriage or private hire vehicle licences. Hackney carriages and private hire vehicles provide a service to the public; the council will only license vehicles suitable for this purpose.

42 Vehicle Type and Design

42.1 Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the councils.

42.2 Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a standard Hackney Carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

42.3 Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval (ESVA or IVA) that meets the required standard. A licensing officer may require the vehicle to be referred to one of the council's designated vehicle compliance testing centres. This inspection will be carried out at the owner's cost.

42.4 All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to eight passengers not including the driver; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Where a vehicle has been altered, adapted or modified only Type Approval Certificates granted after alteration, adaptation or modification will be accepted.

42.5 Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the relevant council.

42.6 For reasons of public safety, the councils will not accept any vehicle that has been subject to such damage as to be categorised as a 'write-off' by a relevant insurance company under the Code of Practice for the Disposal of Motor Vehicle Salvage. This includes Category S (formerly C) and Category N (formerly D) vehicles. This is because the history of the reasons for a write off cannot be established.

42.7 Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts. 'Q' plates are also used to disguise stolen or accident damaged vehicles.

42.8 The councils will not license purpose built hackney carriage vehicles as private hire as this

can confuse members of the public.

43 Vehicle Specifications

43.1 No vehicle will be licensed unless it:

- a. the vehicle must be capable of carrying not fewer than four passengers and no more than eight.
 - b. each passenger seat shall be fitted with a seat belt. No seats may be side facing.
 - c. the seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part.
 - d. each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
 - e. the vehicle, in addition to the driver's door, will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
 - f. the vehicle will be right hand drive.
 - g. the vehicle will have four road wheels.
 - h. the vehicle will have an engine with a capacity of at least 900cc. including vehicles badged by the manufacturer as '1.0' models. Hybrid and electric vehicles fitted with 'range extender' technology will be exempt from this restriction.
 - i. fully electric, fuel cell and hydrogen vehicles must have a minimum stated range of 130 miles (WLTP methodology) on a full charge/tank.
 - j. the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total passenger capacity of the vehicle.
 - k. estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.
 - l. no alteration to the manufacturer's specification for the vehicle, including a change of, or additional, fuel type, shall be carried out except with the prior written approval of the council.
 - m. the rear windows must have a visible light transmission (VLT) of not less than 35 per cent (+/- 2%) so that the passengers can be seen from the outside of the vehicle.
- N All licensed vehicles must have the facility to accept card payments, and the facility to provide a receipt if requested by the customer.

43.2 All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, re-tested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). Those vehicles which have not been "type approved" to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Vehicles may be inspected for

suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.

43.4 There must be adequate legroom in front of any passenger seat and adequate headroom above any passenger seat. Adequate means that a 182 cm (six foot) tall person can sit comfortably.

43.5 The councils do not maintain a list of acceptable vehicles but it is recommended that prior to purchasing any such vehicle, advice be sought from the Licensing Team.

43.6 The councils are committed to social inclusion and ensuring that disabled users have a variety of opportunities to enjoy a high quality of life. For this reason, the councils consider it important that disabled users have access to all forms of public transportation.

43.7 Any vehicles that have been involved in an accident, which have required repair, may have to pass a further inspection at one of the relevant council's nominated testing stations.

43.9 Vehicles must carry: a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary. Or;

- Original manufacturer's tyre inflation kit with all fittings and un-used. Or
- Runflat tyres to the original manufacturer's specification.
- a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle (not required for vehicles with runflat tyres or original manufacturers inflation kit).
- a warning triangle (not for use on motorways)
- a working torch
- a first aid kit (all contents in date at time of inspection).
- no audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

44 Licence plates

44.1 The external licence plate supplied by the relevant council shall be securely fixed to the outside rear of the vehicle. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days.

45 Smoking

45.1 No smoking is permitted in the vehicle by either the driver or passengers. The use of electronic cigarettes and other vapour inhaling equipment by drivers and passengers is prohibited.

44 Lost property

44.1 In the first instance drivers and operators are expected to take all reasonable steps to

ensure property is returned to its rightful owner within 48 hours of discovery. Drivers must check their vehicle after each hiring to identify any lost property.

44.2 Where drivers working for companies or operators cannot return items directly to the passenger, they must present the item to the booking company within 48 hours of discovery. Small items must be placed in a clear, sealed bag. Larger items may have a separate label tied to them. Care must be taken to ensure that all items are kept in the same condition as they were found.

- Every item must be labelled with the following information:
- Date and time found
- Where in the vehicle it was found
- Driver's name and badge number
- Vehicle plate number

44.3 The company or operator shall maintain a separate record sheet with the above information plus a brief description of the item. This sheet must be available to contact handling/reception staff to deal with customer enquiries.

44.4 All lost property must be retained for at least 28 days from the date of discovery. Items must be kept in a secure location to which only named staff have access. This space must be large enough to accommodate larger items such as luggage and pushchairs. There cannot be a lost property 'bin' in a public space or driver rest area. After 28 days all items can be disposed of via a suitable route (not given to staff or drivers). This may be to charity for items in good condition and with resale value. Electronic items must be disposed of in accordance with the WEE directive. This route is available at council run recycling centres. The disposal route of items must be shown against the original entry on the recording sheet.

44 Funeral, Stretched limousines and wedding vehicles

44.1 There is currently no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

44.2 Stretched limousines are elongated saloon cars or multi-purpose vehicles (MPVs). The vehicles are usually imported from the United States of America. They are generally used for private hire work and special occasions.

44.3 Councils are sometimes asked to licence stretched limousines as private hire vehicles. The council will assess licence applications for these vehicles on a case by case basis.

44.4 A vehicle does not need to be licensed to be used in connection with a wedding. If a licensed Hackney Carriage vehicle is used for a wedding the licence plate and roof sign must be displayed.

44.5 Where a vehicle has been imported from another country, the council may require VOSA approved certification prior to licensing approval. Due to the individual nature of stretched limousines or special vehicles, it will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary for the council to consider whether to include special conditions on any licence. The councils will take into consideration the guidance issued by the Government.

45 Insurance

45.1 The Road Traffic Act and associated Regulations require a suitable policy of insurance to be in force in relation to the use of motorised vehicles on the public highway. For this reason and similar requirements made by under Section 48(1)(b) of the LG(MP) Act 1976, the licensing authority will require evidence of a current and suitable policy of insurance on grant or renewal of any vehicle licence.

45.2 Before a vehicle licence will be issued, evidence of comprehensive insurance for either Hackney Carriage or private hire use (as appropriate) must be produced.

46 Age of vehicle

Private Hire Vehicles

46.1 PHVs for general PH use must be newer than 3 years of age at first licence and can be relicensed until the vehicle is 10 years old at date of licence renewal. Applications to extend licences past 10 years will only be considered on an exceptional circumstance basis.

46.2 Exceptional circumstances applications must be made in writing by the applicant giving reasons as to why the vehicle should be considered for relicensing. Financial reasons cannot be taken into consideration. All applications must contain a report from a certified independent vehicle engineer. This report must consider all aspects of the vehicle including: structural condition, interior and external condition, mechanical condition and a full vehicle electrical diagnostic.

46.3 The vehicle must also have a full-service history or documentary evidence to prove the vehicle has been maintained in accordance with the manufacturer's servicing schedule.

Hackney Carriage Vehicles

46.4 The schedule of conditions and the Byelaws for HCVs vary between the two councils. These details can be found in Appendix C and H for Hart. Basingstoke's can be see at Appendix D and I. The main difference is that there is a requirement in Basingstoke for all HCVs to be wheelchair accessible vehicles (WAV).

46.5 HCVs that are WAVs must be newer than 5 years of age at first licence and they will continue to be licenced up to 12 years old (15 years for ultra-low or zero emission vehicles) at date of licence renewal.

46.6 Applications to extend WAV licences past 12 years (15 years for ultra-low or zero emission vehicles) will only be considered on an exceptional circumstance basis.

46.7 Exceptional circumstances applications must be made in writing by the applicant giving reasons as to why the vehicle should be considered for relicensing. Financial reasons cannot be taken into consideration. All applications must contain a report from a certified independent vehicle engineer. This report must consider all aspects of the vehicle including: structural condition, interior and external condition, mechanical condition, and a full vehicle electrical diagnostic.

46.8 In Hart where there is not the requirement for the HCVs to be WAVs the age limits stated for private hire vehicles will then apply.

47 Condition of vehicle

47.1 The interior and exterior of the vehicle shall be kept clean at all times. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears, odour and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations.

47.1 The exterior paintwork on the vehicle must not:

- i. show signs of rusting;
- ii. be faded or show signs of mismatched paint repairs;
- iii. have any scratches, cracks or abrasions where the top layer of paint has been removed.

47.2 The vehicle must not have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.

47.3 The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

47.5 Operators are permitted to display the following on the vehicle:

- a sign indicating membership of the AA, RAC or other similar motoring organisation
- a first aid kit sticker
- any other material supplied by government or a government organisation or corporation with the permission of the council.

48.1 The interior seating and carpet areas of the vehicle must not show signs of:

- i. staining;
- ii. damp;
- iii. fraying or ripping of the material;
- iv. seat covers that are loose or badly fitted.

48.2 The seats must provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.

48.3 Interior panels and fittings within the vehicle must not be damaged nor show excessive wear, or staining.

48.4 The interior of the vehicle must not have damp or other obnoxious smells.

48.5 Advertisements are not permitted on the interior or exterior of private hire vehicles.

48.5 All Licensed vehicles must have the facility to accept card payments, and the facility to

provide a receipt if requested by the customer. The card payment device must accord with the guidelines provided in this policy at Appendix J.

48 Trailers

48.1 Trailers may only be used with the prior written approval of the council and subject to the following requirements:

- trailers can only be used in connection with private hire bookings
- the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078).
- the vehicle insurance must include cover for towing a trailer
- a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

49 Taximeters

49.1 All Hackney Carriages must be fitted with a taximeter approved by the SLS.

49.2 The taximeter must be set to a rate not exceeding that specified in the relevant Council table of fares.

49.3 Private hire vehicles may be fitted with a taximeter (at the discretion of the vehicle proprietor). Any such meter must be approved by the SLS in accordance with the above requirement for Hackney Carriages.

49.4 A private hire vehicle may be fitted with taximeter. All taximeters must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). All meters must be of the 'calendar' type to automatically adjust for bank holidays. The taximeter shall be maintained in a sound working condition at all times. All meters must be sealed with a tamper evident seal. The taximeter shall be set at the tariff displayed in the vehicle.

49.5 The taximeter must:

- be of the clock calendar type and change according to the wording of the displayed fare tariff;
- show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures;
- be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

50 Signage and advertising

50.1 Members of the public can often confuse private hire vehicles with Hackney Carriages, without realising that private hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public are able to easily distinguish each type of vehicle.

50.2 For this reason private hire vehicles must not display any roof signs and Hackney Carriage vehicles must display illuminated roof signs.

50.3 Both Hackney Carriages and private hire vehicles must display a licence plate on the rear of the vehicle. The plates are different colours for hackney carriages and private hire vehicles. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. adhesive, screw, bolt or rivet, or on a secure bracket, or by using the adhesive plate provided by the council. No temporary fixing such as magnets or Velcro® are allowed. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licensing officer in accordance with this policy.

50.4 Signage must be displayed identifying the payment cards/method accepted; these should be clearly visible from the exterior and interior of the vehicle. The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers after entering the vehicle.

50.5 Advertising will be permitted on hackney carriage vehicles. Complaints about unsuitable or offensive advertisements may be referred to the council's licensing team.

50.6 All licensed vehicles to display a licence plate or sign:

- a) on the exterior, at the rear of the vehicle, and
- b) in the case of PHVs permanently affixed 'No Booking No Ride' door signs on each side of the vehicle.
- c) The TX or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a PHV. The minibus variants of HCV such as the Mercedes Vito can be licensed as PHV assuming they are easily distinguishable from HCVs.
- d) Vehicles are required to display signage to state what payment types they accept.
- e) Vehicles are required to display signage to state how a complaint can be made to either the operator or local relevant Council.

50.7 Any advertisements on any vehicles must be legal and comply with the [advertising standards agency code of practice](#).

51 Temporary Replacement Vehicle

51.1 If a licensed Hackney Carriage or private vehicle has been involved in an accident or is otherwise incapacitated, an application can be made for a replacement vehicle to be licensed on a temporary basis. The existing vehicle licence will be suspended, and the replacement vehicle will be granted the same licence number. The temporary period will be determined by the relevant council when the application is made and will be based upon the estimated time for the repair of the original vehicle.

51.2 No temporary licence will be granted for a period exceeding three months. Any replacement vehicle must meet the relevant council's specification for Hackney Carriage or private hire vehicles and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.

52 Vehicle testing

52.1 The DfT guidance recognises that an annual MOT test for licensed vehicles of whatever age is necessary. More frequent tests are recommended for older vehicles. The DfT guidance also suggests that it is good practice for councils to consider having more than one testing

station and argues that there could be advantages in contracting out the testing work to different garages.

52.2 The councils will approve testing stations to which all Hackney Carriages and private hire vehicles must be taken when being tested in connection with licensing requirements.

52.3 The approved testing stations will be decided upon through an open application process that takes place every five years. Having taken into account the DfT guidance that best practice is to approve more than one testing station.

52.4 Hart District Council will require all vehicles licensed or renewing their licence after 31 September 2024 to have a certificate of compliance from an approved test centre.

52.5 Anyone who wishes to complain about or is in dispute with any of the approved testing stations may contact the licensing team who will investigate the complaint. Complaints concerning the part of the test that checks the council's conditions will be dealt with by the licensing team with reference to an expert if necessary. Complaints about the mechanical MOT part of the test may be referred to VOSA.

52.6 Vehicles less than one month old and with less than 1500 recorded miles will be exempt from the requirement for a compliance check. All hackney carriage vehicles must have their meter checked for consistency with the displayed tariff card and the operation of the roof sign. This check must be carried out at a compliance testing centre.

52.7 Vehicles up to the fifth anniversary of their date of registration will require an annual compliance check. Vehicles older than the fifth anniversary of their registration will require compliance checks every six months until their tenth anniversary. Vehicles older than ten years will require a compliance check every 4 months.

52.8 The test must take place in accordance with the relevant council's testing procedures. Vehicles will be required to meet the required MOT standard for their age and construction and the relevant council's standards. In addition the accuracy of the meter (if fitted) will be checked over a measured mile for two of the displayed tariffs and for waiting time.

53 Windows

53.1 The front windscreen must let at least 75% of light through. All remaining factory fitted glass in the vehicle shall permit a minimum of 70% light transmission. No vehicle shall be fitted with tinting film over and above that included at manufacture.

53.2 Exemptions to allow rear window tints may be considered in exceptional circumstances for vehicles working under an exemption from the requirement to display the plate (i.e. Corporate/Executive Chauffeur hire services).

53.3 In respect of hackney carriage vehicles licensed prior to the implementation of this policy, an exemption from the 70% requirement may be applied to factory fitted glass to the rear of the driver's pillar on application to the Licensing Unit.

53.4 All licensed vehicles (except for private hire vehicles which are granted a dispensation or exemption from displaying signage must meet the following requirements:

- i. Light transmitted through the windscreen must be at least 75%
- ii. All other windows (both front and rear) must allow at least 70% of light to be transmitted.

53.5 Where vehicles which are currently licensed have factory tinted/privacy glass fitted and

are able to provide documentary evidence that this was fitted at the time of manufacturing and has not been replaced since, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

54 Security and closed-circuit television (CCTV)

54.1 The DfT recommends councils to look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

54.2 The council will not require enhanced security or CCTV measures in vehicles. Operators and drivers may install such equipment, but its use must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with the Data Protection Act 1998 and the 2018, GDPR and the ICO code of practice for surveillance cameras. It is the responsibility of the driver/operator to ensure compliance.

54.3 Audio recording on video equipment must not be enabled by default. Audio must only be used when the driver feels there is a threat to themselves or another person. If the audio is turned on then the driver must make the person being filmed aware that audio recording is taking place.

54.4 No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

54.5 When requested by a Licensing Officer investigating a complaint or incident drivers must release all relevant recordings within 36 hours of the request.

Body Worn Video

54.4 If a driver decides they wish to use body worn video the following conditions must be adhered to:

- 1) The driver must register with the ICO as a data controller
- 2) The any video device used must have a security protected play back system to ensure security of the data should the device be lost or stolen
- 3) Drivers wishing to operate BWV will need to display clear signage on all passenger doors to inform customers that the driver is wearing body worn video equipment. Drivers must wear a yellow or hi-vis tabard or jacket to which the camera is securely attached. The tabard or jacket must have the words 'Body worn camera in use' or similar signage clearly displayed. The camera must show a red light when in operation that is clearly visible to the customer.
- 4) Audio recording must not be enabled by default. Audio must only be used when the driver feels there is a threat to themselves or another person. If the audio is turned on then the driver must make the person being filmed aware that audio recording is taking place.
- 5) The vehicle signage must display a contact telephone number and the address/web address of the data controller.
- 6) The data must be securely stored (in an encrypted form) and destroyed in line with the ICO guidance
- 7) Any driver operating BWV must inform the relevant council in writing and provide evidence that they have registered with the ICO as a data controller.

8) When requested by a Licensing Officer investigating a complaint or incident drivers must release all relevant recordings within 36 hours of the request.

55 Access for wheelchair users and equipment

55.1 See Guidance at: [Wheelchair access in taxis and private hire vehicles - GOV.UK](https://www.gov.uk/guidance/wheelchair-access-in-taxis-and-private-hire-vehicles)

55.2 The relevant council are committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life. For this reason, the councils consider it important that disabled residents have access to all forms of public transportation.

55.3 All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.

55.4 The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

55.5 A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

Equipment

55.6 A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

Ramps

55.7 Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kg and certified to BS6109.

55.8 A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

Wheelchair lift

55.8 A purpose designed wheelchair lift shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum.

55.9 The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

Anchorage

55.10 The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose-built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations shall be followed. **Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.**

55.11 A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.

55.12 All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.

55.13 Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).

55.14 A VOSA certificate of compliance following a post conversion inspection or construction to agreed standards will indicate compliance with the above standards.

55.15 The council is aware of the different demands for private hire vehicles, particularly those involved in providing transport through school contracts for disabled children. Operators also need to be aware of their liabilities under health and safety legislation in respect of staff that they employ to ensure that they provide a safe system of work for the driver.

56 Roof Signs and Livery

56.1 The roof sign must be affixed to Hackney Carriage vehicles at all times. The only exceptions to this are:

- when the vehicle is parked off the street at a proprietor's home or in a private taxi office car park for security reasons
- when the vehicle is undergoing maintenance work or is being cleaned.

56.2 In both cases the roof sign must be put back on the vehicle before the vehicle is used on the highway.

56.3 There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle that has a built-in taxi roof sign.

56.4 In the event of the relevant council's Licensing Officers not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will have been breached and the proprietor requested to remedy the defect. The licensee of the vehicle may then be subject to a penalty within the [Penalty Points Scheme](#) and if not suitably rectified will then have the sanction of law imposed.

56.5 From 30 June 2024 all Hackney Carriage vehicles licensed by Hart District Council must display a fully illuminated roof-mounted sign to the specifications below:

The requirements for the roof sign are:

- the roof sign must be connected to the taximeter (or equivalent) and it must be automatically controlled.
- the roof sign must be lit when the taximeter is not active or when the vehicle is plying for hire and not lit when the taximeter is in use, or the vehicle is not available for hire

56.6 The council does not require that licensed vehicles are finished in a special livery or appearance.

57 Out of district hackney carriage vehicles

57.1 The council understands that hackney carriage vehicles may operate outside of the district if undertaking pre-booked journeys. Nothing in this policy prohibits this.

57.2 The relevant council will not licence hackney carriage vehicles that are to be used predominantly outside of the area of the licensing authority or any taxi licensing zones that may be established. All applicants for hackney carriage vehicle licences must declare the areas within which they intend to use the vehicle.

57.3 For the purposes of clarity the council defines 'predominantly' as a minimum of 75% of booked journeys must commence or terminate within the district.

58 Dispensation /Exemption Certificates

58.1 The relevant council will consider granting an exemption from the requirement for a private hire vehicle to display the plates and additional signage. If an exemption certificate is granted, the vehicle which are used for corporate/executive style contract work for at least 75 per cent of the time.

58.2 The operator's records for these vehicles must prove on every application that the required amount of contract work is being carried out and the relevant council will require written evidence as to why plate exemption is required.

58.3 Where an exemption is granted the vehicle will display a prescribed internal licence. The internal licence contains vehicle/ licence details and must be visible from the outside. The rear licence plate must be carried in the vehicle at all times, so it can be examined by an authorised officer or a police officer.

58.3 Vehicles given this exemption will normally be executive type cars. The relevant council will determine applications for exemption on a case-by-case basis. It is not possible to specify the makes and models of vehicles that will be considered for an executive hire exemption, but in general they must be luxury vehicles that provide significant amounts of space and comfort for passengers.

58.4 The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators/drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

58.5 There is no right of appeal against a refusal to grant an exemption certificate.

59 Accidents

59.1 If at any time a licensed 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 72 hours by letter or email.

59.2 Where damage that requires repair arises from an accident the driver is required to report the accident to the relevant council within three days. The council's primary concern is to ensure that the vehicle is in a safe and suitable condition to be used as a licensed vehicle.

59.3 If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact and return the licence plates to the licensing team until the vehicle has been assessed by an officer as fit to use.

59.4 An approved testing station may examine the extent of the damage and determine whether or not the vehicle must be repaired to allow it to continue as a licensed vehicle. Officers will advise drivers and operators of the outcome of the inspection within a maximum of three working days.

59 Licensing Committee and Licensing Sub Committee and Appeals

59.1 The Licensing Committee is responsible for administering licences. It has the power to grant licences, determine contentious applications, and also to suspend, revoke or refuse to renew licences. The committee has the full delegated authority of the relevant council to determine policy matters, fee structures, contested applications, and disciplinary cases against license holders. The committee's decisions are the relevant council's decisions and do not need to be endorsed or agreed by other committees.

59.2 Hackney fares and Licensing Fees and Charges will also have to be approved by Full Council.

59.3 The Licensing Sub committee consisting of three members of the Licensing committee will be chaired by an appointed Chairperson on the date of the subcommittee. The Licensing Sub-Committee will meet when required to determine appeals made against the Regulatory Service Manager's decisions. These meetings will also be known as Licensing Sub-Committee 'hearings'.

59.4 Details of any right of appeal will be contained in the written notification of the relevant council's decision and who the applicant needs to appeal to for the decision that has been made.

59.5 There is a right of appeal to the Magistrates' Court, and further right of appeal to the Crown Court in relation to any refusal to grant or renew a vehicle licence, or suspension or revocation of a vehicle licence. Full details about how to appeal will be contained in any decision notice.

Policy in Relation to Private Hire Operator Licences

60 General

60.1 All private hire operator licences will be issued for five years. Licences of a shorter duration may be issued in exceptional circumstances.

60.2 Any person who operates a private hire service (who is not a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the council for a private hire operator's licence. The objective in licensing private hire operators is the safety of the public who will be using operators' premises, and vehicles and drivers arranged through them.

60.3 A valid application including all the required original documentation, must be made at least 15 working days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately.

60.4 Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current operator's licence, there will be a period of time during which the operator will be unlicensed and cannot make a provision for the invitation of bookings for private hire vehicle.

60.5 A private hire vehicle may only be dispatched to a customer by a licensed private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle. Private hire operators must ensure that every private hire vehicle that they operate is licensed by the same council who issued them with the operator's licence and that it is driven by a person who holds a private hire driver's licence issued by the same council.

60.6 Where a licence is found to have been obtained using false or incomplete information enforcement action will be taken.

61 Operator's Base

61.1 An operator's licence relates to one or more addresses (bases) within the relevant council area. Every address that is being used must be detailed on the licence.

61.2 The address used on the operator's application must be the one where the invitation and acceptance of bookings take place. This will be the premises where the records referred to above are kept and at which they may be inspected by licensing officers without notice.

61.3 An operator who has more than one operating office or base does not require a separate licence for each premises but must submit a list to the SLS containing all the addresses from which they run their business. An updated list must be sent to the relevant council whenever any of those addresses change.

61.4 Planning permission or a Certificate of Lawful Use for the use or change of use of premises, whether home or commercial is not required before an application can be made for an operator's licence. However, it may be unlawful to use those premises as an operator's base and advice, should be sought from relevant council's Planning Department.

62 Fitness and Propriety

62.1 Before the SLS will grant or renew an operator licence, the applicant or licensee must satisfy

the following requirements.

63 Identity

63.1 Please refer to section 12 of the policy.

64 HM Revenues and Customs (HMRC) requirements

64.1 Please refer to section 12 of the policy.

65 Disclosure and Barring Service Checks (DBS)

65.1 An applicant must provide a basic DBS check which is no more than one calendar month old at the time of application. In addition, the relevant Council will require the applicant to complete an application form declaration listing all criminal convictions to enable the and consider the applicant's fitness and propriety. Failure to do so will lead to the licence being suspended.

65.2 Where an application is made by a partnership, limited liability partnership or limited company, the same requirements apply to all partners, directors and secretary (if any).

65.3 This requirement will not apply to any applicant who already holds a drivers licence.

65.4 Where a licence is held by a partnership, limited liability partnership or limited company, the Relevant Council must be notified within one week of any change of partners, directors or secretary. In those circumstances a basic DBS not more than one calendar month old must be provided with that notification.

65.5 Operators must maintain and apply a previous convictions policy in the same terms as the one contained within this policy for all staff that they use. This includes obtaining and providing a basic DBS certificate not more than one month old at the point of first engagement by the operator and a requirement in the contract of employment/service to notify the operator of any subsequent arrest, charge or conviction within seven days of the event. This applies to all employees, workers and independent contractors. The operator must not engage the services of any person whose previous convictions or other matters lie outside that policy without the prior written authorisation of the Relevant Council.

66 Certificate of Good Conduct

66.1 Please refer to section 15 of the policy.

67 Previous Convictions

67.1 Please refer to section 16 of the policy.

68 Test of Fitness and Propriety

68.1 Once a valid application has been made, the Relevant Council will make a decision as to whether or not the applicant/licensee is a fit and proper person to hold a private hire operator's licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the Relevant Council's standards. The test used will be:

“Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your 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?”

68.2 This will be determined on the balance of probabilities, and if the Relevant Council is of the

view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Relevant Council to prove that they are not.

69 Drivers and Vehicles

69.1 The operator must ensure that any private hire driver or private hire vehicle operated, employed or used by them holds a current private hire driver or vehicle licence issued by The SLS. The operator must hold the licence for the duration of the time that the driver or vehicle is being operated by that operator.

70 Knowledge Test

70.1 Private hire operators need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route.

70.2 In order to maintain the high standards expected of operators, the council will not grant an operator's licence until the applicant has passed the knowledge test. This requirement will be waived for licensed drivers and all operators licensed before 1 January 2020.

70.3 In order to determine their suitability, applicants will be required to undertake a test as to their knowledge of:

- local geography
- the Highway Code
- hackney carriage and private hire licensing law and the council's policy.
- basic mathematics for handling money

70.4 The knowledge test will be in a form and structure determined by the council and may be administered by a third party.

70.5 There is a fee to sit and re-sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than five times in any 6-month period commencing on the date of their first test.

71 Enforcement and Appeals

71.1 This policy will be considered in conjunction with the Relevant Council's Enforcement Policy. The Relevant Council will ensure that all licensees comply with the law and conditions attached to their licences.

72 Conditions

72.1 The council has the power to impose such conditions on an operator's licence as it considers reasonably necessary.

73 Insurance

73.1 If premises are open to the public applicants must produce evidence that they have taken out a minimum of £5 million of public liability insurance for the premises to be licensed, before the

council will approve an application for a private hire operator's licence.

74 Change of details

74.1 The operator must notify the council in writing within seven days of any change of address, (whether this is a home address or the operating address) or change of telephone number or any other details during the period of the licence.

75 Sub-contracting

75.1 A private hire operator may sub-contract a booking to another licensed operator or hackney carriage driver. A record of whom the booking was sub-contracted to and when must be kept.

76 Record keeping

76.1 Section 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 requires operators to record specific information. The information shall be kept in a suitable book or on a computer or any other similar device. If using a book the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- the time and date of the booking
- the name of the hirer
- the fare quoted
- how the booking was made, e.g. telephone or email and the time
- the time of the proposed pick up
- the point of pick up and drop off
- the registration or plate number of the vehicle allocated for the booking and the name of the driver.

76.2 Operators are legally required to keep records in respect of all bookings, vehicles and drivers, for a period of one year as set out in the private hire operator's conditions in Appendix B.

76.3 An additional condition of the private hire operator's licence should include a register of staff, updated regularly to reflect changes in staffing. The operator should obtain a basic DBS check on all staff and record that they have seen the check.

76.4 Operators who maintain computerised records will be required to give access to these records to licensing officers upon request in order that the licensing officers can carry out their enforcement duties.

76.5 Any data held by the PHO should be held and disposed of in accordance with the data protection legislation. Guidance is available through the Information Commission Office (ICO) website.

76.6 Operators will also be required to provide adequate instruction to licensing officers in order to enable them to interrogate the computerised records to gather the information they require to carry out their enforcement duties.

77 Enforcement Options

77.1 The SLS aims to maintain a consistent approach when making all decisions in relation to Hackney Carriage and private hire licensing. In order to maintain a consistent approach, this policy

is always considered, in addition to the Enforcement Policy, and followed where appropriate. In reaching any decision The SLS will also have regard to the following:

- i. the seriousness of any offences;
- ii. the licensee's past history;
- iii. the consequences of non-compliance;
- iv. likely effectiveness of the various enforcement options;
- v. danger to the public.

77.2 Once the SLS has considered all the evidence and relevant information, the following options will be considered:

- i. take no action;
- ii. impose penalty points on the licence (see [Appendix B](#));
- iii. suspend the licence;
- iv. revoke the licence;
- v. prosecute.

77.3 The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement will be proportionate and transparent. While the ultimate authority is the court the expectation is that enforcement will be carried out by licensing officers overseen by the Licensing Committee and the associated Licensing sub-committee.

77.4 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There are grades of sanctions from informal advice and warnings through to suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers. The relevant Council will operate a points-based enforcement scheme. The points system does not affect the driver's or operator's rights of appeal to the magistrate's court. The details of the system are shown in Appendix G.

78 Licensing Committee and Licensing Sub Committee and Appeals

78.1 If a licence application or renewal is refused or enforcement action is taken, the applicant or licensee will be informed in writing. That notification will detail the rights of appeal and the appropriate court in which an appeal should be brought.

Appendix A - Hackney Carriage and Private Hire Licensing Guidelines relating to relevance of previous convictions.

1 Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the relevant Council when determining whether or not an applicant or an existing licensee is a fit and proper person to hold a Hackney Carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence.

1.2 Drivers and operators cannot be granted a licence unless the council 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).

1.3 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.

1.4 'Fit and proper' 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.

2 General Policy

2.1 Where an applicant has been convicted of a criminal offence, the relevant Council cannot review the merits of the conviction [Nottingham City Relevant Council v. Mohammed Farooq (1998).]

2.2 "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) is "safe and suitable" to hold the licence.

2.3 In determining safety and suitability the council is entitled to take into account all matters concerning that applicant or licensee. The relevant council is 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. 38 Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to consider the character of a company director or secretary, or any partner.

2.4 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. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

2.5 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 council. 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.

2.6 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 council to decide what action to take in the light of this policy.

2.7 In all cases, the council 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 this policy.

2.8 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.

2.9 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.

2.10 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 conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

2.11 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 'fit and proper' status. The council 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.

2.12 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.

2.13 This policy does not replace the duty of the council 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.

3 Powers

3.1 The [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#) excludes applicants or holders of a private hire vehicle or Hackney Carriage driver's licence from the provisions of the Rehabilitation of Offenders Act 1974. This means that the relevant Council can take account of all convictions, whether spent or not. Therefore, the relevant Council will have regard to all relevant convictions. As detailed below, this will be particularly important where there is a long history of offending or a recent pattern of repeat offending.

3.2 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

4 Consideration of Disclosed Criminal History

4.1 Applicants can discuss what effect their offending history may have on any application by contacting the Licensing Service for advice.

4.2 Applicants for the grant or renewal of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). This must include a check of the adult and child barred lists. Drivers will then be required to sign up to the DBS update service.

4.3 Applicants for the grant of Hackney Carriage or private hire vehicle licence, where that person is not the holder of a current driver licence issued by the relevant Council, must provide a basic DBS certificate to accompany every application and renewal of the vehicle licence.

4.4 Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the relevant council, must provide a basic DBS certificate annually throughout the currency of the licence.

4.5 The relevant council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the relevant Council or other licensing authorities, and information disclosed by the police.

4.6 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly when giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the application will be refused, and if the licence has been granted it will be revoked.

4.7 The sole purpose of Hackney Carriage and private hire licensing is to protect the public. That is the only consideration the relevant council can take into account when determining an application for a licence or whether to take action against an existing licence (suspend, revoke or refuse to renew).

4.8 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 hardworking individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

4.10 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](#)¹ ss 51 and 59 in respect of drivers; s55 in respect of operators).

4.11 There are no statutory criteria for vehicle licences, therefore the relevant council has an absolute discretion over whether to grant either a Hackney Carriage or private hire proprietor's licence.

4.12 "Fit and proper" means that the individual (or in the case of a private hire operator's licence or vehicle proprietors licence, the limited company together with its directors and secretary, or all

¹ Section 57(1) and 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.

members of a partnership¹) is “safe and suitable” to hold the licence.

4.22 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 Relevant Council 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.

4.23 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.

4.24 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.

4.25 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The relevant Council 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.

5 Drivers

5.1 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.

5.2 A taxi 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.

5.3 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 'fit and proper' person.

5.4 In relation to single convictions, before a licence will be granted the following time periods should elapse following completion of the sentence. “Sentence” means the period of imprisonment imposed (not simply the time served), the date of conviction if a fine was imposed, completion of any disqualification from driving, or the end of whichever lasts longer if more than one penalty was imposed.

6 Crimes Resulting in Death

6.1 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.

7 Exploitation

7.1 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.

8 Offences Involving Violence

8.1 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.

9 Possession of a Weapon

9.1 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.

10 Sex and Indecency Offences

10.1 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.

10.2 In addition to the above, the Relevant Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

10.3 Those given a jail sentence of more than 30 months for sexual offending are placed on the register indefinitely. Those imprisoned for between six and 30 months remain on the register for 10 years, or five years if they are under 18. Those sentenced to six months or less are placed on the register for seven years, or three-and-a-half years if under 18. Those cautioned for a sexual offence are put on the register for two years, or one year if under 18.

11 Dishonesty

11.1 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.

12 Drugs

12.1 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.

12.2 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 the time of application and every subsequent renewal at their own expense to demonstrate that they are not using controlled drugs.

13 Discrimination

13.1 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.

14 Motoring convictions

14.1 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.

14.2 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.

15 Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

15.1 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.

15.2 Where an applicant has a conviction for using a held-hand mobile telephone or a handheld 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.

16 Other Motoring Offences

16.1 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 be granted until at least 5 years have elapsed since the completion of any sentence imposed.

16.2 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 be granted until at least 7 years have elapsed since the completion of any sentence imposed.

17 Hackney Carriage and Private Hire Offences

17.1 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.

18 Vehicle Use Offences

18.1 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.

19 Private Hire Operators

19.1 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.

19.2 As stated above, where an applicant has more than 1 conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

19.3 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 Relevant Council's overall criteria, that will lead to the operator's licence being revoked.

19.4 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.

20 Vehicle Proprietors

20.1 Vehicle proprietors (both Hackney Carriage and private hire) have two principal responsibilities.

- Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

20.2 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.

20.3 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.

21 Licences Issued by Other Licensing Authorities

21.1 Applicants who hold a licence with another Relevant Council should not automatically assume that their application will be granted by this Relevant Council. Each case will be decided on its own merits.

21.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

22 Protected Cautions and Convictions

22.1 Standard and Enhanced DBS certificates will include details of convictions and cautions (excluding youth cautions, reprimands and warnings) recorded on the Police National Computer (PNC). PNC records relating to protected cautions and convictions will not automatically appear on the certificate.

22.2 The rules regarding the automatic disclosure of convictions or cautions are set out in legislation. This states that a certificate must include the following:

Disposal	Age when given/sentenced	How long ago
Caution for specified offence	18 or over	Any time
Caution for non-specified offence	18 or over	Less than 6 years
Conviction for specified offence	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time
Conviction for non-specified offence	18 or over	Less than 11 years
Conviction for non-specified offence	Under 18	Less than 5 and half years

22.3 A 'specified offence' is one which is on the [list of specified offences](#) agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS certificate, regardless of how long ago it was given. This includes where a specified offence receives a caution (but not youth cautions, reprimands or warnings).

22.4 The list includes a range of offences which are serious, relate to sexual or violent offending or are relevant in the context of safeguarding. The specified offences list covers those committed in England and Wales, however, the legislation also covers equivalent offences committed in other jurisdictions including overseas when they are recorded on the PNC. It is not possible to capture a definitive list of all equivalent offences under the law of all other jurisdictions.

22.5 Where an individual is aware that they have committed an offence outside England and Wales which may be equivalent to an offence on the list they should seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

22.6 More information on the DBS filtering guide can be found at <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide> .

23 Rehabilitation

23.1 The date of the court conviction is to be taken as the start date of the rehabilitation period, unless a sentence of imprisonment or corrective training exceeding 48 months was imposed, in which case the offence is never rehabilitated.

23.2 The following examples are for guidance only. Each application will be considered on its individual merits taking into account the person's previous history of behaviour to determine if they meet the 'fit and proper person' criteria, and it may be that, having regard to the particular circumstances of any application, it would be right to depart from the policy. Initial consideration of applications will be undertaken by the licensing officer.

23.3 A decision to refuse, revoke or suspend the licence can be appealed under the Public Health Act 1936 to the Magistrates' Court within 21 days of the date on which the relevant Council's decision was served.

23.4 Information relating to rehabilitation periods can be found at <https://www.gov.uk/guidance/rehabilitation-periods> .

24 Summary

24.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime may not bar an applicant permanently from becoming licensed. However as public safety is the sole consideration, applicants with criminal convictions must recognise that the Relevant Council will give careful and serious consideration to any such application. In truly exceptional circumstances there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.

24.2 It is the view of the relevant Council that any person who has criminal convictions and therefore has to wait before an application is successful is more likely to value their licence and act accordingly.

Appendix B - Penalty Points Scheme

1 Penalty Points Scheme

- 1.1. Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the [Town Police Clauses Act 1847](#), [Local Government \(Miscellaneous Provisions\) Act 1976](#), Relevant Council Byelaws (in respect of Hackney Carriages) and the Policy and Conditions set by the Relevant Council.
- 1.2. The primary objective of the Penalty Points Scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
- 1.3. The Penalty Points Scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Relevant Council's ability to take other actions.
- 1.4. The Scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach those conditions of licence, and following complaints from the public.
- 1.5. Licensees involved will be asked to attend the offices for an interview. Once investigations are completed, letters will be sent out detailing the outcome record will be kept on the person's file. The outcome of investigations may result in officers determining that:
 - (a) no further action be taken;
 - (b) penalty points be imposed;
 - (c) a formal warning be issued,
 - (d) the licensee be referred to the Licensing Sub Committee and/or prosecution.
- 1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to the Regulatory Service Manager. A further appeal can be made to a licensing sub committee.
- 1.7. At either they can remove the penalty points, uphold the penalty points, increase or decrease the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution.
- 1.8. Drivers must appeal any points issued by Licensing Team Leader to the Regulatory Service Manager within 21 days of receipt of the written notification of the imposition of penalty points. Details of the appeal mechanism will be contained in the written notification.
- 1.9. Appeals from the decision of the Regulatory Service Manager to the Licensing subcommittee must be made within 21 days of receipt of the written notification of the decision of the Regulatory Service Manager. Again, details of the appeal mechanism will be contained in the written notification.
- 1.10. Penalty points remain live or current for twelve months from the date the penalty points were imposed. If the decision was appealed (to the Regulatory Service Manager or the Licensing sub committee and the points were upheld or increased the penalty points will remain live for twelve months from the date of appeal decision. The twelve-month period is rolling, so

as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

- 1.11. Where a licensee accumulates more than twelve penalty points in any twelve-month period, the matter will be referred to the Licensing sub-committee to decide whether the driver remains a fit and proper person. The Licensing sub-committee may then suspend or revoke a licence, or issue a warning to the licensee, depending upon the circumstances. Periods of suspension of a licence by the sub-committee will be dependent on the nature of the breaches of the legislation/conditions/behaviour and the compliance history of the individual. Suspension periods will normally vary between 7 days to 3 months.
- 1.12. The system will operate without prejudice to the relevant Council's ability to take other action that it is entitled to take under legislation, byelaws, and conditions.
- 1.13. If points are issued to a proprietor/driver for a matter which is also a criminal offence which the relevant Council could prosecute, those persons(s) will not then be the subject of a prosecution by the relevant Council.

List of Offences/Breach of Vehicle Licence Conditions/Byelaws

Number	Offence / Breach	Maximum Points
CP1	Failure to have/maintain grab handles	2
CP2	Failure to have a means of loading wheelchairs into the vehicle, available at all times.	2
CP3	Failure to maintain seat belts in a safe condition	4
CP4	Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	4
CP5	Failure to display roof sign	2
CP6	Failure to maintain roof sign in working order	2
CP7	Failure to display No booking No ride signs PH vehicles	4
CP8	Failure to display "no smoking" signs in the vehicle	2
CP9	Incorrectly displaying licence plate	4
CP10	Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	2
CP11	Advertising on vehicle without written authorisation from the Licensing Authority	4
CP12	Tampering or allowing an unauthorised person to tamper with taximeter	4
CP13	Failure to display a statement of fares inside the HC	2
CP14	Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	6
CP15	Failure to have insurance for the licensed vehicle	12
CP16	Failure to keep copy of insurance/cover note in the vehicle	2

CP17	Failure to notify Licensing Authority of change of address or other contact details	2
CP18	Failure to carry a suitably marked approved fire extinguisher within the vehicle	2
CP19	Failure to carry marked first aid equipment as specified in conditions	2
CP20	Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence	12
CP21	Failure to maintain a reasonable standard of behaviour	4
CP22	Failure to provide assistance to an authorised officer	4
CP23	Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	4
CP24	Failure by driver to take reasonable precautions to ensure the safety of passengers	6
CP25	Failure by driver to carry the badge provided by the Licensing Authority when plying for hire	2
CP26	Failure to provide when requested reasonable assistance with luggage	2
CP27	Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	2
CP28	Driver smoking/vaping/similar whilst in the vehicle	12
CP29	PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking	3
CP30	Carrying a member of family/friend in a licensed vehicle when it is for hire/hired	2
CP31	Failing to take steps to ensure passenger safety	6
CP32	Failing to hand found property to the police	2
CP33	Failing to operate taxi meter correctly	4

CP34	Failing to use taximeter on pre-booked journey or fail to charge fee less than meter fee	2
CP35	Charging more than the metered fare HC	4
CP36	Demanding more than the previously agreed fare PH	4
CP37	Failure to attend at appointed time or place without sufficient cause	2
CP38	Unnecessarily prolonging journey in distance or time	4
CP39	Failure to notify Licensing Authority of change of address/telephone number within 7 days	4
CP40	Failure to notify Licensing Authority of motoring offences or criminal convictions during the period of licence	12
CP41	Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	12
CP42	Failure to notify Licensing Authority in writing within 7 days of serious injury or illness	12
CP43	Failure to carry assistance dog without exemption	6
CP44	Making additional charge for carrying assistance dog	6
CP45	Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	6
CP46	Failure to notify Licensing Authority of vehicle damage within 72 hours	4
CP47	Failure to provide a written receipt for the fare paid if requested to do so by the passenger	2
CP48	Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	6

CP49	Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	6
CP50	Operating more vehicles than stated on licence	6
CP51	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	2
CP52	Failure to keep booking or waiting areas which the public have access to, clean, adequately heated, ventilated and lit	2
CP53	Failure to provide seating facilities in waiting areas	2
CP54	Failure to have in place planning permission if required at operators address	4
CP55	Failure to keep proper records for a period of not less than six months	6
CP56	Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator	2
CP57	Using unlicensed drivers to drive a Licensing Authority licensed vehicle	12
CP58	Failure to carry out or provide the required DBS checks on dispatch staff	12
CP59	Failure to record, maintain or provide details of checks on dispatch staff in a register	12
CP60	Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	6

Appendix C - Hackney Carriage Schedule of Conditions (Hart)

In these conditions which are imposed under the provisions of section 47 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Proprietor” means the person who has been granted the licence by The SLS under section 37 of the [Town Police Clauses Act 1847](#)

“the Vehicle” means the vehicle that is specified on the licence granted under section 37 of the Town Police Clauses Act 1847.

The following conditions will be attached to every Hackney Carriage (proprietors) vehicle licence unless specifically altered by the relevant Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

Conditions applicable to hackney carriage vehicles only

1.1 Signage - The hackney carriage vehicle must carry a roof sign, capable of illumination, which must conform to a specification approved and adopted by the Council from time to time. The sign shall display “TAXI” to the front. An exception to this is purpose built vehicles fitted with permanently mounted signs.

1.2 The roof sign shall be illuminated when the vehicle is plying for hire.

1.3 Tariff Cards. Hackney Carriage vehicles are required to have the current tariff rate card displayed inside the vehicle for the guidance of passengers.

Conditions relevant to Hackney Carriage and Private Hire Vehicles

2.1 Conditions applicable to both vehicle types.

2.2 At all times the proprietor shall during the currency of the licence keep in force in relation to the use of the vehicle a policy of insurance that complies with the requirements of the Road Traffic Act 1988 or any re-enactment thereof. The proprietor shall NOT use the vehicle without there being in force such a policy of insurance. The policy /certificate of insurance must be readily available to be inspected by one of the Licensing Enforcement Officers if required to do so.

2.3 Whilst a policy of comprehensive insurance is recommended, this will not be insisted upon, provided that there is in force in relation to the use of the vehicle a policy of insurance or such security as complied with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward.

2.4 The proprietor of the Hackney Carriage or private hire Vehicle shall not convey or permit to convey in such vehicle any greater number of persons than the number of persons specified in the vehicle registration document or the number of passengers specified on the hackney carriage or private hire vehicle Licence identification plate.

2.5 Identification Plate - The identification plate provided by the Council bearing the number of the licence, the vehicle registration number, the maximum number of passengers to be carried, the make and model of the vehicle and expiry date shall be **securely** fixed, to the outside of the rear of the vehicle. It must be incapable of being easily removed. The use of magnets, Velcro or other non secure methods is not acceptable. The plate must be located in such a position that it shall be clearly visible from the rear of the vehicle and shall not be less than 12” nor more than 30” to

the bottom edge of the plate from the ground when the vehicle is fully laden. The plate must be clearly visible to the public and not obscure the vehicles registration number plate. In any event, the licence plate shall not be fixed below the level of the rear bumper. The licence plate shall remain the property of the council and may be removed at any time by the council's Inspector if he is of the opinion that the vehicle contains a fault of a serious nature and that the licence should be temporarily suspended or can be retained by the council where the vehicle is not currently licensed by the council.

2.6 The council shall be notified of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within 2 working days of the occurrence of the accident or incident.

2.7 The vehicle may be inspected by the council Licensing Officer at any time. If a serious fault is discovered the licence may be temporarily suspended, and the council's licence plate removed in accordance with paragraph 2 above.

2.8 All Licensed vehicles must have the facility to accept card payments, and the facility to provide a receipt if requested by the customer.

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Appendix D - Hackney Carriage Schedule of Conditions (Basingstoke)

In these conditions which are imposed under the provisions of section 47 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Proprietor” means the person who has been granted the licence by The SLS under section 37 of the [Town Police Clauses Act 1847](#)

“the Vehicle” means the vehicle that is specified on the licence granted under section 37 of the Town Police Clauses Act 1847.

The following conditions will be attached to every Hackney Carriage (proprietors) vehicle licence unless specifically altered by the relevant Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976 – Part II

Hackney Carriage Vehicle licence

Definitions

“Authorised officer”	means an officer of the Council authorised in writing by BDBC
“The Council”	means Basingstoke and Deane Borough Council
“Hackney Carriage”	has the same meaning as in the TPCA 1847 and the LG(MP) Act 1976 Part II
“Licence plate”	means the plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage vehicle
“Proprietor”	means the person or persons or body named in the licence as the proprietors of the vehicle
“The vehicle”	means the hackney carriage vehicle in respect of which this licence is issued

“Exceptional condition” means meeting the Certificate of Compliance test standards detailed in the vehicle standard inspection manual

1 Licence Conditions

The proprietor shall observe and perform the following terms and conditions in respect of Hackney Carriage licences:

- (a) The HCV to which this licence relates shall at all times during the licence period of the licence be maintained in sound mechanical condition and the coachwork and upholstery shall be kept in good and clean order and fit for public service to the satisfaction of the Council.
- (b) the licence plate displaying the licence number shall be fixed and displayed outside and on the rear of the vehicle using the fixing system supplied by the council. The HCV must display an internal sticker showing the vehicle licence number on the passenger side of the driver partition.
- (c) the licence plate shall remain the property of the Council and shall be returned to the Council within 7 days after the service of an appropriate notice by the Licensing Team Leader.
- (d) if the proprietor no longer holds a licence granted by the Council any deposit paid prior to November 2016 shall be refunded upon the plate being returned to the Council.

2 Fare Tariff Card

- a) the fare card supplied by the Council shall be prominently displayed inside the vehicle and no charges greater than those specified on the fare card shall be charged for journeys beginning and ending within BDBC's controlled district.

3. Availability of vehicle for inspection

- a) An authorised officer of the Council may inspect and test a HCV at all reasonable times to ascertain the fitness or condition of the vehicle or any taximeter fitted and may, if defects are found suspend the licence until the vehicle becomes roadworthy/fit for use. If the officer is not satisfied with the vehicle condition within 2 months from the date of the suspension, the licence shall be revoked;
 - (b) in the event of a vehicle licence being suspended the licence plate shall be surrendered to the authorised officer and shall be held by the council pending the reinstatement of the licence;
- without prejudice to the aforementioned conditions, the proprietor on receipt of a notice in writing from the Licensing Team Leader, shall present the HCV for inspection and testing by or on behalf of the Council.

4. Insurance

- (a) the proprietor shall at all times during the licence period keep in force, in relation to the use of the vehicle as a HCV public liability insurance cover of £2m, and a policy of insurance which complies with the requirements of the Road Traffic Act 1988 or any re-enactment
- (b) An authorised officer may request a proprietor to produce for examination a certificate of insurance in respect of the HCV for the purpose of the

Road Traffic Act 1988, or any re-enactment thereof. If the proprietor fails to produce a certificate the proprietor shall within five days produce it at the Civic Offices. The council may suspend

the vehicle until satisfactory evidence of insurance is provided

5. Taximeter

(a) the proprietor shall provide and affix to the HCV a Fares HC Taximeter. Such meter must comply with the requirements of the Byelaws and shall be maintained in full working order at all times;

(b) in the event of such taximeter suffering any malfunction or repair the proprietor shall immediately inform the Council in order that the taximeter may further be tested.

(c) hackney carriage fare meters may be programmed with multi-tariffs, approved by the Council, provided the meter is fitted with an automatic calendar clock. The proprietor must notify the council if the meter is inaccurate and take immediate steps to ensure this be remedied. The vehicle must not be used at any time the meter does not accord with the approved fare levels.

6. Roof Sign

(a) the proprietor shall affix to the HCV a suitable roof sign connected to the meter, which is only capable of being lit when the HCV is plying for hire and must show the word "Taxi" to the front of the sign.

7. Fire Fighting and First Aid

(a) the proprietor shall cause to be carried on the vehicle an appliance for extinguishing fire which must be carried in such a position as to be readily available for use

(b) the proprietor shall cause to be carried in the vehicle at all times a first aid kit containing dressings and appliances. The first aid kit shall be maintained in full and proper order and immediately available.

8. Vehicle Damage

(a) the proprietor shall report to the Council as soon as reasonably practicable and in any case within 72 hours of any accident to the HCV causing damage which materially affects the safety, performance or appearance of the vehicle.

(b) the proprietor shall report to the Council any alteration in the design of the HCV which may require the proprietor to submit the vehicle for further examination.

9. Drivers

(a) the proprietor shall not allow any person to drive a HCV unless that person is in possession of a current HCD licence granted by the BDBC.

10. Vehicle Ownership Transfer

(a) if the proprietor of a HCV transfers his interest in the HCV to a person other than a proprietor specified in the licence, notice must be given to the Council in writing within 14 days of such transfer.

(b) the new vehicle proprietor must apply for a transfer of the HCV licence into his/her name and pay the relevant fee. After providing evidence of ownership of the transferred vehicle, the vehicle licence will be transferred to the new owner.

11. Replacement Vehicle (permanent)

(a) if the HCV to which this licence relates is replaced you must make an application to transfer the licence to the new HCV. Following completion of the relevant documentation and fee and vehicle testing requirements a new licence and plate will be issued.

12. Replacement Vehicle (temporary)

(a) the proprietor must notify the Council if they require a temporary HCV to cover an off road HCV due to damage. The licence will be temporarily transferred to the replacement HCV whilst it is in use. On the return of the original HCV to which this licence relates, the proprietor must notify the Council and the licence will be transferred back to the original

(b) Sub-Section (2) to (5) of Section 233 of the Local Government Act 1972, or any re-enactments thereof, are incorporated in these conditions in relation to any notice required or authorised by these conditions to be given or served on the proprietor.

13. Advertising on Vehicles

(a) proprietors wishing to display advertising on a HCV must seek prior approval from BDBC before applying any advertising material to the HCV. Any unauthorised advertising may result in the suspension of the vehicle licence until such times as the advertising is approved or removed.

14. General Conditions

The Council may decide to suspend, revoke or refuse to renew any licence in respect of a HCV for any reasonable cause, including:-

(a) that the HCV is unfit for use as a HCV

(b) any offence under, or non-compliance with, the provisions of the TPCA 1847, the LG(MP) Act 1976 Part II, or any re-enactments thereof, and the conditions or byelaws relating to HCV made by the Council.

15. Signage

(a) Signage must be displayed identifying the payment cards/method accepted; these should be clearly visible from the exterior and interior of the vehicle.

(b) The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers after entering the vehicle.

Failure to Comply with Licence Conditions

Failure to comply with any of the above HCV licence conditions, BDBC mechanical or cosmetic testing requirements and standards without reasonable cause, will result in suspension and/or revocation of the vehicle licence.

Any person aggrieved by the refusal of the Council to grant a HCV licence, or by any of the conditions attached to the grant of this licence, may appeal to the Crown Court within 21 days from the date on which notice of the councils requirement.

Section 301 Public Health Act 1936

.Appendix E – Private Hire Vehicle Schedule of Conditions (Whole Service)

In these conditions which are imposed under the provisions of section 48(2) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Proprietor” means a person who has been granted a licence by The SLS under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“the Vehicle” means the vehicle that is specified on the licence granted under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

The following conditions will be attached to every private hire vehicle unless specifically altered by the relevant Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

S48(2) LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT, 1976 – PART II

BDBC - PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Definitions

In this licence, and in these conditions, unless the subject or context otherwise requires:

“Authorised officer”	means an officer of the Council authorised in writing by the Council for the purpose of these conditions
“The Council”	means Basingstoke and Deane Borough Council or Hart District Council whichever is the issuing authority.
“PHV”	has the same meaning as in Part II of the Local Government (Miscellaneous Provisions) Act, 1976
“Licence plate”	means the plates issued by the Council to identify the vehicle as a licensed PHV
“Proprietor”	means the person/s or body named in the licence as the proprietors of the vehicle
“Exceptional condition”	means meeting the Certificate of Compliance test standard detailed in the vehicle standard inspection manual and these conditions
“Prestige”	means a Council pre-approved vehicle of a high specification and purchase price
“Corporate style work”	means work only carried out for companies requiring a chauffeur service in a prestige vehicle to undertake client, employee’s journeys

Private Hire Vehicle Licence Conditions

Each private hire vehicle licence is issued subject to the conditions stated below:

1. A private hire vehicle proprietor is an owner or part-owner of a vehicle, or where a vehicle is subject to a hiring agreement or hire purchase, the person in possession of the vehicle under the agreement. A private hire vehicle proprietor must obtain a private hire vehicle licence from the council within whose area he or she wishes to trade for each vehicle used for private hire. The vehicle can only be operated under a relevant operator's licence.
2. Licences can be obtained by making an application to the relevant council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the councils. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by licensing officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by a panel.

3. Specification

The vehicle must meet the following specification:

- a. the vehicle must be capable of carrying not fewer than four passengers and no more than eight.
- b. each passenger seat shall be fitted with a seat belt. No seats may be side facing.
- c. the seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part.
- d. each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
- e. the vehicle in addition to the driver's door, will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
- f. the vehicle will be right hand drive.
- g. the vehicle will have four road wheels.
- h. the vehicle will have an engine with a capacity of at least 990cc. including vehicles badged by the manufacturer as '1.0' models. Hybrid or electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
- i. fully electric vehicles must have a minimum stated range of 250 miles on a full charge
 - i. the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
 - j. estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.
 - k. no alteration to the manufacture's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the relevant council.
 - l. the front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacture tints are permitted on the vehicle.

4. Licence Display and Corporate Identity (for vehicles not granted exemption)

The proprietor shall cause the rear licence plates to be securely fixed to the vehicle. The licence plates must be displayed on the vehicle at all times whether being used for PHV work or not

- (a) the licence plates remain the property of the council and shall be returned within 7 days after service on the proprietor of an appropriate notice.
- (b) all licensed PHV's must display door signs issued by the council. These must be permanently affixed (not magnetic) on either both front driver and passenger doors or both rear passenger side doors of the PHV immediately below the windows or as close as possible to ensure the signs are attached to the top half of the door in their entirety. Where minibuses do not have rear doors on the side of the vehicle the sign must be displayed immediately below the window or in any case positioned in entirety on the top half of the door/wing side panels. The first set are issued free of charge, replacement sets shall incur a charge.

Failure to correctly apply the door signs as per this condition will result in vehicles being suspended until door signs are correctly applied. (sec 68 LG(MP) Act 1976)

- (c) no proprietor may remove the corporate identity and vehicle licence plates for any reason unless agreed by the Council.

2 Availability of vehicle for inspection

- (a) An authorised officer may inspect and test a PHV at all reasonable times. If the officer is not satisfied as to the fitness or condition of the PHV, the licence may be suspended until such time the officer is satisfied that the vehicle is fit for purpose. If the officer is not satisfied within 2 months of the date of suspension, the licence shall be revoked.
- (b) If a vehicle licence is suspended under 2(a) above, the plate shall be immediately surrendered to the authorised officer and shall be held by them pending the testing of the vehicle;

without prejudice to these conditions, the proprietor on receipt of a notice in writing from the Licensing Team shall present the Private Hire vehicle for inspection and testing by or on behalf of the council.

Vehicle Insurance

- (a) the proprietor shall during the current licence keep in force a policy of insurance that complies with the requirements of the Road Traffic Act, 1988 or any re-enactment thereof; and shall produce that certificate to an authorised officer on request, or within 5 days at the Civic Offices London Road Basingstoke. Failure to provide satisfactory evidence of insurance will result in the vehicle being suspended until insurance position satisfied.
- (b) The proprietor of the private hire Vehicle shall not convey or permit to convey in such vehicle any greater number of persons than the number of persons specified in the vehicle registration document, or the number of passengers specified on the hackney carriage or private hire vehicle Licence identification plate.

4. Advertising on Vehicles

- (a) there shall be no advertising on any PHV, apart from the operator's business name, address and telephone number of the licensed operator's details.
- (b) there shall be no mark or sign on the PHV that shall include the word 'TAXI', 'CAB' or 'HIRE' or any words of a similar meaning that may suggest the vehicle overall is a Hackney Carriage;

5 Accidents and Vehicle Damage

- (a) the proprietor shall report to the council as soon as reasonably practicable and in any case within seventy-two hours, of the occurrence thereof, any accident to a PHV causing damage materially affecting the safety, performance or appearance of the vehicle or the safety, comfort or convenience of passengers carried therein;
- (b) The Council shall be notified of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within 2 working days of the occurrence of the accident or incident.

6. Fire Fighting and First Aid

The proprietor shall ensure that there is within the vehicle, a first-aid kit containing dressings and appliances for use in emergency. The first-aid kit to be located in such position as to be immediately available.

7 Vehicles Granted an Exemption Notice under S75(3) LGMPA 1976

- (a) a specifically approved 'prestige' private hire vehicle which has been granted an exemption notice following application to the council, may only be used to carry out such work/journeys as applied for and approved at the granting of the exemption notice.(e.g., Corporate or chauffeur type work in an approved style of vehicle only).
- (b) Specifically approved vehicles are exempt from the requirement to display the corporate identity but the vehicle licence plates issued by the council must be carried inside the vehicle at all times. However the internal sticker provided must be displayed on the front windscreen.
- (c) if any vehicle issued with an exemption is found to be contravening the terms of that exemption, the vehicle will, have its exemption removed, and will be required to comply with the requirement to display the Corporate Identity and vehicle licence plates.

8. Passengers

The proprietor shall not convey (or permit, cause or suffer to be conveyed) in the vehicle a greater number of persons (excluding the driver) than the number of persons specified in the licence provided.

9. Vehicle Transfer

- (a) if the ownership of the vehicle changes, the council must be notified in writing within 14 days of the date of transfer of ownership.

- (b) the new vehicle proprietor must apply for a transfer of the licence into his/her name and pay the relevant fee.
- (c) the proprietor shall not assign or in any way part with the benefit of the licence without prior written consent of the council.

10. Signage

Signage must be displayed identifying the payment cards/method accepted; these should be clearly visible from the exterior and interior of the vehicle.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers after entering the vehicle.

11. Card Payments

All Licensed vehicles must have the facility to accept card payments, and the facility to provide a receipt if requested by the customer.

12. Smoking

It is an offence under The Smoke Free (Exemptions and Vehicles) Regulations 2007 to smoke in a hackney carriage or private hire vehicle at any time.

Local Government (Miscellaneous Provisions) Act 1976 S48(7)

Public Health Act 1936, S300

Any person aggrieved by any of the conditions attached to the grant of this licence, may appeal to the magistrates Court within 21 days from the date on which notice of the councils requirement.

FAILURE TO COMPLY WITH LICENCE CONDITIONS

Failure to comply with any of the above private hire vehicle licence conditions without reasonable cause, will result in suspension and/or revocation of the vehicle licence to which these conditions are attached. (LG(MP) Act 1976 S60)



Appendix F – Private Hire Driver Licence Conditions (Whole Service)

In these conditions which are imposed under the provisions of section 55(3) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Driver” shall mean the holder of a licence issued by the SLS under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

S51(2) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II

BDBC PRIVATE HIRE DRIVER (PHD) LICENCE CONDITIONS

Definitions

In these conditions, unless the subject or context otherwise requires:

“authorised officer”	means an officer of the Council authorised in writing by the Council for the purpose of these conditions;
“the Council”	means Basingstoke and Deane Borough Council or Hart District Council whichever is the issuing authority.
“road”	means any highway and any other road to which the public has access and includes bridges over which a road passes. S192 RTA 1988
“Guide/assistance dog”	means a dog which is trained by a specific charity to assist a disabled person with a sensory or physical impairment.
“PHV”	Private Hire Vehicle
“Licence Vehicle”	Private Hire Vehicles

Licence conditions

The licensee shall observe and comply with the following conditions:

- 1 The licensee shall have £5 million of Personal Public Liability Insurance.
- 2 The licensee shall not while driving or in charge of a PHV
 - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any PHV;
 - (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any PHV;
 - (c) accept an offer for the immediate hire of that PHV while the licensee or that vehicle is on a road or other public place.

- 3 The licensee shall not convey (or permit, cause or suffer to be conveyed) in the vehicle a greater number of persons (excluding the driver) than the number of persons specified in the licence plate provided.
- 4 The licensee shall, when driving a licenced vehicle, wear in a conspicuous position the driver's badge issued by the Council. The badge remains the property of the Council and must be returned to the Council immediately the driver ceases to be licensed by the Council.
- 5 The licence may be suspended, revoked or not renewed by this Council:
- (d) if the driver has since the grant of the licence been convicted of an offence involving dishonesty, indecency or violence;
 - (e) if the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or any re-enactments thereof;
 - (f) if the driver becomes disqualified from driving under any of the Road Traffic Acts or re-enactments thereof, in which case the licence shall be automatically revoked;
 - (g) if the driver is suffering from, or has suffered, any illness or disability which in the opinion of the Council's medical advisor, renders him/her unfit to continue to act as a licenced driver
 - (h) any other reasonable cause.
- 6 During the licence period the licensee shall at the request of any authorised officer of the Council provide a valid DVLA check code (and in any event within 72 hours following such request) to allow the Licensing Team to be able to verify any driving licence details including entitlements and endorsements
- 6.1 Where offences, leading to conviction or cautions, are committed by licensed drivers it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on a HC or PH driver's licence.
- 6.2 Licence holders are required to notify the council within 48 hours of arrest and release, charge or conviction of any motoring offence. An arrest for a motoring offence should result in a review by the licensing authority as to whether the licence holder is fit and proper to hold a licence.
- 6.3 Any criminal convictions must be reported in writing within 72 hours.
- 6.4 Any breaches of the relevant legislation or conditions attached to driver, operator and vehicle licenses which may come to light following complaints, enforcement action or investigations should be dealt with following the general principles set out as shown within the Relevant Councils' Enforcement policy.
- 6.5 Notwithstanding the above requirements to notify all offences, all licence holders must inform the council as soon as possible and in any event within 24 hours, if they have been questioned, interviewed, arrested or charged in connection with:
- touching a child or young person unnecessarily or inappropriately;
 - making offensive or inappropriate comments;
 - misusing or attempting to misuse personal details obtained as part of a fare or booking;

- sexual activity with a child or vulnerable person;
- inappropriate relationship with a child or vulnerable person;
- violence, coercion or intimidation of a child or vulnerable person;
- trafficking a child or vulnerable person.

6.6 The notification shall specify the nature of the incident, the date of the incident, the date of arrest and / or questioning.

7 the driver of a PHV which has been hired to be in attendance at an appropriate time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at the appointed time and place;

8 the driver shall, when requested by the hirer:

- convey a reasonable quantity of luggage;
- afford reasonable assistance in loading and unloading, including assistance in removing it to and from the entrance of any house or other place where passengers are collected or set down;

9 the driver shall immediately after the termination of any hiring carefully

- search the vehicle for any property that may have accidentally been left
- therein and, if such property is found, take the same within 24 hours if the property is not claimed by or on behalf of its owner to Police Station or to their PHO office.

10 (i) the driver shall agree to carry guide/assistance dogs at no charge to the passenger unless he/she is in possession of an exemption certificate issued by the Council.

(ii) any driver who is in possession of an exemption notice under para 12 (i) shall exhibit the exemption notice in a prominent position on the dashboard facing upwards or on the windscreen facing outwards

11 The driver shall not smoke cigarettes or any smoking substitution or vaping devices whilst located within a PHV.

12 The driver shall comply with the Councils dress code and code of good conduct policy.

13 On expiry, revocation or suspension of the licence, the driver shall return the licence and badge in good condition to the Council within seven days.

14 The driver shall notify the council of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within two working days of the occurrence of the accident or incident.

15 The driver of a private hire vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

- 16 Drivers shall notify the council of any changes to their medical fitness that could impact on their compliance with the DVLA Group 2 standard within 7 days of a diagnosis.

The Council may vary any or all of the conditions herein contained at any time. Any variations of conditions will take effect on the grant or renewal of a licence.

Any person aggrieved by any of the conditions attached to the grant of this licence, may appeal to the Magistrates Court within 21 days from the date on which notice of the council's requirement.

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Appendix G - Private Hire Operator Conditions (Whole Service)

In these conditions which are imposed under the provisions of section 55(3) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Operator” shall mean the holder of a licence issued by the SLS under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

S55 (3) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II

BDBC PRIVATE HIRE OPERATOR’S LICENCE (PHO) CONDITIONS OF LICENCE

Private hire operator (PHO) licences granted under section 55(3) of the LG(MP) Act 1976 are issued subject to the following licence conditions:

Definitions

“authorised officer”	means an officer of the council authorised in writing by the council;
“the council”	means Basingstoke and Deane Borough Council or Hart District Council whichever is the issuing authority.
“operator”	means the person who in the course of business makes provision for the invitation or acceptance of bookings for PHV.
“Hackney Carriage”	has the same meaning as in the Town Police Clauses Act, 1847;
“PHO”	Private Hire Operator
“PHD”	Private Hire Driver
“HCD”	Hackney Carriage Driver

1. The primary premise from which an operator makes provision for the invitation and acceptance of private hire bookings must be located within the council’s boundary. (Consideration may be given to licensing a second base inside or outside the Borough subject to application to the Council. Officers must be satisfied the primary operator base is located within the council area is the primary base of the operation.)
2. The operator must have a valid insurance policy for both public liability and employer’s liability (where applicable) to the minimum value of £5,000,000.
3. The licensed operator must maintain at the operator’s licensed premise, up to date records of all licensed private hire and hackney carriage vehicles it operates including copies of their licences and details of their insurance and compliance test details.
4. The PHO shall maintain a system to prevent bookings being allocated to any vehicles which are not suitably licensed, insured and/or up to date compliance tested.
5. The PHO will maintain at the operator’s premise an up to date record of all licensed PHD and HCD’s operated under the current licence including copies of their licences.

6. The PHO shall maintain a system to ensure it does not allocate bookings to any drivers who are not suitably licensed including if their PHD/HCD licence expires.
7. If an electronic private hire booking system is used, the operator must block drivers and vehicles from being allocated bookings where any licence, insurance or compliance tests show to have expired.
8. Any records, including electronic that contain personal and confidential information shall be stored in a secure/locked location and kept for a minimum period of 12 months. All records must be made available within a reasonable timescale to an authorised officer or constable upon request.
9. The operator must provide the council with an up to date list of drivers and vehicles to any “authorised officer” of the council or any Police Officer for inspection.
10. Every contract for the hire of a private hire vehicle shall be deemed to be made with the operator who has accepted the booking for the vehicle, whether or not they themselves provide the vehicle.
11. The operator may make provision for the invitation and acceptance of bookings for private hire vehicles and drivers licensed only by the council, but may sub contract a booking to another licensed operator from outside the district making sure diligent checks are undertaken to ensure suitable licences and insurance cover are in place for any sub-contracted services prior to using those services. This includes keeping licence records of those services
12. The licensed operator shall not in the name or description of the service at the premises or on any vehicle operated in the course of business, use the words “taxi”; “cab” or “taxi cab” or any other words or combination of letters so as to lead any person to believe the operator is providing a hackney carriage service.
13. Where hackney carriages are operated the said words may not be used on any private hire vehicle operated from the premise but may be used on advertising at the operator base where it proves HCVs are operated.
14. The licensed operator shall not advertise their operation as a taxi provider unless they can demonstrate they have hackney carriage vehicle(s) working as a hackney carriage as part of their vehicle fleet at all times including records of HCVs being operated in last 3-6 month working period.
15. The following information must be recorded at the time a vehicle booking is accepted by the licensed operator:
 1. Date and time booking was made
 2. Date and time journey is required
 3. Contact details of hirer.
 4. Pick up point and final destination
 5. Number of passengers
 6. Any agreed fare
 7. Any relevant remarks related to the journey i.e. pre-agreed fare

16. This information must be recorded in exact order of receipt with no spaces between records to ensure a chronological order of bookings accepted.
17. Complete records must be kept of all bookings to include the above, driver and vehicle details who undertook the booking, and any relevant comments or issues arising out of the journey
18. Records may be held on computer or hard copy but must be recorded in a format that is to the satisfaction of the council. Records must be provided to an authorised officer or constable upon request.
19. Telephone diversions from the operator's business number are only permitted where they are diverted to either a person whose name appears on the operator's licence or to a person employed by that operator to accept such bookings.
20. The licensed operator shall ensure that vehicles booked are despatched to fulfil a booking at the appointed time and place. The hirer must where possible, be promptly advised of any unavoidable delays and updated with an estimated time of arrival.
21. The licensed operator shall not refuse a booking if it requires the carriage of a guide dog or assistance dog belonging to a passenger. There must be no charge to the passenger for the carriage of such a dog. NB; Drivers in possession of valid exemption certificate from the requirement to carry guide or assistance dogs issued by the council will not be required to undertake such bookings.
22. The licensed operator must have regard to hours worked by individual drivers and must make provision to prevent drivers being allocated bookings when excessive hours have been worked to prevent a risk to passenger safety from fatigued drivers.
23. The licensed operator shall take all reasonable steps to ensure that PHV they operate comply fully with all statutory requirements and operated under this licence comply with the relevant licence conditions for PHV licences.
24. The licensed operator shall ensure that any PHV operated under this licence does not display any mark or sign on the licensed vehicle that shall include the word 'taxi' or 'taxi's' or 'cab' or any words of a similar meaning or construction that may suggest the overall appearance of the vehicle is a hackney carriage.
25. The licensed operator shall not allow a greater number of private hire vehicles to operate from his premises than the number for which planning permission has been granted by the Council.
26. The licensed operator shall submit to the Licensing Officer a decision notice from the Planning Officer that he approves and is aware of the use of the premises for the purpose of Private Hire at the address shown on the application for an operator's licence.
27. The operator shall not cause or permit a vehicle to be used for the purposes of private hire other than in accordance with the licence granted in respect of the vehicle pursuant to the Local Government (Miscellaneous Provisions) Act 1976.
28. Licence holders who fail to renew their licences prior to the expiry of the existing licence will be treated for all purposes as a new applicant.

29. The council may issues points, suspend, revoke or refuse to renew an operator's licence for any reasonable cause including:
- a) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Transport Act 1985 or any re-enactments thereof;
 - b) any conduct on the part of the operator which renders him unfit to hold an operator's licence;
 - c) a material change in the circumstances of the operator or the basis on which the Licence was granted.
 - d) Any other reasonable grounds e.g. failure to disclose on an application detail of convictions, including spent convictions.
30. Any person aggrieved by any of the conditions attached to the grant of this licence, may appeal to the Magistrates Court within 21 days from the date on which notice of the council's requirement.

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Appendix H – Hackney Carriage Byelaws (Hart)

BYELAWS

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT, 1847, AND SECTION 171 OF THE PUBLIC HEALTH ACT, 1875 BY THE DISTRICT COUNCIL OF HART WITH RESPECT TO HACKNEY CARRIAGES IN THE DISTRICT OF HART

Interpretation

1 Throughout these byelaws 'the council' means the District Council of Hart and 'the District' means the district of Hart.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

- 2 (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto,
- (b) A proprietor of a hackney carriage shall:-
- (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

- 3 The proprietor of a hackney carriage shall:-
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say,
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (b) when the machinery of the taximeter is in action there should be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (c) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (d) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (e) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
 - (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions being given by the hirer, proceed to that destination by the shortest available route.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:

- (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:-

Description of stand	Number of carriages
Against the kerb on the north-east side of The Views Drive within the confines of the layby between the exit of Chernocke House car park and the public conveniences.	5
*Railway Station Stands	
Fleet Main Railway Station Forecourt (down side) (*Written permission to apply for hire from these stands must first be obtained from the railway Board by individual operators).	3

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares

The proprietor or driver of a hackney carriage shall be entitled to demand and take for hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

Local Government (Miscellaneous Provisions) Act 1976

Part II – Hackney Carriage Fares

See current fare table

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages

The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,

- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the Office of the council and leave it in the custody of the officer in charge on his giving a receipt for it.
- (b) Be entitled to receive from any person to whom the property shall be redelivered an amount equal to 5 pence in the pound of its estimated value (or the fare for the distance from the place of finding it to the office of the council, whichever be the greater) but not more than 5 pounds.

Penalties

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

The following Byelaws are repealed:

Date Made	By whom made	Date confirmed	By whom confirmed
7 February 1967	Urban District Council of Fleet	30 May 1967	One of her Majesty's principal Secretaries of State
24 May 1971	Urban District Council of Fleet	27 July 1971	One of her Majesty's principal Secretaries of State

THE COMMON SEAL OF THE DISTRICT COUNCIL OF HART on the first day of April one thousand nine hundred and seventy six pursuant to a Resolution of the Council passed at a meeting of the Council held on the twenty sixth day of June one thousand nine hundred and seventy five

Chairman of the Council

Director of Administration

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 25 day of June 1976

Signed by an Authority of the Secretary of State - Home Office- Whitehall 25 June 1976

Appendix I - Hackney Carriage Byelaws (Basingstoke)

Town POLICE CLAUSES ACT, 1847 **HACKNEY CARRIAGE DRIVER BYELAWS**

BYELAWS - made under section 68 of the town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by THE DISTRICT COUNCIL OF BASINGSTOKE with respect to hackney carriages in THE DISTRICT OF BASINGSTOKE.

Interpretation

1. Throughout these byelaws "the Council" means the DISTRICT COUNCIL OF BASINGSTOKE and "the district" means the boundary of the former BOROUGH OF BASINGSTOKE.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto,
(b) A proprietor of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say,
 - (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
 - (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there should be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage provided with a taximeter shall:-
 - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
 - (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions being given by the hirer, proceed to that destination by the shortest available route.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the stands of hackney carriages

15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:-
- (a) For eight hackney carriages:
against the kerb on the east side of Lower Wote Street from a point of 147 feet south of the southern boundary of Churchill Way southwards for a distance of 150 feet.
 - (b) For five hackney carriages:
against the kerb on the south side of Clifton Terrace from a point of 54 feet east of the western end of Clifton Terrace eastwards for a distance of 91 feet.
 - (c) For four hackney carriages:
against the kerb on the east side of church Street, for a distance of 69 feet northwards from the south western corner of the Town Hall.
 - (d) For four hackney carriages:
against the kerb on the west side of Church Street from a point of 105 feet south of its junction with Church Square northwards for a distance of 75 feet.

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares

16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II – HACKNEY CARRIAGE FARES SEE REVISED TABLE OF FARES ENCLOSED

- 17.(a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages

18. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the Police Station in the district and leave it in the custody of the officer in charge on his giving a receipt for it.

Penalties

20. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

Repeal of Byelaws

21. The following byelaws relating to hackney carriages are hereby repealed:-

Byelaws	Date made by the Council	Date confirmed by one of Her Majesty's Principal Secretaries of State
1-21	14 March 1963	24 June 1963
17	2 November 1965	21 December 1965
8 & 16	16 February 1967	31 March 1967
16	1 July 1969	3 December 1969
16	22 April 1970	3 September 1970
1-21	5 February 1971	26 March 1971
1 & 16	16 May 1974	3 July 1974
16	28 February 1975	11 April 1975

THE COMMON SEAL OF THE DISTRICT COUNCIL OF BASINGSTOKE was hereunto affixed on the seventeenth day of May One thousand nine hundred and seventy seven in the presence of L.S

CHIEF EXECUTIVE

The Secretary of State this day confirmed the foregoing Byelaws and fixed the date on which they are to come into operation as the twelfth day of July One thousand nine hundred and seventy seven (Sgd) R S D Shuffrey. An Assistant Under Secretary of State, Home Office, Whitehall, 8 July 1977L.S

DRAFT

Appendix J - Guidelines for Electronic Payment Devices.

1 General Requirements

1.1 All payment devices must:-

- comply with the requirements of the current UK banking industry standards as stipulated by the Financial Conduct Authority (FCA).
- be listed on UK Finance (formally the UK Cards Association) website as an approved device.
- comply with latest release of the UK Finance approved guidelines relating to organisational security policies.
- meet all requirements as regards safety, technical acceptability and operational/data integrity.
- be checked regularly and maintained to operational standards, including any repairs after damage.
- be designed, constructed, installed and/or carried in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision.
- be protected from the elements, secure from tampering and theft and located such as to have the minimum intrusion into any passenger area, including designated wheelchair space, or impact on the luggage carrying capacity of the vehicle.
- be free from obscuring or interfering with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
- comply with any legislative requirements in respect of the Motor Vehicle (Construction and Use) Regulations, 1986, in particular with regard to equipment obscuring the view of the road through the windscreen.

2 Automotive Electromagnetic Compatibility Requirements (EMC)

2.1 Any charging equipment used must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

2.2 Information regarding type approval of the payment device or payment system will be required. The installed equipment should be clearly e-marked. If any electrical equipment is CE marked for EMC, a certificate will be required from an appropriate authority declaring that the equipment is non 'immunity-related' and suitable for automotive use, as part of the approval process.

3 Payment Device Functionality

3.1 All payment devices must:-

- meet all requirements and standards as stipulated by the card scheme companies in terms of connections to a host such as GPRS, 3G, 4G, bluetooth or other connection

methods to complete payment transactions.

- links between a taximeter, card payment applications and other electronic devices must be in 'read only' format.
- provide functionality to protect the confidentiality of critical data (in particular PINs) whilst the card transaction is being processed.
- allow card details to be stored for the minimum amount of time required to enable the payment transaction to complete, thereafter card details must be deleted / disposed of in a secure manner.
- have the facility to produce printed receipts which comply with the current banking standards.

4 Payment Device Approval/Certification

4.1 The payment device/solution must comply with the following standards (as supplied in conjunction with UK Finance):-

- Transactional Smartcard Reader Protection Profile (TSRPP).
- Current Card Acceptor to Acquirer Interface, UK Finance Standard 70.
- Pass a security integrity evaluation process by a PCI Security Standards Council approved testing laboratory (PCI PTS Testing and Approval Programme).
- Payment Card Industry Data Security Standards (PCI DSS) - (This compliance may be provided through the services of a third party provider).
- Payment Card Industry Data Security Standards (PCI PA-DSS).
- Type approval specifications as set by EMVCo (level 1 Electromechanical, level 2 Kernel software).
- The UK Finance Common Criteria Evaluation (EAL4+). Evaluation completed against the **JIL** Terminal Evaluation Methodology Subgroup (JTEMS) POI Protection Profile or;
- Common.SECC certification and registered on the Common.SECC web site.

5 Payment Transactions

5.1 All payment transactions processes must operate in accordance with UK Finance.

5.2 All payment transactions processes must operate in accordance with Payment Card Industry Data Security Standards (PCI DSS).

5.3 All Payment applications processes must meet Data Security Standard (PA-DSS).

5.4 All payment transactions processes must operate in accordance with the Acquirer Bank regulations and standards.

5.5 From 2nd April 2016 all card payment surcharges to passengers have been removed.

6 Data Protection

6.1 You are legally obliged to comply with the requirements of privacy and data protection legislation in respect of all transaction processes, data management and storage. This includes the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. You can find out more about your obligations from the [Information Commissioner's Office \(ICO\)](#).

Note:-

Sending or handling personal data outside the European Economic Area (EEA) must comply with the specific principle(s) set out in GDPR to ensure an adequate level of protection is in place for the storage and processing of personal data. Compliance issues may be avoided by ensuring the any cloud data handling is restricted to servers domiciled within UK the countries that make up the EEA.

7 Documentation Required

- PCI DSS certification (PCI-PTS and PCI PA-DSS where relevant to the solution configuration).
- EMC certification/documentation (where applicable).
- UK Finance Common Criteria Evaluation (EAL4+) certification/documentation, or; Common.SECC certification.
- EMVCo. Type Approval certification/documentation.
- Confirmation of registration on the public register of data controllers maintained by the Information Commissioner's Office (where applicable).

8 Signage

8.1 Signage must be displayed identifying the payment cards/method accepted; these should be placed for view from the exterior and interior of the vehicle.

8.2 The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers after entering the vehicle.

Appendix 2 - Summary of Changes

Change to Policy	Reason for the change to policy
Layout and design	This has been amended to reflect it is now a shared service policy. The legislation within the policy have been hyperlinked for ease of access.
Public liability Insurance	<p>This has been streamlined so across the whole shared service it will be required from their next renewal that all drivers and operators have £ 5 million public liability insurance. Details can be found at section 30 of the policy.</p> <p>There will be no impact for Hart as the level is current £ 5 million. This will have impact on BDBC as the current level is £ 2 Million.</p>
Penalty points	The penalty points scheme was introduced in the last policy. This aspect has been reviewed by the service. The updated version can be found at appendix B which provides additional clarity for both the applicants and councillors.
Convictions policy	The Rehabilitation of Offenders Act has been changed in regard to protected cautions, policy now reflects these changes. Details of this can be found at Appendix A.
No booking no ride stickers	To promote public safety and ensure consistency PHVs in HDC will be required to display 'No booking no ride' stickers. This will not apply to vehicles with exemption plates.
Vehicle age	Section 46 of the policy reflects a consistency across the service. Wheelchair accessible vehicles will be supported with a longer vehicle life as they are a vital community resource. The age of vehicle will increase from 7 years to 10 years for standard vehicle and to 12 years for wheelchair accessible vehicles. Bespoke Hackney Carriage vehicles that meet the ultra-low emissions standard or better will be licenced for up to 15 years.

Age of vehicle extension	Section 46.2 highlights the requirements for applications for older vehicles to be re licenced if option 1 is agreed.
Private Hire Driver conditions	At appendix F have been reviewed and harmonised to provide consistency across the service.
Private Hire Vehicle conditions	At appendix E have been reviewed and harmonised to provide consistency across the service.
Private Hire Operators conditions	At appendix G have been reviewed and harmonised to provide consistency across the service.
Revised vehicle testing frequency and test criteria	<p>Section 52 details the changes to the vehicle testing for Hart vehicles moving away from the tick test to a certificate of compliance (COC) by the 31 September 2024. This date has been suggested as there is a requirement for a procurement process to take place when appointing garages that will be approved by the council to undertake COC testing.</p> <p>Section 52.7 details the changes to the frequency of testing that is required over the life of the vehicle licence.</p>
Removal of a Designated Vehicle list	As required and recommended by the DfT and within the Equality Act 2010 provisions
DAT Test Changes	<p>If the applicant fails four tests their application will be returned, and they will be unable to apply for a 12-month period starting on the date of the original new driver's appointment. Details can be found at section 28.1 of the policy.</p> <p>This protects drivers from excessive expenditure and prevents extended application periods were other checks such as DBS may become time expired.</p>
Safeguarding training	<p>Licence holders will need to refresh their safeguarding training every 3 years to make sure their knowledge remains current. The service provides a list of approved courses on the council's web site. This can be found at section 27 of the policy.</p> <p>This came back as a reformation from the section 11 audit for safeguarding.</p>

Disabled persons training	Licence holders will need to refresh their disabled person training every 3 years to make sure their knowledge remains current. The service provides a list of approved courses on the council's web site. This can be found at section 27 of the policy.
NR3	All Licensing authorities are now required to undertake checks for previous licensing offences at other councils via the NR3 system. This system is operated by the Nation Anti-Fraud Network (NAFN). The details of the NR3 system have been added to the policy and can be found at section 29 of the policy.
Application processing changes for new drivers	A set period for processing has been added to the policy and this can be found at section 13.2 of the policy. This is to ensure prompt and efficient application processing.
Time scale for renewal applications	Licence renewal applications time scale for the application to be received by the council has been increase to 15 working days before the expiry of the current licence to promote efficient licence processing. This can be found at section 32 of the policy.
Environmental consideration	Section 7 of the policy has been added to reflect the council's climate change policy.
Appeals and committee's	The appeals section has been updated to include clarity about the roles and responsibilities of Licensing and Sub Committee. This can be found at section 38 of the policy.
Age and experience	In line with the Equality Act 2010 there is no minimum age for application of a licence. This can be found at section 23 of the policy.
Driver badges and identification	Section 33 details how drivers will be issued with two badges, one which they are required to wear at all times and another larger badge that is placed in the vehicle to be visible by the customer. This has been added to promote public safety and passenger confidence.

Environmental considerations	<p>The advice from central government has changed to <i>“As part of its plan to lower carbon emissions, the government wants to ban the sale of new petrol and diesel cars by 2030, and hybrids by 2035. So, in theory, by 2050 most cars on the road should either be electric, use hydrogen fuel cells, or some other non-fossil fuel technology.”</i></p> <p>While currently licenced vehicles will remain licenced in accordance with the current age policy, it is proposed that from the 31 December 2025 only ultra-low or zero emission vehicles will be licenced.</p>
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