

When telephoning, please ask for: Laura Webb
Direct dial 0115 914 8481
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Tuesday, 5 November 2019



To all Members of the Licensing Committee

Dear Councillor

A Meeting of the Licensing Committee will be held on Wednesday, 13 November 2019 at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Revised hackney carriages and private hire licensing policy 2017 - 2022 (Pages 1 - 102)

The Report of the Executive Manager – Neighbourhoods is attached.

4. To approve the adoption of a new Street Trading Policy (Pages 103 - 148)

The Report of the Executive Manager – Neighbourhoods is attached.

Membership

Chairman: Councillor R Walker
Councillors: R Adair, S Bailey, B Bansal, N Begum, B Buschman, R Butler, G Dickman, L Healy, R Hetherington, L Howitt, R Mallender, J Stockwood, J Walker and G Williams

Rushcliffe Community Contact Centre
Rectory Road
West Bridgford
Nottingham
NG2 6BU

In person
Monday to Friday
8.30am - 5pm
First Saturday of each month
9am - 1pm

By telephone
Monday to Friday
8.30am - 5pm

Telephone:
0115 981 9911

Email:
customerservices@rushcliffe.gov.uk

www.rushcliffe.gov.uk

Postal address
Rushcliffe Borough Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



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Licensing Committee

Wednesday, 13 November 2019

Revised hackney carriages and private hire licensing vehicles policy 2017-2022

Report of the Executive Manager – Neighbourhoods

1. Purpose of report

- 1.1. This report seeks to review and update the Council's taxi licensing policy considering recent legislative changes.
- 1.2. The Licensing Committee is asked to endorse the policy and recommend its adoption to Council.

2. Recommendation

It is RECOMMENDED that the policy be approved and recommended for adoption by Council.

3. Reasons for Recommendation

- 3.1. There have been some significant legislative changes since the existing policy was approved by Council in 2017. The Council's Corporate Strategy has also been revised to include the environment as an additional key priority.

4. Supporting Information

- 4.1. The proposed revised policy has been updated to reflect the Council's current and future priorities and changes in the legislative landscape in particular in relation to protecting people from harm, promoting health and managing the environment.
- 4.2. Significant changes include:
 - The implementation of the revocations and surrender data base known as NR3 administered by the NAFN. (National Anti-Fraud Network). This is a national register of revoked and refused taxi drivers.
 - Changes in accordance with the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 which require Councils to share data with DEFRA and supports the enforcement of Clean Air Zones across the Country.

- Changes to take into consideration the requirements of GDPR (General Data Protection regulations) specifically those relating to revised privacy statements.
- Changes to the technical requirements relating to licensed taxis including the provision of spare wheels, alternative fuel vehicles (ULEV), signage, general vehicle condition and emissions. In addition, new vehicle applications will only be permitted if the vehicle is registered after 2011.
- Process changes for new driver applications which is a service efficiency improvement and requires applicants to pre-register.
- Application of the IOL (Institute of Licensing) guidance on offences etc. This adopts best practice ensuring the suitability of applicants and licensees in the taxi trade.
- Minor changes to operator conditions and improvements to operator driver documentation e.g. lost property, meter calibration certifications.
- Changes to offence codes to reflect new legal coding by the courts.
- Minor amendments to driver penalty points system which reflect new driver offences e.g. smoking and use of mobile phones.
- Introduces safeguarding refresher training across Nottinghamshire.
- Inclusion of a Statement on a Section 167 taxi list in accordance with Equality Act 2010 which requires local authorities to publish lists of vehicles which are able to carry disabled passengers and assistance dogs. This also places a legal duty on the driver of these vehicles to carry disabled passengers and where necessary an assistance dog without additional charge.

4.3 The Council launched a consultation exercise on the revised policy changes on 26 September 2019 which closed on 23 October 2019. The results of this exercise are as follows.

NAME	FOR / AGAINST	COMMENT
C Beesley	FOR	Supports enforcement, improvements to air quality

5. Alternative options considered and reasons for rejection

5.1. None considered as the update to the policy is required to comply with current legislation.

6. Risks and Uncertainties

6.1. Some of the proposed changes will impact on existing taxi / hackney carriage licence holders. The new requirements are likely to have greater impact on hackney licensees because of the specialist nature of the vehicles therefore it would not be surprising to see a reduction in the number of licensed hackney carriage vehicles. It should be noted that the number of hackney carriages licensed within the Borough is relatively small (36) already due to the significant communication and technological changes in the industry

7. Implications

7.1. Financial Implications

7.1.1. The financial implications arising from this policy are considered to be insignificant.

7.2. Legal Implications

7.2.1. The Council adopted the policy in 2017 in accordance with its legal obligations, the Council is required to update and review the policy from time to time particularly to ensure compliance with legislation.

7.3. Equalities Implications

7.3.1. An Equalities Impact Assessment has been undertaken which has identified no major or adverse impact.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

7.4.1. This policy supports the importance of ensuring strong public safety standards within the taxi and private hire trade.

7.5. Other implications

7.5.1. None identified

8. Link to Corporate Priorities

- Maintaining and enhancing our residents' quality of life – the implications of this policy will further protect the public.
- The Environment – the implications of this policy will impose improvements to licensed vehicles to reduce emissions to atmosphere and improve local air quality.

9. Recommendations

It is RECOMMENDED that the policy be approved and recommended for adoption by Council.

For more information contact:	Geoff Carpenter, Environmental Health Manager 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	None.
List of appendices:	Appendix 1 - Hackney Carriage and Private Hire Licensing Policy 2017 – 2022 [Draft] Appendix 2 – Equality Impact Assessment



Rushcliffe Borough Council

RUSHCLIFFE BOROUGH COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

2017 – 2022 (Revised 2019)

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1. Introduction

Rushcliffe Borough Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the Borough of Rushcliffe.

Rushcliffe Borough Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel around the Borough, whilst playing a visible role in portraying the image of Rushcliffe to all. The drivers themselves are recognised as having a key role in being ambassadors for the Borough.

Customers rightly expect that in using taxis and Hackney Carriages they will be transported safely. In addition, it is in everyone's interest to ensure that customer experiences are positive. This will help to ensure that the industry and the local economy thrive.

This policy and related procedures will guide the work of the Licensing Authority (Council) in the way in which it carries out its functions.

This policy has been developed by Rushcliffe Borough Council after consulting with both the public and the trade in particular. In developing this policy we have also taken into consideration:

- The Council's licensing objectives
- Current Legislation
- The Office of Fair Trading "The Regulation of Licensed Taxi and Private Hire Vehicle Services in the UK" 2003
- 'Taxi and PHV Licensing Criminal Conviction' Policy, LGA
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010
- The Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, (CAZ)
- NAFN, National Register of Taxi license Revocations & Refusals (NR3)

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.

This policy will be evaluated from time to time after its introduction. The Council will formally review the policy statement 5 years after adoption.

2. Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) places on Rushcliffe Borough Council (the “Council”) as the Licensing Authority (the “Authority”) the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire Vehicles.

This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

This policy applies to:

- Hackney Carriages; being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public;
- Private Hire Vehicles: licensed as a taxi to carry no more than 8 passenger seats but must be booked in advance by customers through an operator and may not ply for hire in the street;
- Private Hire Operators;
- Hackney Carriage and Private Hire drivers.

In undertaking its licensing function, the Council will have particular regard to:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- General Data Protection Regulation 2018
- NAFN, National Register of Taxi licence Revocations & Refusals (NR3), LGA Guidance

The Council will also follow the principles laid out in the statutory Regulator’s Code and any recommendations from Regulatory Delivery (part of DBEIS).

3. Licensing Aims and Objectives

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- **The protection of the public, safeguarding children and the vulnerable, and the prevention of crime and disorder;**
- **The safety and health of the public and drivers;**
- **Vehicle safety, comfort and access;**
- **Encouraging environmental sustainability.**

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

The protection of the public, safeguarding children and the vulnerable, and the prevention of crime and disorder

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Commitment to work with the police and licensing authorities.
- An expectation that licence holders will treat all customers, passengers, the general public, Council Officers and Councillors with respect and courtesy at all times.

The safety and health of the public and drivers

- Consideration of history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Rushcliffe area.
- Health and fitness to fulfil the role of a licensed driver.
- Vehicle specifications.
- Regular driver medical checks.

Vehicle safety, comfort and access

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks and use of ranks.
- Provision of disabled facilities.

Encouraging environmental sustainability

We will work with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with European Emissions Standards.

These aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with licence holders, its neighbouring authorities, the Police, local businesses and local people towards the promotion of the aims and objectives.

4. Delegations

Under the Council's Constitution, full Council has responsibility for all policy matters relating to taxi licensing. The Council operates a scheme of delegation to officers in respect to individual applications, contraventions, suspensions and revocations for drivers, vehicles and Operators. In certain circumstances the Licensing Committee comprising of up to five elected Councillors will determine applications, contraventions, suspensions and revocations. In addition the Executive Manager can

appoint and authorise officers to investigate and discharge its statutory functions. Such authorised powers include the issuing of warnings, suspension notices, STOP notices and the issuing of Penalty Points.

5. Driver Requirements

All drivers must satisfy the Council that they are ‘fit and proper persons’ to be granted a driver’s licence, and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored / assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending civil or criminal proceedings, all traffic offences where there is a penalty (driver’s course) and payments for fines.

Applicants are expected to declare if they have held or hold a Taxi/PHV drivers licence with any other authority, if they have surrendered the licence before its renewal date, also if they have been subject to any suspension or revocation of such said licence.

The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers unless indicated and the application procedure is set out in Appendix A.

5.1 Fit and Proper Person Test

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants / licence holders are, and remain, fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term “Fit and Proper Person” for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable

persons. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity), including the reasons for any entry on the NR3 database
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities, any entries on the NR3 database and statutory agencies.

5.2 Registration and Application Process

All prospective drivers will be required to register their interest in becoming a hackney/PHV driver at

https://eserv.rushcliffe.gov.uk/formsmaster/public/showform.asp?fm_fid=399

Prospective drivers will be required to obtain the following information/and attend courses within a three month period from registration date.

1. An enhanced DBS Check (Disclosure and Barring Service). Use the guide to online disclosure found in Related Documents section.
2. Full UK drivers Licence held for at least a year
3. 2 current passport sized photographs
4. UK passport or right to work card/passport
5. National Insurance Number
6. Medical examination with Medigold (require eyesight test before attending) - 0115 9209901 - you will need to take the medical form with you to your appointment, found in the Related Documents section at <https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/taxis/drivers/>. A fee is payable the current fee is on our website.
7. Driving test with Nottingham City Council. To book a test, please telephone - 0115 8761444 - the fee is payable see <https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/taxis/drivers/>
8. Safeguarding Course pass. Course information is found in the Related Documents section.
9. Two Character reference's (not from any employer)
10. Two utility bills to confirm address

11. Rushcliffe Borough Council Knowledge Test. A computerised test (maximum of 3 tests only) – payment per test is required. See <https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/taxis/drivers/>

All of the above must be in place before the three month period expires - ***there are no refunds of any monies paid.***

This Council issue licences that enable the driving of both Hackney Carriages and Private Hire Vehicles. Licences shall be issued for a maximum period of 3 years but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum of one year of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart document before any taxi licence is issued. The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this.

Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police and HM Customs & Excise.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

5.3 Disclosure and Barring Service (DBS)

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety. The DBS application procedures are detailed in Appendix B of this policy.

Both Hackney Carriage and Private Hire drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”). Accordingly all drivers will be asked to disclose on their application form any warning, fixed penalty notices, caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate.

Certificates will be obtained using the Council’s approved DBS system but it will accept DBS certificates issued to other local authorities if it has been printed within the last three months and is to an enhanced level and has been processed in relation to the child and adult workforce employment position (as specified on the certificate).

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received or current pending matters. All licence holders shall notify the Council of any arrests, warnings, convictions, cautions and fixed penalty notices received during their licence period. Failure to inform the Council of these matters during the licensing period may result suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

The Council requires all drivers to have a DBS check annually, and all licence holders **must** subscribe to the Disclosure and Barring Service Online Update Service rather than having a full annual DBS check. Any costs associated with maintaining this subscription or the annual check must be met by the licence holder. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed. The driver upon application will give the Council permission to retain information revealed on the DBS check which it will retain in a secure manner.

Applicants with Periods of Residency Outside the UK

If an applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas. Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

5.4 Relevant Convictions Policy

The Council is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon. In relation to the consideration of convictions, cautions, warning and reprimands etc., the Council has adopted the policy set out in Appendix C. The terms of this policy will have immediate effect from the date of this policy.

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. It will take account of warnings, cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence.

Those applications or renewals with information indicating a past criminal record or, any other concern, will be dealt with under the Council's scheme of delegation. The appropriate Officer will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at Appendix C.

The policy at Appendix C will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence partway through the licence period.

5.5 Knowledge and Driving Test

Applicants for a driver's licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- Literacy and numeracy
- Locations
- Use of A to Z mapping for routes
- Highway code signs

In addition to the knowledge test, applicants will be required to demonstrate that they have abilities to speak English in such a manner that they can communicate with customers. The Council will make such arrangements for the testing of an applicant's ability to speak English as required on an individual basis and may make a charge for such a test.

The pass mark for the knowledge test is 74%, and the applicant must pass all sections in one test. Applicants who fail must re-sit the whole test and pass all sections in that test. If applicants fail three successive knowledge tests their application will be refused and they will be required to wait at least Six months (from the date of the most recent failure) before being permitted to take further tests. Applicants must pay for each test and book with the Rushcliffe Borough Contact Centre prior to attending (Payment will be required before each test). Applicants cancelling the test with less than 24 hours' notice will not be refunded the fee.

As part of registration applicants are required to undergo a driving test with the Council's approved driving instructor before a licence is issued. Should the applicant not cancel the test at least 24 hours prior to the date of the test they will not be refunded the fee. In addition, if the applicant fails to provide a valid certificate of insurance or the vehicle is not up to standard the test will be cancelled and no refund will be made. Failure of more than one driving test may give cause for concern as to the fit and proper status of the driver.

5.6 Medical Assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers, are considered the appropriate standard for licensed Hackney Carriage and Private Hire drivers.

The Council requires that applicants and current drivers undergo medicals through the Council's preferred third party provider. The medical will be taken at the applicant's own expense and they are responsible for making their own arrangements for this to take place. The medical certificate will be produced to the Council, in the case of a new applicant before the application form is accepted and in the case of a renewal before the renewal of the licence is granted.

Holders of Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application. Drivers who already hold a medical certificate for a taxi licence from another local authority may use this when submitting their application to

Rushcliffe provided the medical provider is one approved by the Council. Licence holders must advise the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities. Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision in light of the medical evidence available.

No licence shall be issued until medical clearance (if required) has been established. A licence application will not be accepted / processed unless all elements of the application process have been completed.

To provide equity with drivers of other forms of public transport, the Council will conduct drug/alcohol/eyesight tests on drivers on an intelligence-led and random basis. Selected drivers and applicants will be expected to either submit to any test deemed appropriate by the Licensing Service or to attend a medical practitioner chosen by the Council and submit to any test deemed appropriate. Positive test results or failing to comply with the test request may result in a refusal, suspension or revocation of the licence. All costs incurred by such tests will be met by the driver.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from these duties on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. Hackney Drivers who for a medical reason cannot physically load a wheelchair bound person must apply for an exemption, this must be accompanied by our Third party provider.

5.7 Duration of the Licence

The Council will normally issue licences for a three-year period. However the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

5.8 Safeguarding Training

Every new applicant will undergo Safeguarding Vulnerable Passengers training before a licence is issued. The training involves attending a training session at a location approved by the Council and the applicant will also complete and pass a test at the end of the session. Current licence holders will also undertake the training within twelve months of the renewal dates of their licence. Failure to pass the test will result in the applicant or current licence holder re-taking the training session and exam at their own cost. Should the applicant or current licence holder fail the test for a third time, in the case of a new applicant the application will be refused, in the case of a current driver the application to renew will be refused or when mid-term of a licence it may be revoked. Current drivers for the authority will be required on the renewal of their drivers badge to attend refresher training within three months of the renewal, failure to do so may lead to the licence being suspended.

5.9 Conditions

The Council may attach such conditions to a Private Hire / Hackney Carriage driver's licence as are considered necessary. These are set out in Appendix D; these will be reviewed from time to time.

5.10 Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Rushcliffe and are seen as key ambassadors for the Borough.

Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed. To ensure that not only are the above objectives met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set. All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

The following are deemed to be unacceptable:

- Clothing that is not kept in a clean condition, free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g. football / rugby kits, track suits, beach wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed.
- The wearing of hoods or other clothing that obscures the driver's vision or their identity.

5.11 Code of Conduct when Working with Vulnerable Passengers

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at Appendix N.

5.12 Right of the Driver to Work in the UK

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Service on request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

No Driver or Persons connected to a driver subject to immigration controls may make application to the relevant agency in the authorities name or any person so employed by them.

5.13 Drivers Responsibility

The Licensing Authority requires all of its drivers to ensure that passengers are safeguarded when being transported in a licensed vehicle. The following are applicable:

- Ensure that they are fit to drive at all times;
- Ensure their vehicle is fit to be driven at all times;
- Not to use a vehicle which could put the public at risk;
- To remain professional at all times;
- To carry photographic ID at all times, and wear it in accordance with any conditions of the licence;
- Not to use offensive or inappropriate language;
- Not to swear;
- Not to behave in a manner that would make passengers feel uncomfortable, intimidated and/or threatened;
- Ensure a log is maintained which records all incidents, refusals and accidents involving passengers and is reported to the Operator immediately and in any event before taking the next fare (see 6.10 Accidents); Hackney drivers must keep a log of fares taken if operating outside the Rushcliffe Borough area acting as a PHV, and a copy must be held for 6 months.
- They must inform the Licensing Authority and if applicable the Private Hire Operator of any offences/convictions or arrests.

5.14 Driver Hours

There are no direct controls over the hours that Hackney Carriage/Private Hire drivers can work. There are, however, limits applicable to drivers and crews of heavy goods vehicles and public service vehicles.

The Council deem that the number of hours worked by drivers can impact on public safety and as a result seeks to promote the same limits that are applicable to drivers and crews of heavy goods vehicles and public service vehicles namely:

- An average of 48 hours per week calculated over a 17 week period but up to 60 hours in a single week providing the 48 hour limit is maintained.
- Night work limited to 10 hours unless there is an agreement to work longer hours.
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes, and breaks should be at least 15 minutes in duration.
- Drivers should refer to the guidance notes, 'Do I need a break' Appendix O.

5.15 NR3, NAFN, National Register of Taxi licence Revocations & Refusals

All applicants will have their details checked against the register, and any relevant information taken into account in assessing the application where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register.

The Rushcliffe borough council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- 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.

This is a mandatory part of applying for or being granted, a hackney carriage / PHV driver licence. The authority will follow the policy set out in Appendix P Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3. on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. 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 to the authority's 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.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at <https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/dataprotection/> This includes submitting a subject access request.

6. Hackney Carriage and Private Hire Vehicles

6.1 Application Process

The Council will consider all applications for vehicle licences on their own merits. The procedure for dealing with applications for Private Hire and Hackney Carriage vehicles is set out in Appendix E.

The applicant must submit the following to the Council in order for the application to be considered valid:

- The vehicle application form;
- The appropriate fee;
- The original Vehicle Registration Document (Log Book/V5) will only be accepted in the case of vehicles that are not licensed at the time that the application is made. Licences will not be granted or renewed unless the full V5 document is made available to the council at the time of application, in order that the date of first registration can be confirmed.
- The original insurance certificate or insurance cover note for the vehicle, (this must be provided before the licence is issued) Cover notes must be followed by a full insurance certificate, weekly insurance will not be accepted the minimum coverage we will accept is a calendar month of 28 days or more.
- Any vehicle must have a current MOT certificate valid for at least three months or have made arrangements with the appointed testing station to carry out the MOT test at the same time as the supplementary plating test takes place at the applicant's own cost. In the case of the latter the MOT certificate will be produced with the pass certificate before the licence and plates are issued.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office. The application must be made on the correct application form and all supporting documents completed in full.

6.2 Grant and Renewal of Licences

The vehicle must be submitted for a supplementary test at the appointed test station. A Pass Certificate will be issued. This must be produced as evidence that the vehicle meets the required standard when the applicant collects the licence and plates for the vehicle from the Councils Offices subject to the completion of all other elements of the application process and the provision of a valid certificate of motor insurance.

Private Hire Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. Vehicles older than 5 years old on the day that the licence is granted will be issued with a 6 month licence.

Hackney Carriage licences will be issued for a one year period, commencing on the date that the licence is issued. Vehicles older than 7 years old on the day that the licence is granted will be issued with a 6 month licence.

6.3 Emissions and Age of Vehicles

The Rushcliffe Borough Council 2017 Policy introduced a change to the age policy for both Private Hire and Hackney Carriages vehicles requiring a minimum age standard. From 2017 the policy introduced further exceptional conditions criteria. Private Hire vehicles over five years of age and Hackney Carriages over seven years of age are now tested twice per year and will not normally exceed 12 year age. (subject to exemption)

The Environment Act 1995 and subsequent Regulations requires local authorities to review and assess air quality on a regular basis and there is great public concern about air quality. Where air quality falls below the national standards, the Council is required to declare an Air Quality Management Area (AQMA) and develop a plan which identifies how air quality standards will be improved.

In the Nottingham conurbation, vehicle exhaust emissions are a principal source of air pollution and this has resulted in the creation of several AQMAs along major roads including those within the City and the Trent Bridge area. In these areas, the levels of annual mean nitrogen dioxide do not comply with EU and national law. There is potential for the UK Government to be fined for breach of the EU limit values post 2015, and infraction proceedings have already been instigated by the European Commission.

The Clean Air Zone proposed for Nottingham will not however proceed due to the measures being proposed by the Nottingham City Council. This includes the improvement to the taxi/PHV fleet.

Rushcliffe Council's Air Quality Action Plan includes measures to improve air quality from transport, and the measure of improving the Hackney Carriage and Private Hire fleet by setting minimum emission standards for vehicles licensed in the Borough. The Council aims to ensure that Hackney Carriages and Private Hire vehicles are of a good standard and support the need to reduce emissions of road transport. It recognises that the high mileage and general wear and tear sustained by vehicles will have an impact on their continued serviceability over a period of time.

In the interests of passenger safety and comfort and in support of these policies, the Council have previously introduced both vehicle emission standards and age requirements for licensed Hackney Carriage and Private Hire vehicles as part of the licensing process. It is viewed that this is justifiable to ensure the sustained improvement of Rushcliffe's taxi fleet and the impact on the health and environment in the Borough.

European emission standards define the acceptable limits for exhaust emissions of new vehicles sold in EU member states. The emission standards are defined in a series of European Union directives staging the progressive introduction of increasingly stringent standards. Euro 4 emission standards became mandatory in 2005, Euro 5 in 2009 and Euro 6 in 2014. However, some of the main manufacturers adopted these standards much earlier.

It is accepted that as a **minimum**, Euro 4 technology vehicles are within acceptable emissions limits at this time, but we will keep this under review; drivers and operators will be encouraged to adopt higher standards where possible.

In order to progress this improvement in standards and support air quality improvements the Council will further reduce the age limit of vehicles being registered for use as a taxi or PHV for the first time. Any NEWLY LICENCED vehicle will only be able to be licensed with the Council if its date

of first registration as stated on the DVLA V5 document, is on or after 01.01.2011. This coincides with euro standards improvement. Vehicles registered before this date will not be able to be licensed for the first time.

For existing vehicles already licensed by the Rushcliffe Council that have a date of first registration before 1/1/2011, the Council will continue to license up to the age limit in place.

The Council will apply an age limit and will not license any vehicle older than 12 years old from the date of first registration at the time of application. Any vehicle applying nearing this age limit will have a license up to the age limit and not exceeding the age limit. The age limit will be kept under review during this policy and any subsequent policy and any change consulted upon with the taxi trade.

The only exception to the above will be Minibus type vehicles which are wheelchair accessible which will have an age limit of 14 years from the date of first registration. Electric and environmentally friendly fueled vehicles will be judged on their specification condition and may be extended to the 14 year limit at the discretion of the licensing officer.

The Council's policy in relation to vehicle standards are set out in Appendix F.

The CAZ legislation, the **Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019** requires that all Council's report weekly the vehicles that are licenced under them for inclusion in the CAZ database. Rushcliffe Borough Council have made it clear on all applications for a vehicle PHV or Taxi that we are required by Law to share the Data with Defra so that Defra can create and maintain a database to support the operation of charging clean air zones by local authorities or other air quality plans. The data will be limited to Vehicle VRM, Start date, End date, Taxi or PHV, Rushcliffe BC, Licence plate no, Wheel chair accessible status and is subject to a memorandum of understanding and the GDPR and data protection regulations. However the information provided is currently available freely on the councils public register page and no implications on data protection are expected to comply with this obligation.

6.4 Insurance

It is required that all insurance documents must be shown before a licence is issued.

- This requires a valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward.
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.
- Weekly cover notes will not be accepted the minimum period will be 28 days in all cases.

The council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

6.5 Vehicle Specification

The Council has set down a series of specifications. A vehicle will need to comply with these specifications prior to it being accepted as a licensed vehicle. The specification for Private Hire vehicles and for Hackney Carriages can be found at Appendix F.

6.6 Conditions

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle licences. These are set out in Appendix G for Private Hire Vehicles and Appendix H for Hackney Carriages.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy.

6.7 Identification of Vehicles as Private Hire Vehicles or Hackney Carriages

The Council requires Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage, types of vehicle, together with colour of the vehicle, can achieve this.

Hackney Carriages

- The exterior colour of all Hackney Carriages must be black and of a gloss finish.

Private Hire Vehicles

- The TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a Private Hire vehicle.
- The minibus variants of approved Hackney Carriage vehicles (such as the Mercedes Vito) can be licensed as Private Hire vehicles.

The Council has set standards on the acceptable type of signage for Private Hire Vehicles and Hackney Carriages. These can be found in the Private Hire Vehicle /Hackney Carriages conditions set out in Appendix G for Private Hire Vehicles and Appendix H for Hackney Carriages. They include:

- the permitted position of licence plates;
- positioning of permanent door signs for vehicles;
- required wording for door signs on vehicles;
- requirements for the display of notices in vehicles;
- other notices / markings that the Council will require licensed vehicles to display.

6.8 Fire Extinguishers and First Aid Kits

All vehicles will carry both a First Aid kit and Fire Extinguishers as specified in the Council's conditions.

6.9 Tyres

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition. The Council requires that all licensed vehicles adhere to the following provisions with regard to tyres:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
- Tyres fitted to a motor vehicle must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
 - Be compatible with the types of tyres fitted to the other wheels,
 - Not have any lump, bulge or tear caused by separation or partial failure of the structure,
 - Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
 - Not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.
- Inflation kits are now fitted to a lot of vehicles but are not suitable for large damage areas, the owner or operator of the vehicle must provide a provision for a journey to continue at no extra cost to the passenger/s. If the inflation kit is used it should be treated as a space saver wheel and must be replaced before the next journey, in accordance with the manufacturer's instructions. These kits are for a short term measure to get you to the nearest tyre repair premises. No further hire is permitted till the tyre is replaced and replacement inflation kit is purchased.
- Run Flat tyres must be used if punctured as per the manufacturer's instructions, and must be repaired or replaced before the vehicle is acceptable for hire.

6.10 Accidents

If at any time the vehicle is involved in an accident or collision, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 48 hours in writing or by email (telephone calls are not a permitted method of reporting accidents). Photographs taken in daylight of all 4 sides of the vehicle and the damaged area must accompany any report, for officers to decide on whether an inspection is required. If the photograph is inconclusive the vehicle must be inspected and the vehicle must be presented for inspection to the Council as soon as possible after the accident has taken place. The appointment will be arranged by the Council who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact – the Council will then advise the proprietor of the action to be taken. In such

cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination. The vehicle plates front and rear must be removed and returned to the licensing department to be held if the vehicle is repaired to a satisfactory standard. Failure to do so may result in Licensing Enforcement Penalty Points being issued.

All damaged vehicles which were deemed to be unroadworthy at the time of the accident will be subject to an examination at the authorities approved test station before being plated this test must be paid for at the normal rate of an inspection.

6.11 Vehicle Examination and Testing Requirements

Hackney Carriage and Private Hire vehicles examination and testing requirements are set out in Appendix I Vehicle Testing requirements.

6.12 Meters

All Hackney Carriages must be fitted with a meter.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of Private Hire Vehicles, any scale of charges which will be provided by the Private Hire operator.

Meters will be checked for accuracy by a measured mile distance or by waiting time. Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been resealed and calibrated by an approved meter company and presented to the Council for inspection. A calibration certificate must be available in the vehicle for inspection by any authorised officer who makes a request of the driver.

Private Hire Operators and / or Hackney drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is to be no deviation from this price without the agreement of the customer. On occasions where a price has not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

6.13 Advertisements on Vehicles

No advertisements shall be placed on any vehicle licensed by the Council **without** the applicant receiving prior approval of the advert. See Appendix J.

6.14 Additional Provisions for Hackney Carriages

The main aim of Council's licensing of the Hackney Carriage and Private Hire trade is the protection of the public. The Council is aware that the public should have reasonable access to Hackney Carriage and Private Hire services, because of the part they play in local transport provision. Disabled groups are particularly reliant on Hackney Carriages as a means of transport. Licensing authorities have no power to restrict the number of Private Hire vehicles that they licence. Licensing authorities can restrict the number of Hackney Carriage licence plates they issue if they are satisfied that there is no significant unmet demand for taxi services; in Rushcliffe numbers are not restricted at this time.

6.15 Taxi Ranks

A full list of Hackney Carriage ranks, their exact positioning on each street and the times they are in use is set out in Appendix K.

- Taxi ranks are to be used by Hackney Carriages whilst waiting for their next hire.
- They are not to be regarded as parking places.
- Private Hire Vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank.

6.16 Designated wheelchair accessible vehicles Section 167 list

Rushcliffe Borough Council is committed to promoting accessible transport services to all users, and to uphold the objectives of the Equality Act 2010. See guidance at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf

We maintain a list of all vehicles designated for the purposes of section 165 of the Equality Act 2010 have (Known as the Equality Act Section 167 List) on our website; all Taxis will be designated upon application as such vehicles unless an exemption is applied for.

Rushcliffe will seek to expand the designated list to PHV capable of meeting the minimum standards for designation.

The following responsibilities are placed on drivers of Hackney Carriages and Private Hire vehicles that have been licensed as designated wheelchair accessible vehicles:

- To carry the passenger whilst in a wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such "mobility assistance" as is reasonably required.

What Does Mobility Assistance Mean?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him

or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger's luggage into and out of the vehicle.

Guide Dogs / Assistance Dogs

Duties are also placed on Hackney Carriage and Private Hire drivers when driving licensed vehicles to carry guide dogs and other assistance dogs under the requirements of the Equality Act 2010 regardless of the designation on the 167 list.

Refusal To Comply With The Above Duties

Unless a driver has been granted an “**Exemption Notice**” by the Rushcliffe Borough Licensing Authority on the grounds that he / she is medically unable to provide the above assistance, then an offence is committed if the duties imposed are not carried out as required. In such instances the Council will investigate any complaints received about the lack of assisting wheelchair users and / or those accompanied by guide / assistance dogs, and will take the appropriate enforcement measures in accordance with our Hackney Carriage & Private Hire Licensing Policy.

7. Fares

The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and sets the maximum fare that can be charged by Hackney Carriage drivers for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey which ends outside the Borough being charged other than at the metered rate.

It is an offence for any person to charge more than the metered fare and penalty points can be issued to the Proprietor of the Hackney Carriage in such circumstances in line with the Council's penalty points scheme.

The Council will review Hackney Carriage fare scales from time to time in liaison with the Hackney Carriage Proprietors. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares will be provided to each Hackney Carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

Private Hire Vehicles

The Council is not able to set fares for Private Hire vehicles. Drivers must, if requested by the passenger, provide written receipts for fares paid.

The receipt must provide the passenger with

- The journey cost
- The operating company name and contact number
- The driver's name and signature
- The date of the journey

8. Operators

8.1 Requirement for a Licence

A licensed private hire vehicle must only be despatched to a customer by a Private Hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle.

A Private Hire operator must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence.

Any person who operates a Private Hire service 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.

Applications for Operator licences shall be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an Operator licence. Planning permission is required for each Operators base and is required as part of the application process.

The Council will grant Private Hire operator licences for a period of 5 years, or one year in exceptional circumstances.

8.2 Fitness and Propriety

The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands),
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Rushcliffe Borough Council),
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)
- National Register of Taxi Licence Revocations & Refusals (NR3)

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

If an application is received from a person that is not a current driver licensed by Rushcliffe Borough Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the Council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

8.3 Insurance

Before an application for a Private Hire operator's licence is issued, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. Where necessary, operators must also hold employers liability insurance.

8.4 Conditions

The Council has the power to impose such conditions on an operator's licence, as it considers reasonably necessary and these are set out at Appendix L. However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account it's the aims and objectives of this policy.

Failure of the operator to adhere to the conditions of licence will lead to enforcement action and / or the issue of enforcement penalty points.

8.5 Use of Operator Name Following Revocation of Licence

Where an operator licence is revoked by the Council, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

8.6 Operator Responsibility in Relation to Vehicles / Drivers that are Operated

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, vehicles and controllers are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be considered detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).
- Failure to monitor drivers working hours to ensure they are safe to transport the public.
- If the vehicle is tracked through software the operator has a responsibility to ensure if the vehicle appears to still be working after the driver has logged off to report that matter to the authority

Operators may be issued with enforcement penalty points as a result of the actions of the drivers / vehicle proprietors that are working for them or under their control.

The use of computer or mobile phone applications by operators licensed within the authority there would be an expectation that an authority licensed vehicle would if available service that call if within the authorities district.

The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues.

8.7 Right to Work in the UK

Refer to section 5.12 Right of the Driver to Work in the UK

8.8 Complaints / Records

Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for the duration of the licence and should be available at all times for inspection by Police or authorised Officer of the Council.

8.9 Operator's Responsibility

The Operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:

- When a vehicle has been hired to attend at an appointed time and place the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually.
- Premises provided by the Operator will be within the District or approved by the Licensing Authority and any waiting areas shall be kept clean, heated, ventilated, well-lit and with adequate seating.
- Any telephone facilities and dispatch equipment are maintained in an effective working order.
- Any complaints received by the Operator that could undermine public safety shall be referred in writing to the Licensing Authority, together with any action taken.
- All vehicles operated shall be maintained in a satisfactory and roadworthy condition; and they shall ensure that any defects to vehicles are recorded and corrected as soon as possible.
- The Operator shall ensure, without prejudice to any other liabilities imposed under the Act, that all vehicles and drivers owned, controlled or operated in association with the Operator shall observe and perform the conditions of their licence.
- The Operator will monitor driver's working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi driver's hours, it is incumbent upon the Operator to ensure drivers do not work excessive hours and that they are fit to drive and thus will not put the public at risk. Guidance relating to driver hours can be found in section 5.14 of this Policy.
- The Operator will inform the Licensing Authority of an offences/convictions/arrests committed by any driver or employee attached to his company with direct access to the public's details or any breach of data protection protocols.

8.10 Communication and Information Security

Personal Information

In the course of their business, operators and/or drivers will be required to process and store various pieces of data, some of which will be personal data. The processing and storage of this data will fall under the provisions of the Data Protection Act 1998 and the GDPR. Operators should ensure they are aware of their responsibilities under the Acts. Licensees are required to establish whether they need to register with the Information Commissioner's office as a data controller. Further information can be obtained from the Information Commissioner's Office at www.ico.org.uk

Radios

Where a licensee maintains a radio network for use, the range and /or frequency used may require a business radio licence from Ofcom. Further details can be obtained at:

<http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio>

CCTV

Approval in writing must be obtained from the Licensing Authority where CCTV equipment is installed and used in a licensed vehicle. Each system must be registered with the offices of the Data Protection Registrar. Material captured by the system shall be accessible only to the Police, an authorised officer of the Council and the CCTV Operator/data controller. The system must be operated in accordance with the Data Protection Act 1998. The CCTV Operator/Data controller must ensure recommended signage and appropriate contact details are displayed in a prominent position where they can be easily read by persons both inside and outside the vehicle. The notices should be maintained in a clean and legible condition.

9. Fees

The legislation provides that fees charged to applicants can cover most of the costs to the Council in providing the Licensing Service. This includes the administration of applications, and ensuring compliance by licensees within the Hackney Carriage and Private Hire trade.

The fees are reviewed at the start of each calendar year and confirmed by the Council ahead of the start of each financial year i.e. 1st April. The Council, however, can review the fees at any time. A list of the current fees can be found on the Council's website.

10. Compliance and Enforcement

10.1 Enforcement

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.

In doing this, the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated. The Corporate Enforcement Policy for the Council embeds its principles of enforcement.

In April 2014 a new Statutory Regulators' Code was brought into force and, accordingly the Council should:

- carry out their activities in a way that supports those they regulate to comply and grow;

- provide simple and straightforward ways to engage with those they regulate and hear their views;
- base their regulatory activities on risk;
- share information about compliance and risk;
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;
- ensure that their approach to their regulatory activities is transparent.

A range of tools and powers, including mystery shopping, to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator is a “fit and proper” person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount. Where appropriate, referrals will be made to other agencies such as the Police, HM Customs & Excise Immigration, other Licensing Authorities and both Adult and / or Child Safeguarding teams.

The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations. Any breach of the required standards, policies and conditions may lead to suspension and/or revocations or the issuing of penalty points, suspension, and revocation of the licence or prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately. Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the Magistrates Court in order to challenge the Council’s decision. There is no other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

10.2 Joint Enforcement Protocol

The Council will work with other local Councils under a Joint Enforcement Protocol developed by the City Council, which will allow authorised officers to require the inspection of licence/badges under Section 53 (3) LGMP Act 1972, inspect and test vehicles and suspend if not satisfied as to fitness under Section 68 and provide for the offence of obstruction of an authorised officer under Section 73.

Authorised officers may discharge the delegated powers in respect of private hire and hackney carriage vehicles and drivers licensed by any other partner council whilst such a vehicle and/or driver are in the controlled district of the authorised officer.

The protocol is available for viewing at

<https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/taxis/drivers/>

Rushcliffe Council has adopted and maintain these arrangements.

10.3 Enforcement Penalty Points

The Council will operate a penalty point system of enforcement of specified minor breaches of conditions of licence or other unacceptable behaviour specified as part of this policy. The penalty point system will apply to drivers, operators and vehicles. The scheme is used as a formalised method of issuing warnings. It is also completely transparent in that every licence holder will know what penalty points to expect for a particular breach.

Points will be issued per incident and will accumulate on a licence until they reach the “trigger level”. At this trigger level, the licence holder will be referred to the Licensing Committee for the Panel to consider whether it is appropriate for the licence holder to remain licensed by the Council. The

Licensing Panel may determine that the licence should be suspended or revoked, or the Panel may choose to administer some other sanction at its disposal.

The scheme is designed to deal with minor breaches and not major concerns as to a driver's suitability. It is designed to alert the authority that a driver's conduct over a period of time is giving rise for concern. The trigger level will normally be 12 points in a rolling twelve month period. Licensing Enforcement Officers will be authorised to operate the scheme and issue points accordingly. The penalty point scheme is outlined in Appendix M.

10.4 Suspension of Licence

Where an individual failure in meeting the vehicle conditions is detected an authorised officer may take immediate action to suspend the vehicle licence and require remedial action. This requires the service of a vehicle defect notice and further use of the vehicle may be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and / or been passed as fit for use by the Council. Such defect notices will also be appropriately accompanied with a penalty point resolution.

In situations where there exists a serious risk to the safety of the public the Executive Manager Neighbourhoods, under delegated powers, is permitted to suspend the licence of a driver, vehicle or operator.

Where the Executive Manager Neighbourhoods is satisfied that a person is no longer a 'fit and proper' person or is in breach of a condition of licence, they may suspend a driver's licence for any specified period.

When considering the revocation of any licence, the Executive Manager Neighbourhoods will take into account all relevant facts and circumstances including the aims and objectives of this policy and the nature of the breach.

10.5 Refusal to Renew a Licence

The Executive Manager, Neighbourhoods, may decide that the appropriate action is not to renew the licence. In circumstances where an applicant has not provided all relevant information or documents or has failed to comply with any of the requirements to renew a licence, an authorised officer will be permitted to refuse to renew the licence.

The person applying for a licence will have the opportunity to appeal this decision to the Magistrates Court.

10.6 Prosecution of Licence Holders

The Council will prosecute licence holders for relevant offences in accordance with the Statutory Regulator's Code and the Corporate Enforcement Policy.

10.7 Appeals

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

10.8 Complaints

The Council has a procedure whereby the general public can submit complaints / concerns about licensed drivers and operators. This is accessible via the submission of a report form via the Council's website. In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account. In addition if anyone wishes to complain about the service provided by the Council there is a complaints procedure available on the Council's website.

Driver Licence Registration Process leading to an application

Rushcliffe Borough Council will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence. There is no statutory definition of what constitutes a 'fit and proper' person, however Rushcliffe Borough Council will take a number of factors into account, and set specific criteria for applicants, when considering a licence application. These factors and criteria are detailed below:

1. Applications will only be accepted from applicants that have held a full UK driving licence for at least one year. Applicants that hold full EU licences will have the length of time that they have held such licences taken into consideration, however holders of EU licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EU licence is exchanged for a full UK licence (as required by national legislation).

2. Applicants will be required to obtain an Enhanced Disclosure Certificate from the Disclosure and Barring Service. The contents of this certificate will be assessed in accordance with the council's policy on convictions in determining the fit and properness of the applicant. The applicant must also sign up to the Yearly update service provided by the Disclosure and Barring Service.

Licences will not be granted unless the applicant is able to provide at least five years UK address history except in the following cases:

- The applicant is able to provide a document from an EU member state, which is the equivalent of a UK issued Enhanced DBS Certificate;
- If this cannot be provided then an official document provided by the embassy of a non-EU member state will be acceptable, provided that the document can be verified and is comparable to a UK issued Enhanced DBS Certificate.

In either of the cases above, the onus is on the applicant to obtain such a document, and the applicant remains liable for all associated costs. DBS checks are required on application and then annually.

3. Applicants are required to pass the council's knowledge test. This test will assess the applicants knowledge and ability in relation to:

- Literacy and numeracy
- Road Safety
- Customer care / customer awareness
- Local knowledge/routes

A fee is payable by the applicant prior to them undertaking the test. If the applicant fails the test then they may retake it within the three month period. The applicant will be allowed to sit the test three times each time a fee is payable at the time of booking or prior to the test. However, if an applicant fails the test after retaking it for a third time they will not be permitted to take the test again until at least Six months has passed since the date of the most recent failure. In addition to the knowledge test, applicants will be required to demonstrate that they have abilities to speak English in such a manner that they can communicate with customers. The Council will make such arrangements for the testing of an applicant's ability to speak English as required on an individual basis and may make a charge for such a test.

4. Applicants are required to satisfactorily complete a driving test with the Councils tester or hold a current DSA driving certificate. Details of the test will be provided to the applicant by the Council.

5. All applicants must agree to the council verifying their DVLA driving licence, and will require the applicant to give their consent to such a check being carried out. These checks will be carried out on an annual basis. Any refusal at any time a licence is held without good cause, may result in the revocation of the said licence.

6. Applicants whose DVLA driving licence is endorsed with more than 12 penalty points will normally be refused, those with **7 or above** will merit further consideration.

7. Applicants are required to undergo a medical which meets "Group 2" standards with the current medical provider as designated by the Council. The Council must be satisfied that the applicant meets the "Group 2" standards. A medical to Group 2 standards will be required on first application and then every five years from the age of 45. On reaching the age of 65 a medical will be required annually and therefore a licence will only be issued on a yearly basis.

Note: The Council may also request a medical at any other time it feels may be necessary to ascertain a persons' fitness to drive a licensed vehicle or request the applicant to obtain any other medical history to ensure they are fit to drive be granted a licence

8. Applicants will be required to undergo Safeguarding Vulnerable passenger training before a licence is granted. The training will take place at the Councils' offices or at a neighbouring Council who provide the same training course or as directed. At the end of the training the applicant will be required to pass a test. Failure to pass the test will result in the applicant re-taking the test. Failing the test on three occasions will result in the registration/any application being refused. Each subsequent test after the initial test will require payment of an addition fee. All current drivers will also undergo the training, failure to attend training may require the licence to be suspended or revoked. The Council may also require a driver to undergo any revised safeguarding training when required.

Registration

You **must** produce the following in any order during the three month period:

1. An enhanced DBS Check (Disclosure and Barring Service). Use the guide to online disclosure found in Related Documents section.
2. Full UK drivers Licence held for at least a year
3. 2 current passport sized photographs
4. UK passport or right to work card/passport
5. National Insurance Number
6. Medical examination with Medigold (require eyesight test before attending) - 0115 9209901 - you will need to take the medical form with you to your appointment, found in the Related Documents section of this page. The fee is currently set at £75.00.
7. Driving test with Nottingham City Council. To book a test, please telephone - 0115 8761444 - the fee is currently £25.75
8. Safeguarding Course pass. Course information is found in the Related Documents section.
9. Two Character reference's (not from any employer)
10. Two utility bills to confirm address

11. Rushcliffe Borough Council Knowledge Test. A computerised test (maximum of 3 tests only) - £25.75 per test.

All of the above must be in place before the three month period expires - ***there are no refunds of any monies paid.***

In certain cases, applications may need to be referred to the Executive Manager Neighbourhoods. In these cases the Executive Manager Neighbourhoods make a decision on what length of licence to grant; or to refuse to grant a licence. This is usually if you have any conviction or police caution, reprimand or warning on your DBS record, but may also be for other reasons. The normal length of a drivers licence will be three years.

Once a licence expires, the applicant will be required to complete the renewal application.

Appendix B Disclosure and Barring Service Procedure

Rushcliffe Borough Council uses a third party, the GB Group, to obtain Disclosure and Baring Service check. Checks for Drivers will be of Enhanced level, for Private Hire Operators who are NOT drivers they will be the Basic check.

Initially drivers will be provided with the details of the DBS check process. The applicant will be required to register on the internet with the provider. Once they have registered they will then require to attend the Rushcliffe Community Contact Centre to complete the on line check ensuring they have the required identity documents. Once these have been verified at the RCCC payment of the current fee will be required by card, this fee is payable to the third party and not the Council.

Once the verification process is complete the third party will carry out the checks with the DBS, which includes checks with the Police. Once these are complete the third party notify the Council and the applicant will be sent a printed DBS disclosure certificate. If the certificate has content, i.e. previous convictions or other information the applicant must ensure it is handed to the Licensing Service. No licence will be issued without the Council having sight of the certificate. In the case of a DBS Certificate being clear of content the Licensing will be advised of this by the third party.

Once a DSB certificate is received the applicant must within 14 days subscribe to the DBS update service. This costs considerably less than a new DBS check and allows the Council to carry out the check immediately provide the applicant has authorised the Council to do so as part of the application process.

The Council requires all drivers to undergo a DBS check annually on the anniversary of the grant of the licence or upon renewal, or to subscribe to the DBS update service.

Rushcliffe Borough Council Hackney Carriage and Private Hire Convictions and Fitness Policy

1. Introduction

- 1.1 This policy provides guidance to the Licensing Committee (and its sub-committee) and Officers with delegated powers on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence. Any decision made by the Licensing Committee (and its sub-committee) and Officers with delegated powers will be made on the balance of probabilities and not beyond all reasonable doubt.
- 1.2 This Policy has been adopted from the Institute of licensing and a copy is available on the web site [https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf) and regard shall be had to IoL policy in making any decision.
- 1.3 In seeking to safeguard the public, the licensing authority shall seek to ensure:
- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II);
 - That the person does not pose a threat to the public;
 - That the public are safeguarded from dishonest persons;
 - The safety of children, young persons and vulnerable adults.
- 1.4 The term “Fit and Proper Person” for the purposes of licensing is not legally defined and in assessing whether someone may be “Fit & Proper” the Licensing Authority will consider the following, and take any other relevant information into account:
- Criminality;
 - Human Rights;
 - Period of holding a driver’s licence;
 - Number of endorsed driving licence penalty points;
 - Right to work;
 - Medical fitness;
 - Driving ability test;
 - The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of drivers hours;
 - The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process);
 - The previous licensing history of existing / former licence holders and any complaints made against them and investigated by any local authority licensing service.

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.

1.5 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's licence;
- Existing licensed drivers whose licences are being reviewed;
- The holders of Private Hire Operators licences;
- Licensing officers;
- Members of the licensing committee/sub-committee;
- Magistrates hearing appeals against local authority decisions.

1.6 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)].

1.7 In this policy the word "Conviction" is to be defined as including convictions, cautions, warnings, reprimands fixed penalty notices and other relevant information. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.

1.8 In this policy the word applicant refers to either new applicants or those existing licence holders who are seeking renewal, or when offences have come to light of existing licence holders.

2 General Policy

2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The Council may depart from this policy if good reasons exist. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

2.3 Outstanding Charges or Summonses:

If an outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application should normally be put on hold until proceedings are concluded or the licence may be refused.

2.4 Non-conviction information:

If an applicant has on one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

2.5 In assessing the action to take, the safety of the public must be the paramount concern.

2.6 Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by another local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation.

3. Powers

3.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if:

- the application/licence holder 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;
- or any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.

3.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will consider:

1. How relevant the offence(s) are to the licence being applied for
2. How serious the offence(s) were
3. When the offence(s) were committed
4. The date of conviction
5. Circumstances of the individual concerned

6. Sentence imposed by the court
7. The applicant's age at the time of conviction
8. Whether they form part of a pattern of offending
9. Any other character check considered reasonable (e.g. personal references)
10. Any other factors that might be relevant, for example:
 - (A) The previous conduct of an existing or former licence holder,
 - (B) Whether the applicant has intentionally misled the council or lied as part Of
 - (C) the application process, Information provided by other agencies / council departments.

It may also be appropriate to consider the sentencing powers engaged by the court in disposing of criminal proceedings and Judges reasons (obiter dicta) for coming to that decision.

- 3.4 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.
 - 3.5 Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the Licensing Service on 0115 981 9911 in confidence for advice. The Council will not be bound by any advice given and reserve its full powers.
 - 3.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense, or subscribe to the update service and also at other times as determined by the Council.
 - 3.7 The 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 Council or other licensing authorities, and information disclosed by the police.
 - 3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
 - 3.9 For renewal applications and current licence holders the guidance will not be applied retrospectively. The policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
 - 3.10 Any offences not covered by this Policy will not prevent the Council from taking into account the offences.
- 4 Policy on Immediate Revocation / Suspension of a Driver's Licence**

- 4.1 If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The interest of public safety is not defined and is for the Council to determine. However, regard will be had to any risks to public safety arising from concerns about the licence-holder's driving standards, his character including but not limited to dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.
- 4.3 Before reaching a decision, in most cases and where practical, the Council shall give the licence holder the opportunity to make representations as to whether or not the revocation/suspension will take immediate effect.
- 4.4 The overriding consideration shall always be the safety and protection of passengers and the general public.
- 4.5 Matters such as unemployment and home circumstances should not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.
- 4.6 Where the Council has decided that a licence-holder is no longer "fit and proper" to hold a licence, for reasons of public safety, the presumption will be that require the revocation of the licence shall have immediate effect.
- 4.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.
- 4.8 In all cases of revocation of a drivers or operator's licence the Authority will record it on a national database run by NAFN (National Anti-Fraud network) which is available to all subscribing Authorities.

4.9 Appeals

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77 (1)].

5. Considerations given to Offences

This section deals with the types of offences and applies to **new and renewal applications**, and upon **review** of a current licence.

5.1 Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

5.2 Unless there are exceptional circumstances a licence will **not normally** be granted where the applicant has a conviction for an offence such as:

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Kidnapping or abduction
6. Exploitation
7. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below and at least **10 years** have passed since the completion of any sentence and /or licence period:

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault Police
9. Common assault with racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Sex and indecency offences
14. Listed on the Sex Offenders register
15. Drugs/ supply or transportation
16. Hate crime against a person
17. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least **7 years** have passed since the completion of any sentence and/or licence period:

1. Racially-aggravated criminal damage
2. Racially-aggravated offence
3. Hate crime against property
4. Possession of a weapon
5. Dishonesty

6. Discrimination
7. Drink drive/ under the influence of drugs
8. No Insurance
9. Hackney or Private Hire offence connected to the use of the vehicle as a Hackney or private Hire
10. Major traffic offence whereby there is an injury to person or damage to any property
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least **5 years** have passed since the completion of any sentence and/or licence period:

1. Common assault/Battery
2. Assault occasioning actual bodily harm
3. Affray
4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S.4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.6 A licence will not normally be granted if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

5.7 In the event of a licence being granted, despite convictions against the Applicant, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

5.8 Possession of a weapon

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **3 years** must have passed since the completion of the sentence, before a licence is granted.

5.9 Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will **normally be refused a licence upon application, renewal or review.**

Such offences include:

1. Rape

2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.10 In relation to indecency offences, an applicant should be free of conviction for at least **5 years** (or at least **5 years** must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:

1. Making indecent telephone calls
2. Importuning
3. Indecent exposure
4. Soliciting (kerb crawling)
5. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.11 A licence will **not normally be granted** if an applicant has more than one conviction for an indecency offence.

5.12 In addition to the above the licensing authority will **not normally grant a licence** to any applicant who is currently on the Sex Offenders Register or any other similar register.

5.13 Dishonesty

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

5.14 In general, a minimum period of **3 years** free of conviction or at least **3 years** have passed since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

1. Theft
2. Burglary
3. Fraud
4. Benefit fraud
5. Handling or receiving stolen goods
6. Forgery
7. Conspiracy to defraud
8. Obtaining money or property by deception
9. Other deception

10. Taking a vehicle without consent
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.15 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence.

5.16 Alcohol and Drugs

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

5.17 In addition, the applicant will normally be required to show a period of **10 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

5.18 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

5.19 A licence will not normally be granted where the applicant has a conviction for offences related to the supply of drugs and has not been free of conviction for **10 years**.

5.20 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for **5 years**.

5.21 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last **3-5 years** may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

5.22 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment.

5.23 Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.24 Before a licence is granted, an applicant should be free of conviction for **10 years** (or at least **10 years** must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

1. Causing death by careless driving
2. Causing death by driving: unlicensed, disqualified or uninsured drivers.

5.25 Driving offences involving alcohol and/or drugs

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least **5 years** free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

- 5.26 More than one conviction for this type of offence or one such offence within the last **5 years** is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least **5 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

5.27 Appendix One sets out the traffic offences related to in this section.

5.28 Major Traffic Offences

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application the application will normally be refused.

- 5.29 In cases of disqualification at least **3 years** free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.

- 5.30 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than 2 years prior to the application.

- 5.31 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.

- 5.32 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.

5.33 A list of offences to which this section applies is attached as Appendix Two

5.34 Minor Traffic Offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be

taken into account. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months.

- 5.35 An application with a points total **above 7** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.
- 5.36 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.
- 5.37 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.
- 5.38 Where an existing licence holder is disqualified from driving the licence will normally be revoked by the Executive Manager Neighbourhoods under delegated powers.
- 5.39 A list of offences to which this section applies is attached as **Appendix Three**.

5.40 Totting Up Disqualifications

- 5.41 Where a number of traffic offences has resulted in a driver receiving **12 penalty points** or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a "totting-up" disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **12 months and 2 years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.
- 5.42 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

5.43 Hybrid traffic offences

Offences of the type listed in Appendix three will be treated as **major** traffic offences if the court awarded **4** or more penalty points for the offence and as **minor** traffic offences if the court awarded **3** or less penalty points for the offence.

- 5.44 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 5.46 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

5.45 Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for **3 years**. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be prevented on its merits.

- 5.46 At least **3 years** should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a HC or PH drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for **3 years**.

Appendix One

Endorsement codes and penalty points

Each endorsement has a special code and is given 'penalty points' on a scale from 1 to 11. You get more points for more serious offences.

The table shows the offence codes that can be put on your driving record. It also shows how many penalty points you can get for them. Some offences may also involve a disqualification.

Offence codes and penalty points must stay on your driving record for 4 or 11 years depending on the offence.

Accident offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

Disqualified driver

Codes BA10 and BA30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

Codes BA40 and BA60 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11

Careless driving

Codes CD10 to CD30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9

Code	Offence	Penalty points
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

Construction and use offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3 to 6

Reckless/dangerous driving

These codes must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11

Code	Offence	Penalty points
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Drink

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4

Drugs

These codes must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

These codes must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DG40	In charge of a vehicle while drug level above specified limit	10

Code	Offence	Penalty points
DR90	In charge of a vehicle when unfit through drugs	10

Insurance offences

Code IN10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

Licence offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been cancelled (revoked) or refused on medical grounds	3 to 6

Miscellaneous offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6

Motorway offences

Code MW10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian crossings

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

Speed limits

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Traffic direction and signs

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Special code

Code TT99 must stay on a driving record for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

Theft or unauthorised taking

Code UT50 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11

'Mutual recognition' codes

You'll get an 'MR' code on your driving record if you're disqualified while driving in Northern Ireland or the Isle of Man. Your disqualification period will also be valid in GB and will stay on your record for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your driving record if you have helped someone to do this.

Causing or permitting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your driving record if you've incited someone to do this.

Appendix D Private Hire and Hackney Carriage Drivers Conditions

1. Standard of Service

During the period of the licence the driver shall at all times:

- (a) Be clean and tidy in both appearance in dress and person and shall behave in an orderly and civil manner towards every person seeking to hire, or hiring or being conveyed in the vehicle
- (b) Afford all reasonable assistance with luggage and be polite and civil.
- (c) Wear at all times when on duty, the drivers badge issued by the Council, in a prominent position when driving the vehicle, so it can easily be seen by the passenger.
- (d) Ensure that when a vehicle has been hired to attend at an appointed time and place the driver shall, unless delayed or prevented by sufficient cause, attend punctually and provide a receipt if requested.
- (e) Ensure that any property left in a vehicle is taken to your Operator to make all relevant enquiries to reunite it with the owner.

2. Personal Conduct

- (a) It will be the responsibility of the driver to ensure that all current legislation is complied with in respect of the wearing of seat belts as per the Highway Code. Private Hire Drivers are not exempt Seat belts when not hired or personal use.
- (b) The driver shall not, without the consent of the hirer, drink, eat or permit noise to be emitted by any in car entertainment unit to the annoyance of the hirer. Drivers are not allowed to eat or drink whilst the vehicle is moving and under their control.
- (c) The driver shall not, except with the consent of the hirer, play any radio or sound reproducing equipment in the vehicle. In addition they will not cause or permit any radio or sound reproducing equipment installed in the vehicle to be a source of nuisance or annoyance to any persons whether inside or outside the vehicle.

3. Notifications

A driver must inform the Council of the following in writing within the following periods:

- (a) A change of address shall be reported in writing within 7 days.
- (b) Any convictions for any offence incurred by him during the period of the licence reported in writing within 7 days (this includes fixed penalty ticket offences warnings and cautions or speed awareness course).
- (c) The details of any road accident in which a licensed vehicle has been involved in shall be reported in writing or by e mail within 48 hours to the Council.
- (d) A change of Private Hire Operator shall be reported in writing within 7 days.
- (e) Where a licence holder has been subject to arrest by the Police or Immigration Service they for any matter they must inform the Council within 48 hours.

4. Return of Drivers Badge

- (a) A driver must return his drivers badge to the Council as soon as the licence ceases to be in force.

5. Hiring's - Private Hire Vehicles

The driver of a Private Hire Vehicle shall not ply for hire or otherwise:

- (a) Tout or solicit on a road or other public place any person to hire or to be carried for hire in any Private Hire Vehicle.
- (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 any Private Hire Vehicle.
- (c) Offer the vehicle for immediate hire while the driver or that vehicle is on a road or public place.
- (d) Accept an offer for the immediate hire of the vehicle whilst on a road or other public place except when such offer is FIRST communicated to the driver by telephone or other means fitted to the vehicle.
- (e) Shall not demand from any hirer of a Private Hire Vehicle without a meter, a fare in excess of any previously agreed for that hiring between the hirer and the Operator.

6. Licence

- (a) The driver shall deposit his Private Hire/Hackney Carriage drivers licence with the Private Hire Operator with whom he is currently working. On leaving the operator this must be collected by the driver and shown to the licensing authority before a new operator will be accepted.

7. Penalty Points Scheme

- (a) Without prejudice to any other course of action available to the Council, Penalty Points may be issued in accordance with the Council's policy.

8. Destination

- (a) The driver of a Hackney Carriage or Private Hire Vehicle when hired to drive to any particular destination shall not, without reasonable cause, unnecessarily prolong in distance or in time the journey for which the Hackney Carriage or Private Hire Vehicle has been hired.

9. Renewal/Application processes

- (a) During the term of a three year licence the driver will undergo annual Disclosure and Barring Service (DBS) and Driver and Vehicle Licensing Agency (DVLA) checks and the licence holder will be required to carry out one of the following:

Must subscribe to the DBS Update Service to enable the Council to carry out the appropriate annual check.

Failure to comply with this requirement will result in the suspension of the licence until the result of such a check has been received, on the grounds that the Council cannot be satisfied that the driver is a fit and proper person.

10. Safeguarding Training

- (a) All applicants and licenced drivers must complete Children's Safeguarding Training and pass the associated test.

- i. New applicants for a drivers licence must complete the training and pass the associated test as part of the initial application process. Failure to do this will result in the application being refused.
- ii. In the case of a renewal application the licenced driver must complete the training within a 12 month period from the date of renewal. Failure to complete the training in the case of a renewal application for a current licence will result in the suspension of the licence until the training has been completed and the associated test passed on the grounds that the Council cannot be satisfied that the licence holder is a fit and proper person.
- iii. Any applicant or current driver will be allowed up to three attempts to pass the test. Each additional training session and test will attract an additional fee. Should the applicant/driver fail all three tests a decision will be made as to whether the applicant is a fit and proper person to hold a licence.

11. Penalty Points Scheme

- (a) The Council operates a Penalty Points Scheme to raise the awareness of conditions amongst licensed drivers and also assist in the enforcement of the conditions attached to licences and other matters. The scheme will apply to drivers, vehicles and operators and should a breach of a condition or other matters be detected, points may be issued against the licence holder, up to a maximum of 12 points in a calendar year. Should a licence holder accrue 12 points or more in a 12 month period you may be required to attend a hearing of the Licensing Committee who will review the status of your licence. You will be informed in writing of any points awarded against you and why they have been issued.

12. Drug / Alcohol / Vision Testing

To provide equity with drivers of other forms of public transport, the Council will conduct drug/alcohol/eyesight tests on drivers on an intelligence led and random basis. Selected drivers/applicants will be expected to either submit to any test deemed appropriate by the Licensing Service or to attend a medical practitioner chosen by the Council and submit to any test deemed appropriate. Positive test results or failing to comply with the test request may result in suspension or revocation of the licence.

FAILURE TO COMPLY WITH THE CONDITIONS SET OUT IN THIS DOCUMENT MAY RESULT IN PENALTY POINTS BEING AWARDED AGAINST YOU OR YOUR LICENCE BEING SUSPENDED OR REVOKED

Appendix E Vehicle Application Procedure (including renewal applications)

Applications for vehicle licences will only be accepted in relation to vehicles that comply with:

1. Rushcliffe Borough Council's specification for private hire vehicles, or hackney carriages (as appropriate), and
2. Rushcliffe Borough Council's Vehicle Age and Emissions Policy.

In making an application for a vehicle licence, applicants must submit the following:

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle;
- The original insurance certificate or insurance cover note for the vehicle for every inspection booked. (No weekly cover notes accepted)
- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office. The vehicle must be submitted for examination at the council's nominated inspection facility. This inspection will include an assessment of the vehicle's mechanical and aesthetic condition, and will exceed the MOT standards set by the Driver and Vehicle Standards Agency. The inspection is intended to assess the vehicle for licensing suitability. The council will not issue an MOT certificate for the vehicle that will be the responsibility of the applicant to obtain at his own cost.

Vehicles subject of a write-off of any sort will not be considered for a licence. The Council may require a HPI check of any vehicle which is intended to be licensed to ensure such vehicles are not granted a licence.

Private Hire vehicles will be issued with a 12 month licence, for vehicles under the age of five years, in the case of Hackney Carriages a 12 month licence will be issued for vehicles under the age of seven years.

Private Hire Vehicles older than 5 years old and Hackney Carriages older than seven years old on the day that licence is granted will only be granted a 6 month licence.

The person presenting the vehicle for inspection must submit to the vehicle inspector all necessary documents before the start of the vehicle examination.

Once the vehicle has been inspected, the inspection facility will confirm to the Licensing Office that a licensing inspection has taken place, and the result of that inspection. This may be done by supplying the vehicle proprietor and the Licensing Office with the appropriate confirmation documentation. This documentation must indicate to the proprietor of the vehicle:

- if the vehicle "passed" or "failed" the inspection,
- what point(s) the vehicle failed on (where a failure is given),

Where a vehicle fails an inspection, the inspector must supply the proprietor and licensing officer with sufficient documentation to indicate what faults exist on the vehicle and are required to be rectified to enable the vehicle to pass a re-test (including body damage / dents / scratches or damage to fabrics / missing plates, notices or door signs). This document must be supplied to the proprietor of the vehicle at the end of that test inspection. A re-test of the vehicle will not be permitted until at least 48 hours have lapsed. All Comments made on the MOT certificate must be rectified before the test.

Once a successful test has been completed the applicant will attend the Rushcliffe Community Contact Centre in order to obtain the vehicle licence and plates. Once the vehicle licence has been issued, only licensed drivers will be permitted to drive the vehicle.

Where an application has been made for a vehicle licence to be renewed, upon testing at the Councils designated garage, the previous plates **WILL** be removed by the driver at the time of collection and replaced with the new plates straight away. The Old plates will subsequently be disposed of by the Council.

1. Standard of Vehicle

The interior and exterior of the vehicle shall be maintained in a clean and safe manner to the reasonable satisfaction of the Council, in particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The seats shall be required to function in accordance with the original manufacturer's specification.

2. Emission standards

The Council have adopted similar standards for both Hackney Carriage and Private Hire vehicles. See section 6.3 Emissions and Age of Vehicles for further details

Any NEWLY LICENCED vehicle will not be able to be licensed with the Council unless its date of first registered as stated on the DVLA V5 document, is after 01.01.2011. This coincides with euro standards improvement. Vehicles registered before this date will not be able to be licensed for the first time.

For existing vehicles already licensed by the Rushcliffe Council that have a date of first registration before 1/1/2011, the Council will continue to license up to the age limit in place.

The Council will apply an age limit and will not license any vehicle older than 12 years old from the date of first registration at the time of application. Any vehicle applying nearing this age limit will have a license up to the age limit and not exceeding the age limit.

The only exception to the above will be Minibus type vehicles which are wheelchair accessible which will have an age limit of 14 years from the date of first registration or at the discretion of the Licensing Officer ULEV types.

The Council will in, addition reserve the right to revoke a vehicle licence if after testing by a Council approved garage fails emission tests.

3. Engine specifications

The vehicle will normally have a 1600cc minimum engine capacity, however to reflect advances in modern engine efficiency and the fact that the BHP (Brake Horse Power) produced by engines as a ratio to the capacity is now more efficient, vehicles that meet the following criteria will also be permitted. This allows for smaller engines (less than 1600cc) with turbines which are more fuel efficient rather than some of the larger cubic capacity engines. Vehicles less than 1600cc will be excepted providing they are not less than 90 BHP or 67.1KW (this can be found on the vehicle log book V5 under reference P2). The authority welcomes vehicle powered by other sources of sustainable motive power, subject to research into the vehicle meeting all other criteria.

4. Inspection

The vehicle can be inspected at all reasonable times by an authorised officer of the Council or any Police constable, who, if not satisfied as to the condition or appearance of the vehicle, may immediately suspend the vehicle's licence and inform the Proprietor in writing of the reasons for the suspension. A spot check may be carried out at any time by an authorised officer.

5. Insurance

The proprietor shall maintain in force a full policy of insurance which complies with Part VI of The Road Traffic Act 1988.

6. Licence Plates

- a. All plates, signs, etc. remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension of a vehicle, when the licence is surrendered or the licence has expired.
- b. Plates must be affixed to the vehicle exterior by the plate holder which can be purchased from the call centre. The small plate is affixed to the front bumper or valence and should be placed towards the nearside of the car in a vertical position so it can be viewed by customers and authorised officers. The rear plate (larger plate) must be affixed to the rear by the means of a bracket. It must be fitted so it can be viewed unhindered by the public and authorised officers.
- c. Hackney and private hire vehicles will also be required to place an A3 size representation of the vehicle plate must be affixed by the plate adhesive to the front offside & nearside door panels, for hackneys this will replace the triple 'R' logo.

7. Number of Passengers

The licence holder/driver shall not permit a private hire vehicle to carry a greater number of passengers than the number allowed by the licence. For the purpose of this condition two children each under the age of 12 shall be treated as one person, provided that no more than four such children shall be so treated for the purpose of one journey.

8. Signage

Hackney Vehicle Markings

On hackney carriage vehicles, with roof signs, the roof light must be extinguished when the fare meter is in use.

Private Hire Vehicle Markings

A private hire vehicle must not carry any roof sign or any markings that might give the impression that it is a hackney carriage.

Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab" or "hackney carriage" the use of which is not permitted.

No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle.

These conditions will not apply if the vehicle is also licensed as a hackney carriage.

9. Trailers

Licensed Vehicles will not be permitted to tow any trailer whilst working as a Private Hire vehicle or Hackney Carriage.

10. Tinted windows

The windows or windscreen of any vehicle shall not have been treated so that less than 70% of light is transmitted through it.

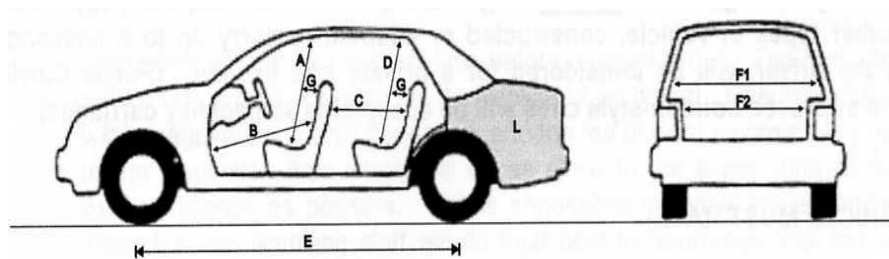
11. Unauthorised use

The proprietor of a private hire vehicle or hackney carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current private hire or hackney carriage driver's licence, as appropriate, as issued by the Council.

Private Hire Vehicle Standards Vehicle Specification

The information set out below will give the applicants a guide when selecting a vehicle to be licensed.

In addition, the following should apply: -



A	93cm/36" min.	Cushion not compressed.
B	96cm/37" min.	Seat fully rearwards.
C	61cm/41" min.	Front seat fully rearwards.
D	84cm/33" min.	Cushion not compressed.
E	245cm/96" min.	Wheelbase
F1	133cm/52" min.	Interior width between doors
F2	122cm/48"	Between armrests
G	25cm/10"	Point of measurement parallel with squab
L	0.43m ³ /15ft ³ min.	Luggage capacity (hard luggage)

All saloon vehicles must have four doors and access from doors to seats must be direct, without having to fold or move seats to gain access.

The vehicle must have 4 roadworthy wheels and tyres and carry at least one spare wheel if supplied with the vehicle from new, fitted in a suitable wheel well. , a jack and brace, all securely stored in a position not liable to damage passengers' luggage. Most new vehicles are now supplied with a space saver, sealant, or run flat tyres (these are temporary repairs to get you home) Not to be used for a second fare.

Remould tyres are not accepted or part worn tyres

The vehicle must be equipped with near-side and off-side exterior rear view mirrors.

The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, confirmation to BS5423 dry powder or CO₂. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.

All vehicles must have a current MOT certificate which must be produced before a licence is issued, unless the vehicles are brand new.

All licensed vehicles must be fitted with rear seat belts.

The vehicle must be of a single colour.

Stretched Limousines

All applications to licence stretched limousines as private hire vehicles will be treated on their merits.

In the case of a first application for a vehicle licence, be in excellent condition as befits a Special Occasion Vehicle. The age of the vehicle will be taken from the vehicle registration document or in the case of imported vehicles from the relevant importation certificates but will not be material matter for this type of vehicle.

All vehicles must either meet the European Whole Vehicle Approval standard or the M.1. Passenger Vehicle requirements or have a Single Vehicle Approval Test Certificate issued by the Vehicle Inspectorate Executive Agency. If the vehicle was imported prior to the SVA certification, then the decision as to its suitability shall be that of the Council's Inspector.

The vehicle is to provide at least two doors for the use of passengers conveyed in the vehicle neither being the door used by the driver.

No vehicle to be licensed which would require any passenger to climb over any seat to enter or egress from any seat they may occupy or that would require them to climb over any luggage in the vehicle.

Luggage space is to be a minimum of 0.5 cubic metres, and be physically separated from the passenger seating or sited at the rear of the vehicle.

OTHER VEHICLES

The Council will consider other types of vehicle to be licensed as private hire, each on its own merits.

Hackney Carriage Vehicle Specification

All licensed Hackney Carriage vehicles which are going to operate within the Rushcliffe area must be either of a type currently approved by the London Public Carriage Office i.e. a London style cab, or meet the following specifications:

1. The vehicle must have as a minimum requirement British Type UK Low Volume National Type

Approval as issued by the Department of Environment, Transport and the Regions Vehicle Certification Agency.

The Licensing Service must be furnished with a copy of the above Type Approval Certificate for the vehicle licensed.

2. The vehicle shall be painted in one colour of the manufacturer's standard black.
 - a. The vehicle shall have the Rushcliffe Borough Council logo displayed and centralised on both front doors and not obscured by any other panels or advertisements.
 - b. The vehicle shall be fitted with yellow handrails and where appropriate yellow seat inserts as recommended by the Disabled Persons Transport Advisory Committee.
3. The vehicle shall not be fitted with a front passenger seat and will have a privacy panel fitted between the driver and the rear passengers.
4. The minimum entry door aperture must be 0.75 metres.
5. Wheelchairs and ramps:
 - a) The vehicle must be supplied with suitable wheelchair ramps and be capable of safely carrying a passenger while they remain seated in their wheelchair.
 - b) The ramp must be lightweight and easy to deploy.
 - c) On level ground the ramp will have a maximum gradient of 20% in the fully deployed position and have a minimum safe working load of 250kg.
 - d) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
 - e) The wheelchair internal anchorage must be of the vehicle manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
 - f) A suitable restraint must be available for the occupant of a wheelchair.
 - g) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper; and ramps and lifts must be securely stored in the vehicle before it may move off.
 - h) Ramps which are not permanently fitted to the vehicle must be marked with a permanent paint or marker. The vehicle plate number and must have the safe working load marked on the ramps.
 - i) Vehicles fitted with slide in ramps must write with a permanent paint or marker. The vehicle plate number and must have the safe working load marked on the ramps.

- j) The driver must be proficient in loading and unloading a wheelchair and be able to demonstrate the ability to secure a wheelchair
- k) All drivers of wheelchair accessible vehicles must:
- be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle;
 - before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied;
 - ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with the relevant regulations.
6. If the vehicle is fitted with a purpose designed wheelchair lift, it shall conform to the LOLER 98 Regulations and a report, confirming that the lifting equipment is safe to use, shall be presented at the time of vehicle inspection (i.e. a valid LOLER certificate).
7. The maximum passenger seats must not exceed seven. Appropriate swivel seats will be allowed in the rear of the vehicle.
8. The vehicle must comply with Vehicle Inspectorate MOT Testing requirements and the Council's Criteria for Vehicle Inspection.
9. The rear door(s) to the vehicle must not allow access for customers unless for wheelchair use. Access and egress from the vehicle will normally be by way of side opening doors. The rear opening door(s) shall only be used for access to the luggage storage area of the vehicle and for wheelchair disabled passengers.
10. The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, confirmation to BS5423 dry powder or CO₂. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.
11. A fares meter ("the meter") must be fitted and be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure and easily visible to passengers.

The meter and all fittings shall be affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

The meter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. The dial of the fares meter shall 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 Licensing Act 1957 and also at any time at the request of the hirer.

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

If the meter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the Council and the owner/ operator will make arrangements for resetting and resealing to be made. When resealed the owner operator will produce the certificate of conformity to the police and keep a copy in their vehicle to be viewed by an authorised officer.

The vehicle meter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than fixed by this Council in connection with the hire of hackney carriages. In the event of such a journey commencing in but ending outside the district there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of hackney carriages.

Section 166 of the Equality Act 2010 allows the licensing authority to exempt drivers from duties to assist passengers in wheelchairs if their medical grounds allow this, or the driver's physical condition makes it impossible or unreasonably difficult to comply with the duties.

Appendix G Private Hire Vehicle Conditions

Definitions

1. "the Council" means the Council of the Borough of Rushcliffe.

"the identification plate" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.

"the operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

Drivers

2. The driver shall not cause or procure or permit any other person to drive a licenced Hackney Carriage of which he is in charge unless they are a licensed driver by Rushcliffe Borough Council.

Personal Conduct

3. The licence holder shall at all times when the vehicle is available or being driven for hire ensure that the driver is both clean and respectable in his dress and person, shall behave in an orderly manner and conduct himself with civility and propriety towards every person seeking to hire, or hiring or being conveyed in the vehicle.

Identification plates

4. The licence holder/driver shall not conceal either the exterior identification plates of the private hire vehicle or the details marked thereon, or the interior display of the private hire vehicle licence numbers from public view, and will keep the identification plate and the interior display in a clean condition. Plates will be displayed on both the front and rear of the vehicle unless an exemption letter has been issued by the Council.

Licence

5. The licence holder shall deposit his licence issued by the Council with the Private Hire Operator for which the vehicle is being used during the time it is so used for that operator. At the termination of employment the operator must return the licence to the driver. It is the driver's responsibility to inform the Council of a change of operator.

Hirer's property

6. The licence holder/driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the private hire vehicle for any property which may accidentally have been left therein.
7. The licence holder/driver of a private hire vehicle shall if any property is accidentally left in the vehicle by any passenger and is found by or handed to him, take it, as soon as possible and in any event within 24 hours (if not claimed by or on behalf of its owner before then), to

make rigorous enquiries to return the property to its owner. The Operator must keep a record of the items;

- I. the vehicle plate number,
- II. the driver
- III. time found
- IV. Date found
- V. Description of the item.

Any bank cards or similar, driving licences, and passports must be returned to the issuer as soon as practicable.

Passengers

8. The licence holder/driver shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers carried in the vehicle and any persons entering or leaving the vehicle.
9. The licence holder/driver shall allow only one passenger to be carried in the front of the vehicle next to the driver.

If the driver doesn't provide the correct child car seat, children can travel without one - but only if they travel on a rear seat:
and wear an adult seat belt if they're 3 or older, without a seat belt if they're under 3

10. The licence holder/driver shall not permit a private hire vehicle to carry a greater number of passengers than the number allowed by the licence. For the purpose of this condition two children each under the age of 12 shall be treated as one person, provided that no more than four such children shall be so treated for the purpose of one journey.
11. The licence holder/driver shall not allow any child under the age of 12 years to be a passenger in the front of the vehicle without the prior written consent of an Authorised Officer of the Council.

Animals

12. The licence holder/driver shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer and such an animal shall only be conveyed in the rear of the vehicle. Guide Dogs and Assistance Dogs must always be permitted to be carried in the vehicle except when the driver holds an exemption certificate which has been issued under the Equality Act 2010.

Receipts

13. The licence holder/driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid. The receipt must have the drivers name and the name of the hiring company

Touting etc.

14. The licence holder/driver shall not while driving or in charge of a private hire vehicle:
- (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
 - (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 private hire vehicle.

In this condition: "road" means any highway and any other road to which the public has access including bridges over which a road passes.

Cheques/Payment

15. A licence in respect of which the licence fee has been paid by cheque or other method shall not be effective until the payment has been cleared.

Executive Plates

16. Where executive plates have been issued to a vehicle these will be either displayed on the vehicle or kept in the vehicle together with the letter from the Council giving exemption from displaying such plates. Executive plates are issued to vehicles that out specific types of work and not normal private hire journeys. The applicant will be required to show the type of work undertaken in order the executive plates are issued. If a vehicle having been issued with executive plates is found to be carrying out normal private hire work and not specific executive work, the plates will be removed and the driver will be required to pay for a new set of standard private hire plates.

Hire/Rental Companies

17. Where the vehicle is the property of a hire/rental company, the company must inform the Licensing Service of the Council to whom the vehicle has been hired or rented to at all times. This should be done by email to licensing@rushcliffe.gov.uk Plates should be returned to the Council after the hire period has ended.

Advertisements

18. No advertisements will be placed on the vehicle without the prior consent of the Council. Applicants should refer to Appendix J for full details.

Fire Extinguishers/First Aid

19. The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, confirmation to BS5423 dry powder or CO2. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.

Failure to comply with conditions

Failing to comply with any of the above conditions may result in the licence holder/driver having penalty points awarded against him in accordance with the Council's Penalty Points Scheme or other action being taken which may include the suspension or revocation of the licence.

Appendix H Hackney Carriage vehicle conditions

1. Definitions

- a) "the Council" means the Council of the Borough of Rushcliffe.
- b) "the identification plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.
- c) "the operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.
- d) "the proprietor" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
- e) "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

2. Drivers

The driver shall not cause or procure or permit any other person to drive a licenced Hackney Carriage of which he is in charge unless they are a licensed driver by Rushcliffe Borough Council.

3. Personal conduct

The driver shall at all times when the vehicle is available or being driven for hire be clean and respectable in his dress and person, shall behave in an orderly manner and conduct himself with civility and propriety towards every person seeking to hire, or hiring or being conveyed in the vehicle.

4. Identifications plates/signs

- a) The licence holder/driver shall not conceal either the exterior identification plate of the Hackney Carriage or the details marked thereon, or the interior display of the Hackney Carriage licence from public view, and will keep the identification plate and the display in a clean condition. Plates will be displayed on both the front and rear of the vehicle and on the interior.
- b) All Hackney Carriages will display the Vehicle plate vinyl on both the drivers and passenger front doors it must remain visible at all times and shall not be obstructed by other signs.

5. Hirer's property

- a) The licence holder/driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the private hire vehicle for any property which may accidentally have been left therein.

The licence holder/driver of a private hire vehicle shall, if any property is accidentally left therein by any person who may have been conveyed in the vehicle and be found by or handed to him carry it, as soon as possible and in any event within 24 hours (if not claimed by or on behalf of its owner before then), to make rigorous enquiries to return the property to its owner. The Operator must keep a record of the items;

- I. the vehicle plate number,
- II. the driver
- III. time found
- IV. Date found
- V. Description of the item.

Any bank cards or similar, driving licences, and passports must be returned to the issuer as soon as practicable.

6. Passengers

- a) The licence holder/driver shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
- b) The licence holder/driver shall not allow any passenger to be carried in the front of the vehicle beside the driver.
- b) The licence holder/driver shall not permit a hackney carriage to carry a greater number of passengers than the number prescribed in the licence; for the purpose of this condition two children each under the age of 12 years shall be treated as one person provided that no more than four such children shall be so treated for the purpose of one journey.

d) No person will be conveyed in the front seat of any Hackney Carriage at any time..

8. Animals

- a) The licence holder/driver shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer and any such animal shall be conveyed in the rear of the vehicle.
- b) Guide Dogs & Assistance dogs must always be permitted to be carried in the vehicle except when the licence holder holds an exemption certificate.

8. Receipts

The licence holder/driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid. The receipt must have the drivers name and the name of the hiring company

9. Fares

The licence holder/driver shall not demand a fare in excess of that prescribed by the fare table issued by the Council **unless previously agreed** between the hirer and the operator at the time of booking.

10. Taximeters

The vehicle will be fitted with a taximeter:

- a) The licence holder/driver shall not cause the fare recorded thereon to be cancelled until the hirer has had a reasonable opportunity of examining it and has paid the fare.
- b) The licence holder/driver shall ensure that when the vehicle is not hired the key is to be locked and machinery kept inactive and the meter must show no fare at that time.
- c) The licence holder/driver shall ensure that the taximeter is sufficiently illuminated that when in use it is visible to all passengers.
- d) The licence holder/driver shall ensure that the fare or charge shall be calculated from the point in the District at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the completion of his journey.
- e) The licence holder/driver shall ensure that the taximeter is only brought into action at the commencement of the hirer's journey. If the meter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the Council and the owner/ operator will make arrangements for resetting and resealing to be made. When resealed the owner operator will produce the certificate of conformity to the police and keep a copy in their vehicle to be viewed by an authorised officer,

11. Fare Tables

The licence holder/driver shall ensure that the fare table is not concealed from view or rendered illegible while the vehicle is being used for hire.

12. Cheques/Payments

A licence in respect of which the licence fee has been paid by cheque or other method shall not be effective until the payment has been cleared.

13. Hire/Rental Companies

Where the vehicle is the property of a hire/rental company, the company WILL inform the Licensing Service of the Council to whom the vehicle has been hired or rented to at all times. This shall be done in writing or by e mail to licensing@rushcliffe.gov.uk

14. Use of Hackney Carriages outside the Rushcliffe Area

Where a Hackney Carriage is being used as a Private Hire Vehicle out of the Council's area, the Hackney Carriage proprietor must inform the Council of the name of the Private Hire Operator for whom the vehicle is working.

15. Advertisements

No advertisements will be placed on the vehicle without the prior consent of the Council. Applicants should refer to Appendix J for full details.

16. Fire Extinguishers/First Aid

The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, confirmation to BS5423 dry powder or CO₂. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.

Failure to comply with conditions

Failing to comply with any of the above conditions may result in the licence holder/driver having penalty points awarded against him or other action including suspension or revocation of the licence.

Appendix I Vehicle Testing requirements

HACKNEY & PRIVATE HIRE VEHICLE INSPECTION CHECKLIST (WITH EXPLANATORY DETAILED NOTES)

1. Engine Compartment

- a) Inspect for oil leaks.
Check for the loss of oil, either from engine or transmission, causing contamination to the road surface, or constituting a fire risk.
- b) Check battery security/ position and loss or damage to wiring.
Ensure battery security in the event of a collision the battery would not become dislodged or spill acid causing contamination.
Inspect for insecure or damaged wiring that will constitute a fire risk.
Ensure that all ancillary electrical equipment is fused at the power supply.
- c) Check rubber/plastic hoses for leaks or signs of perishing.
Ensuring all coolant and high pressure hoses are intact and do not constitute a safety risk.
- d) Check engine mountings, inner wings, panels and suspension mountings for corrosion.
Ensure all engine suspension mountings are intact and secured safely to the inner panels of the engine compartment.
- e) Check the cooling radiator and inter-cooler are securely positioned and there are no leaks.
Ensure both radiator and the inter-cooler mountings are secure and intact and there is no deterioration of components likely to cause a safety risk.
- f) Check the clutch and brake cylinders for leakage.
Ensure there are no obvious signs of hydraulic fluid leaks from cylinders/chambers or any other associated brake/clutch component.
- g) Check clutch operation.
Ensure clutch operation is smooth without vibration or judder.
- h) Chassis and underside of the vehicle to be steam cleaned.
Ensure the underside of the vehicle is presented in a clean condition for inspection.

2. Exterior

- a) Check bodywork for evidence of corrosion, damage or unsatisfactory repairs.
Ensure body panels do not have corrosive deterioration or are rusted through, and any repaired panels are repaired to a satisfactory standard and are finished off to blend with the existing body colour.
- b) Check to ensure that all doors open and close easily and rubber seals are in good condition.
Ensure the security of all doors, locks, hinges and catches and ease of access plus no obvious sign of weather seal deterioration.
- c) Check paintwork for damage which affects the appearance of the vehicle.

The appearance should be of a high standard that reflects the image of the Council.

- d) Check to ensure front and rear number plates are in good condition and clearly legible and they meet the statutory requirements for text type and spacing.
- e) Check to ensure all lights work correctly including the number plate light, reversing light and fog lamps.
As per MOT Test requirements no more than two auxiliary spot lights may be fitted.
- f) Check to ensure exhaust system/catalyst is fitted correctly and is working satisfactorily.
As per MOT Test requirements check Co2 emissions.
- g) Check exterior/mirror assemblies are correctly positioned and are not damaged.
As per MOT Test requirements.

3. Interior

- a) Check interior of vehicle and luggage space is clean and in good serviceable condition. Upholstery/trim is in a clean and undamaged condition, with the interior being free from litter and clutter. Ensure floor covering is in serviceable condition no holes, tears or snags. Luggage space is to be clear, clean and unobstructed.
- b) Check under mats for evidence of water leakage or accident damage.
Ensure there is no water ingress both in the passenger or boot compartments, or any evidence of impact damage.
- c) Check seats are in good condition.
Ensure all seat interiors are in a sound and serviceable condition with operational seat adjustment mechanisms (if fitted).
- d) Check seat belts, mountings condition and operation of all seats.
As per MOT Test requirements.
- e) Check interior and door courtesy lights work.
- f) The vehicle must have an efficient fire extinguisher fitted in such a position to be readily available for use. The capacity should not be less than 3 pounds (1.361kg) BCF, and conform to BS5423 dry powder or CO₂. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.
- g) Check all internal switches operating lights, wipers, and washer's etc. work correctly.
As per MOT requirements.
- h) Check that all the windows can be lowered and raised easily and give maximum ventilation. Ensure rear windows which are tinted are not of an opaque design (Original equipment only excepted unless an executive vehicle).
- i) Check that all doors open correctly and that the doors are correctly fitted.
Ensure all operating doors open correctly from the inside and with sufficient access.

- j) Check luggage space for water penetration and cleanliness.
As per item 3(b).
- k) Check radio/PDA for secure fitting.
Ensure radio and communication equipment is securely fitted with wiring fused as required.
- l) Check the fittings of grills behind rearmost seat in estate cars.
Ensure security of dog grill to the rear load space area (estate cars only).
- m) Check windscreen for damage and stickers etc. in accordance with MOT standards.
As per MOT Test requirements.
- n) Check that the Vehicle Identification Number is legible and secure.
As stated.
- o) No unauthorised advertising whatsoever on or in the vehicle.
As stated.

4. Tyres

- a) Check all tyres, including the spare for damage or extensive wear, giving indication of % in mm of tread remaining.
As per tyre legislation and MOT requirements.
- b) Check tyres have correct pressures and comply with all legal requirements for tyres when fixed to vehicles. As per legal requirements.
- c) Check that remoulds are not fitted.

5. Underside of Vehicles

- a) Check that exhaust is correctly fitted and working correctly. As per MOT Test requirements.
- b) Check engine and gearbox mountings for security. As per MOT Test requirements.
- c) Check wheel bearings, swivel pins and bushes. As per MOT Test requirements.
- d) Check Shock Absorbers. As per MOT Test requirements.
- e) Check universal joints/drive shafts. As per MOT Test requirements.
- f) Check for excessive oil leaks. As per section (a) item (a).

6. Braking Systems

- a) Check for condition and performance of service brake system.
As per MOT Test requirements.

- b) Check for condition and performance of parking brake system (Mechanical/electrical operations). As per MOT Test requirements.

7. Rolling Road Test

- a) Check for vibration through steering column.
Ensure there is no excessive rolling vibration through the steering or transmission.
- b) Check that steering does not pull to the right or left.
Ensure vehicle drives in a straight line, does not steer over to left or right.
- c) Check that brakes do not pull to left or right.
As per MOT Roller Brake Test results.
- d) Check engine performance i.e. misfires/lack of power.
Ensure engine performs satisfactorily for the vehicle size.
- e) Check for satisfactory emission levels from vehicle exhaust.
As per MOT Test requirements.
- f) Check for unusual noise from engine/transmission.
Ensure engine/transmission and exhaust noise levels are not excessive.
- g) Check braking efficiency. As per Section (6) Item (a-b).

8. Signs/Plates

- a) Hackney Carriage signs
Check roof mounted signs and ensure the size and design complies with condition.
Check roof sign correctly illuminated.
- b) Licence Plates
Check to ensure that licence plates are affixed in position to comply with conditions.
Each licence plate is securely mounted to the front and rear of the vehicle and that the internal badge is displayed so that it is visible to the public. On Hackney Carriages a large A3 size adhesive plate will take the place of the triple 'R' logo. Private Hire Vehicles will have an A3 adhesive plate affixed on the front Nearside and offside doors.

9. Meters

- a) Check meter accuracy.
Ensure accuracy of meter by driving a measured mile or by static measuring instrument.
- b) Check that the meter will not show any tariffs (s) other than those set by the Council. (Hackney Carriage scale of charges).
Ensure that the meter reads accurately the tariff for the class of vehicle being tested.
- c) Check that the meter is positioned so as to be clearly seen by all passengers in the vehicle.
As stated.

- d) Check that a table of fares, as agreed by the Council, is displayed in the vehicle in a prominent position so as to be clearly seen by all passengers in the Hackney Carriage.
As stated.

Appendix J Advertisements

Vehicle Advertisement Conditions

In order that advertisements on vehicles are of a standard type, the following conditions shall apply:-

- a. That no advertisement be displayed without the written approval of the Licensing Service.
- b. That the advertisement shall be to a design that if fitted to the rear windows of the vehicle, passenger can see through them and the interior of the vehicle and passengers can be viewed from the exterior. Hackney Carriages can only have adverts on the rear of the vehicle, and it must not encroach on the sides or the roof.
- c. That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence.
- d. In the case of private hire vehicles, the proposed advertisement is to be submitted for approval by a licensed operator not by individual vehicle owners.
- e. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

Signs and Notices etc.

The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to licensed vehicles which the Council may from time to time require.

A private hire vehicle must not display:-

- Any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
- any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

Appendix K Taxi Ranks

The Council has two Hackney Carriage Ranks situated in West Bridgford:

1. Bridgford Road outside the Co-operative Store, part of this rank is for 24 hour use and the remainder is for use during the evening/night time.
2. Central Avenue in the layby outside Central News, this rank is for use during the evening/night time.

Appendix L Private Hire Operators Conditions

1. Records

The records to be kept by the Operator under Section 56 (2) of the Act shall be kept in a suitable register, computer or in such a form as the Council shall have approved and the following particulars shall be entered concerning every booking.

- a) The time and date of the booking.
- b) The name and if appropriate address of the hirer.
- c) How the booking was made, e.g. telephone/personal/on line etc.
- d) The time of pick up and full address.
- e) The point of pick up if any.
- f) The destination.
- g) The licence number or the call sign of the vehicle allocated.
- h) The time at which the driver was allocated the booking.
- i) The name or call sign of the driver allocated to the booking.
- j) If the booking is subject of cross border hiring the company who has received the booking and the authority that company is licensed with must be recorded.

Records kept in accordance with the above shall be preserved for a period of not less than **2 years** following the date of the last entry.

The Operator shall keep at his operating base premises records of the following information in relation to all Private Hire Vehicles operated by him such records to be in the form attached or in such other form as the Council shall have previously approved.

- a) Vehicle registration number and licence number.
- b) The make and colour.
- c) Name and address of licensed proprietor/owner.
- d) Name and address of licensed driver(s) of the vehicle and badge numbers.
- e) The licences of drivers and vehicles will be retained by the Operator whilst ever they are working for them. The licences of drivers must be returned when they leave your employment.
- f) The above records will be produced on request to any constable or authorised officer of the Council for inspection at any reasonable time and on renewal of the licence.

2. Insurance

The Operator shall keep, after having first seen the original, a copy of all cover notes and certificates of insurance issued to the said drivers/proprietors. The dates shown on such documents must show continuation of cover throughout the period that the vehicle is working in connection with the said Operator. When a "block" policy is held by the Operator a full list of all vehicles and drivers covered should be kept for at least **one year**.

- a) Name and address of insurance company (and broker if applicable) insuring the use of the vehicle.
- b) Date of commencement of any policy of insurance and of any cover notes issued with policy and cover note numbers relating to the use of the vehicle.

- c) Date of expiry of the policy and of any cover notes issued.
- d) Persons entitled under the terms of the policy to drive the vehicle and details of any limitations as to use (e.g. Private Hire or Public Hire).

3. Standard of Service

The Operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:

- a) When a vehicle has been hired to attend at an appointed time and place the vehicle shall unless delayed or prevented by sufficient cause attend punctually.
- b) The premises provided by the Operator will be within the Borough or at premises approved by the Council within a distance that affords easy access to officers of the Council. The premises, either for waiting or booking shall be kept clean, adequately heated, ventilated and well-lit and also adequate seating provided.
- c) Any telephone facilities and dispatch equipment are maintained in an effective working order.
- d) Any complaints received by the Operator shall be referred in writing to the Council, together with any action taken, where appropriate.
- e) All vehicles operated by him shall be maintained in a satisfactory and road worthy condition; and they shall ensure that any defects to vehicles are recorded and corrected.
- f) The Operator shall ensure, without prejudice to any other liabilities imposed under the Act that all vehicles and drivers owned, controlled or operated in association with the Operator shall observe and perform the conditions of their licence.
- g) The Operator will monitor drivers working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi driver's hours, it is incumbent upon the Operator to ensure drivers do not work long hours and that they are fit to driver and thus will not put the public at risk.

4. Reference to the Council

It shall be the duty of the licensed Operator to inform the Council of the following:

- a) Any arrest or convictions incurred by him or any partner, director or company secretary during the period of the licence for any offence. They must be reported to the Council in writing within **48 hours** of arrest and in the case of convictions within **7 days**.
- b) Change of address, in writing within **7 days**.

5. Driver and Vehicle Identification - Keeping of Records

A record will be kept of all vehicle identification numbers and the vehicle and drivers to which vehicle identification number refers. In the event of a vehicle identification being allocated for a temporary period, a record must be kept of the relevant dates and the vehicle and driver concerned.

6. Driver and Vehicle Licences

It shall be the duty of the licensed Operator to ensure that the licences of all vehicles and drivers that are currently working for him/her are current, irrespective of any manager or assistants he/she may employ.

7. Complaint Book

Each Operator shall keep records of all complaints made to him or his agents or managers relative to any aspect of his business or persons at that time working with or employed by that Operator. The records shall be available at all times for inspection by an authorised officer of the Council.

8. Door Signs/Advertisements

When an Operator wishes to provide drivers/proprietors with door advertising panels the below procedure must be followed:

- a) The door sign/panels shall be approved by an Authorised Officer of the Council, before being taken into use.
- b) It shall contain the name of the company, the telephone number, and the words "Advanced Bookings Only".
- c) It shall not show the words "TAXI" or any word of similar meaning or appearance which may be taken to indicate that the vehicle is a Hackney Carriage which is licensed to ply for hire.
- d) It shall be displayed on either one or both sides of the vehicle only in the form originally authorised by the Council unless agreed otherwise by the Council.
- e) No other signage or advertisements will be displayed on the vehicle without prior approval of the Council, and in no circumstances will they obscure the view into the vehicle from outside to ensure passenger safety.

9. Planning Consent for Operating Base

Planning consent for each operating base must be maintained during the period of a licence. Any material change since the licence was granted in any of the circumstances of the Operator, on the basis of which the licence was granted, must be reported to the Council immediately.

FAILURE TO COMPLY WITH THE CONDITIONS SET OUT IN THIS DOCUMENT MAY RESULT IN PENALTY POINTS BEING AWARDED AGAINST YOU AND/OR YOUR LICENCE BEING SUSPENDED OR REVOKED

Appendix M Enforcement and Penalty Points Scheme

On 1st August 1993 Rushcliffe Borough Council introduced the above scheme to raise the awareness of Operators, Owners and Drivers and also to assist in the enforcement of the conditions attached to licences and some aspects of the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

The scheme will operate from the date of issue of any of the drivers, vehicle or operators licences, and should a breach of the condition or Act be detected points may be issue against the licence holder, up to the maximums shown on the table overleaf.

Generally you will be informed verbally if any points are to be awarded against you and why. Also you will be given a copy of the Councils' form identifying the offence and indicating how many points have been issued. You will then have your own written record of the number of points accrued.

	Offence/Breach of Condition	Points
1	Using a mobile phone without the use of hands free facility whilst driving or whilst the vehicle is stationary with the engine running.	3
2	Failure to display your licence badge in a visible position.	3
3	Failure to produce relevant documents within a specified timescale when requested by an Authorised Officer in writing.*	3
4	Unsatisfactory appearance of vehicle, interior or exterior.*	3
5	Double parking on a highway or, if pre-booked, failure to move on after 5 minutes from double yellow lines when requested by an authorized officer	3
6	Failure to display external licence plates*	6
7	Failure to carry a working fire extinguisher*	3
8	Failure to carry a complete first aid kit*	3
9	Displaying unsuitable, inappropriate or unauthorized signs or advertisements in or on the vehicle	3
10	Using a non-calibrated taximeter or tampering with the meter or seals in any way	6
11	Obstruction of an authorized officer or police officer	6

12	Evidence of smoking in the vehicle	3
13	Failure to immediately notify the Licensing Section of a change in medical circumstances that may affect your ability to drive or the safe transportation of passengers (including eyesight)**	3 to 12
14	Unsatisfactory appearance of driver (dress and cleanliness) in accordance with RBC Hackney Carriage licence conditions.	3
15	Failure to observe rank discipline in accordance with RBC Hackney Carriage Drivers licence conditions	3
16	Waiting on double yellow lines	3
17	Failure to issue a receipt on request	3
18	Unsatisfactory behaviour or conduct of driver	6
19	Failure to notify the Licensing Service immediately of any change of particulars including motoring or criminal convictions, cautions, change of address etc.	3
20	Failure to give reasonable assistance with the loading / unloading of luggage	3
21	Failure to clearly display a current table of fares card and/or all other internal signs/notices required to be in the vehicle	3
22	Failure to carry a legal spare wheel or repair kit and the facilities to correctly fit such a wheel	3
23	Sounding your horn in a way to cause alarm, harassment or distress to others	3
24	Failure to report within 72 hours of an accident or damage to a licensed vehicle*	3
25	Failure to attend punctually at a specified time and place without sufficient cause or unreasonable prolongation of journey	3
26	Failing to carry a guide or assistance dog without a medical exemption issued by Rushcliffe Borough Council	12
27	Providing false or misleading information on any licensing application form*	6

28	Carrying more passengers than the amount stated on the vehicle licence plate	12
29	Refusing to accept hiring without reasonable cause	6
30	Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured and unloaded	6
31	Failure to hand in lost property to the operator, or for hackney's failure to make sufficient enquiries to return property to its lawful owner.	6-12
32	Failure to comply with any of Rushcliffe Borough Council's vehicle, drive and operator conditions that are not already stated above.*	3

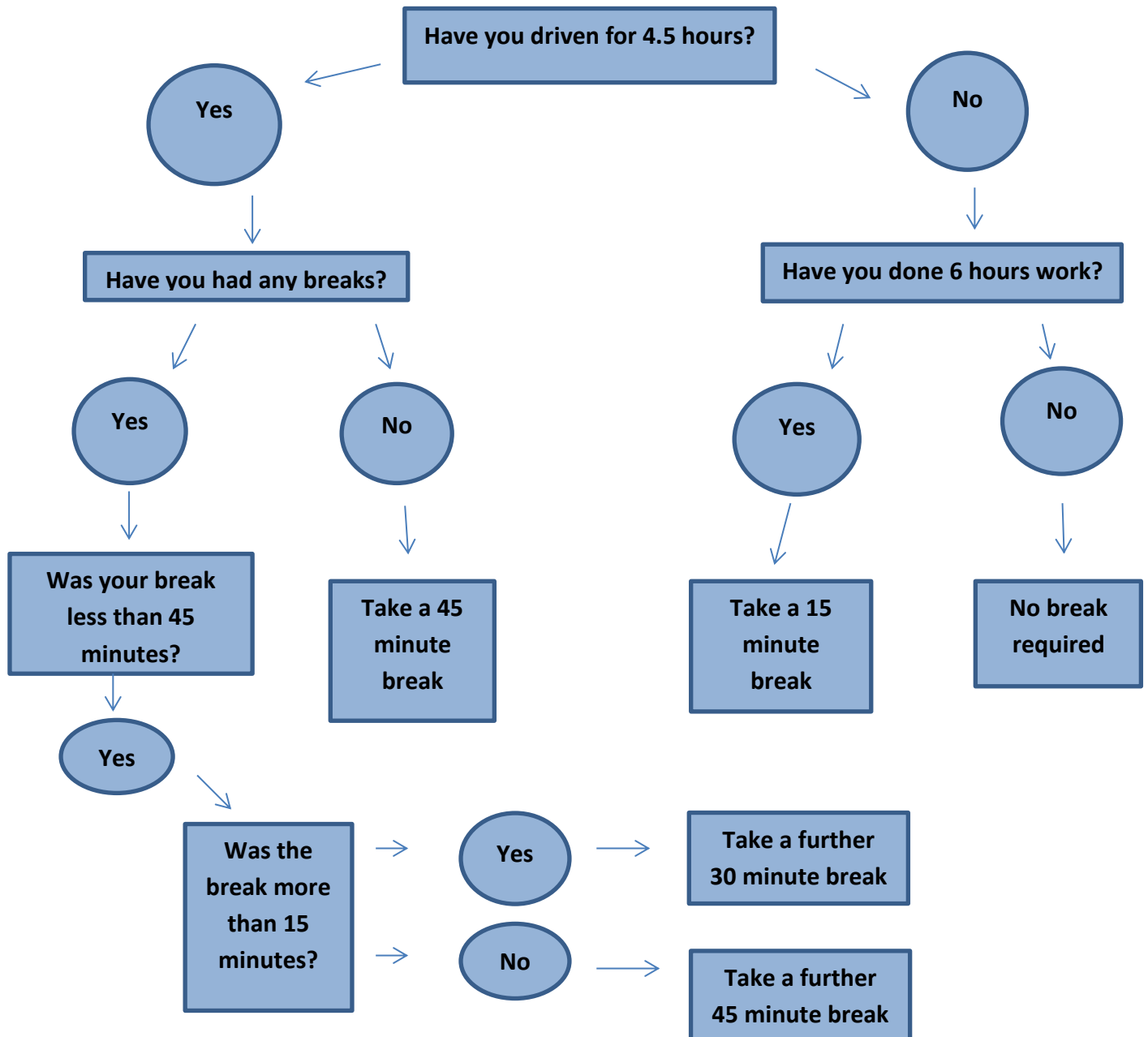
* would not always relate to both driver and vehicle owner

** depending on circumstances, 12 points will only be given if it effects their ability to drive

Appendix N Rushcliffe Borough Council's Code of Conduct When working with Vulnerable Passengers

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties, for example. When working with vulnerable persons the following points should be observed:

- Drivers should carry photo ID at all times, and wear it in accordance with the conditions of licence.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however they should check that they are in place.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, you should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Always ask if a vulnerable passenger needs help, do not assume.
- Drivers should remain professional at all times and should not:
 - Touch a vulnerable person inappropriately
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
 - Behave in a way that may make a vulnerable passenger feel intimidated or threatened
 - Attempt to misuse personal details obtained via the business about a vulnerable person.
- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.
- If you are concerned about the safety, welfare or behaviour of a vulnerable person, you should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
- If you are concerned about someone else's conduct, you should report your concerns to the police (101) or Crimestoppers (0800 555111) or the Safeguarding hub on 0300 500 80 90.



REMEMBER TIREDNESS KILLS – TAKE A BREAK

Appendix P Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3.

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

1. Overarching principles

This policy covers the use that this authority, Rushcliffe Borough Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

This authority, Rushcliffe Borough Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, this authority, Rushcliffe Borough Council will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details. Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application. Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. **In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court.** If an appeal is made to the Crown Court, the data will be retained until that appeal is **determined or abandoned**. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated¹⁰. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (note 1) (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined. (see note 2).

The data will be held securely in accordance with this authority's Rushcliffe Borough Council general policy on the secure retention of personal data which is available at

https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/strategiesandpolicies/RBC_InformationRetention.pdf, see also

<https://www.rushcliffe.gov.uk/privacy/> and

<https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/dataprotection/subjectaccessrequest/>

At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's general policy on the erasure and destruction of personal data.

Note 1

Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court or the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

Note 2

Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim first arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

2. Making a request for further information regarding an entry on NR3

When an application is made to Rushcliffe Borough Council, for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3. This authority will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record **will not** be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years. If Rushcliffe Borough Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's, Rushcliffe Borough Council data protection policy in relation to the use of any data that is obtained as a result of this process. This request will be made in writing in accordance with the form at Appendix Q Information Disclosure Form for NR3 of this policy.

It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

3. Responding to requests made for information regarding an entry on NR3

When this authority, Rushcliffe Borough Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

This authority, Rushcliffe Borough Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request. This authority, Rushcliffe Borough Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority, Rushcliffe Borough Council is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority, Rushcliffe Borough Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority, Rushcliffe Borough Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the Institute of Licensing's "Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades" available at <https://www.instituteoflicensing.org>. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority, Rushcliffe Borough Council will make and then retain a clear written record¹⁸ of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

4. Using any information obtained as a result of a request to another authority.

When this authority, Rushcliffe Borough Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications as set out earlier in this policy, Hackney Carriage and Private Hire Licensing Policy 2017-2022, Rushcliffe Borough Council's policy for determining applications.

This authority, Rushcliffe Borough Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority, Rushcliffe Borough Council will make in relation to the application.

Appendix Q Information Disclosure Form for NR3

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

(For completion by requestor authority)

Name of licensing authority requesting information:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / revocation

Other details for this record:

Address:

Driving licence #:

NI #:

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information. To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request is attached to this document/can be accessed at <https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/taxis/drivers/>

Signed:

Name:Position:

Date.....

(For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual

Declaration by providing authority

The authority hereby confirms that it has conducted a data protection impact assessment. It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority

accordingly. The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed:

Name:

Position:

Date:

Attached Appendix P Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3.

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EQUALITY IMPACT ASSESSMENT FORM

Interim review of the hackney carriages and private hire licensing vehicles policy 2017-2022.

The proposed Policy is fundamental to protecting public safety and keeping people from harm. It also wholly supports the Council's wider priorities and outcomes associated with promoting health, managing the environment and helping people to help themselves in order to improve community resilience. The policy has been revised early due to legislative and technical changes in this area as outlined in the report.

Information used to analyse the effects of equality:

The policy has been subject to public consultation and with members. In particular consultation has taken place with existing taxi operators and drivers. The consultation period was launched on 21 September 2019 and closed on 23 October 2019. There was no comment on equality impacts.

page 99	Could particular benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	yes	n/a	The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
Men, women (including maternity/pregnancy impact), transgender people	yes	n/a	The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
Disabled people or carers	yes	n/a	There are legal requirements that	

			support disabled people's rights within the policy when they use or book certain services covered by the policy. There are proposals for enhanced protection for assistance dogs users and disabled users. The operation of a penalty points system or legal action in certain circumstances that are included in the Equality Act are enforced via the policy. The policy will prevent or enable action against complaints of this nature.	
People from different faith groups	yes	n/a	The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
Lesbian, gay or bisexual	yes	n/a	The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
Older or younger people	yes	n/a	Drivers are required to undergo safe guarding training as a requirement to be a taxi driver. The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
Other (marriage/civil	yes		Drivers are required to undergo safe	

partnership. Looked after children, cohesion/good relations, vulnerable children/adults)			guarding training as a requirement to be a taxi driver. The policy requires drivers and operators to be DBS checked and the NR3 system will ensure a full understanding of any driver previously revoked or refused to protect all taxi users. The policy will prevent or enable action against complaints of this nature.	
--	--	--	--	--


OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT: *(delete as appropriate)*

No major change need ~~Adjust policy/proposal/project~~ ~~Adverse impact but continue~~ ~~Stop/remove project/policy/proposal~~

Arrangements for future monitoring of equality impact of this policy/proposal/project:
This is a five year policy and will be reviewed again on renewal

Names of officers who conducted EIA and date

M Hickey 29/10/2019
G Carpenter 29/10/19

Approved by: 
(manager signature)

Date: 29/10/19

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Licensing Committee

Wednesday, 13 November 2019

Adoption of a new Street Trading Policy

Report of the Executive Manager – Neighbourhoods

1. Purpose of report

- 1.1. This report seeks the approval of the committee of a new Street Trading Policy across the Borough.
- 1.2. Should the Licensing Committee approve the draft policy, members are requested to recommend adoption of the policy to Council.
- 1.3. The report also seeks to advise the committee of the responses to the consultation on the policy.

2. Recommendation

It is RECOMMENDED that the Licensing Committee:

- a) Approves the draft Street Trading Policy, and;
- b) recommends adoption of the Street Trading Policy to Council

3. Reasons for Recommendation

- 3.1. The Street Trading Policy will support the Council with greater control of street trading within the Borough. The policy will also provide greater clarity to the trade on when and where street trading can take place.

4. Supporting Information

- 4.1. In accordance with the Local Government (Miscellaneous Provisions Act) 1982, all of the streets in the Borough are proposed to be designated as either "Consent Streets" or "Prohibited Streets". This will effectively mean that no trading (unless exempted) may take place without the Council having first issued the appropriate Trading Consent to the trader, on prohibited streets no street trading can take place.
- 4.2. The revised draft Street Trading Policy was put out to public consultation on 20 September 2019, seeking comments by 21 October 2019. A total of 5 consultation comments were received and a summary is provided in Appendix B. The most significant comments related to the potential negative impact of the policy on locally run markets which have been developed to drive growth and support the retail economy in our town and village centres. This has been noted and as a result the policy has been amended to specifically exempt markets and events accordingly.

- 4.3. The Council currently permits street trading on certain “consented streets” which are mostly situated around Trent Bridge. The new policy will enable the Council to control all street trading anywhere in the Borough rather than just on the consented streets. It is important to note that the policy does not enable street trading to take place anywhere, the landowner’s permission will be required. It will also enable the Council to take action against unlicensed pedlars. Officers’ will be able to refuse any application that cannot meet the requirements of the policy; for example, improved hygiene and environmental standards including the use of single use plastics.
- 4.4. The policy introduces a requirement for operators to have a DBS (Disclosure, Barring Service) check to ensure that those approved are appropriate to hold a licence.

5. Alternative options considered and reasons for rejection

- 5.1. It is considered that this new policy provides an improvement to the status quo; however, the alternative may be to continue with the current policy to enable the control street trading within the designated consented streets within Trent Bridge only.

6. Risks and Uncertainties

- 6.1. None.

7. Implications

7.1. Financial Implications

- 7.1.1. It is possible that the policy will result in a modest increase of no more than 10-15 additional street trading licences which given the current fees and charges would bring in something in the region of £5K additional income.

7.2 Legal Implications

- 7.2.1. The Council has powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (‘the 1982 Act’) to regulate street trading through the designation of streets in its area under one of three statutory designations. Through the designation of streets for trading, the Council is able to authorise trading on those streets in accordance with the policy, and is able to regulate unauthorised trading.

7.3 Equalities Implications

- 7.3.1. An Equalities Impact Assessment has been undertaken which identified no major or adverse impacts.

7.4 Section 17 of the Crime and Disorder Act 1998 Implications

- 7.4.1 This policy seeks to extend greater protections to children and vulnerable adults across the Borough.

8 Link to Corporate Priorities

- Quality of Life – Ensuring that appropriate controls are in place to manage street trading across the Borough. Benefits to the community would include safer food and environmental standards all of which will significantly impact on our residents.
- The Environment – Ensuring traders use best practice to minimise their impact on the environment.

9 Recommendations

It is RECOMMENDED that the Licensing Committee:

- a) Approves the draft Street Trading Policy, and;
- b) recommends adoption of the Street Trading Policy to Council

For more information contact:	Geoff Carpenter Environmental Health Manager Tel: 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	None
List of appendices:	Appendix A - Street Trading Policy 2019-2024 Appendix B – Summary of consultation responses Appendix C – Equality Impact Assessment



Rushcliffe
Borough Council



Neighbourhood Services Street Trading Policy

2020-2025

Effective from _____ 2020

Officer(s)	Mr Peter Harris, Senior Licensing Officer Mr Martin Hickey, Principal Officer
Department	Neighbourhoods, Licensing
Address	Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG
Telephone	0115 981 9911
E-mail	licensing@rushcliffe.gov.uk
Report Reference number	STC 2019v1
Date	October 2019

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Introduction

Purpose

The Council's street trading policy's aim is to create a street trading environment which complements premises based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.

This policy has been developed to ensure that Street Trading consents are granted that meet this aim and to assist persons applying for Street Trading Consent in Rushcliffe Borough Council. It has been agreed by the, Licensing Committee and for determining applications for, and enforcement of, street trading activities in the Rushcliffe area.

Definitions of terms used in this policy

Within the terms of the Rushcliffe Borough Council's Street Trading Consent Scheme the following definitions apply:

<i>The Council</i>	Means Rushcliffe Borough Council
<i>Street Trading</i>	Means the selling or exposing or offering for sale of any article (including a living thing) in any street, Local Government (Miscellaneous Provisions Act) 1982
<i>Street</i>	Includes: (a) any road, footway, beach or other area to which the public have access without payment. (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
<i>Consent Street</i>	Means a street in which street trading is prohibited without the consent of Rushcliffe Borough Council.
<i>Consent</i>	Means a consent to trade on a street by Rushcliffe Borough Council.
<i>Consent Holder</i>	Means the person or company to whom the consent to trade has been granted by Rushcliffe Borough Council.
<i>Static Street Trader</i>	Means a trader granted permission by Rushcliffe Borough Council to trade from a specified position.
<i>Mobile Trader</i>	Means a trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours.
<i>Authorised Officer</i>	Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

A Pedlar

A pedlar is a trader who must:

- keep moving, stopping only to serve customers at their request
- move from place to place and not circulate within the same area
- hold a valid pedlar's certificate, issued by a Chief Constable of Police.....

What is street trading

Street trading means the selling, exposing or offering articles for sale on roads, pavements and other areas to which the public have unrestricted access without payment. The law applies equally to public and private land.

A "Street" is defined as any road, footway, beach or other area to which the public have access without payment (this includes private land), and a service area as defined in Section 329 of the Highways Act 1980.

The Council has determined under the Local Government (Miscellaneous Provisions Act) 1982 that all of the streets in the Borough are designated as "Consent Streets" or "prohibited streets", which in effect means that no trading (unless exempted) may take place without the Council having first issued the appropriate Trading Consent to the trader and on prohibited streets no street trading can take place.

Exempted Street Trading Activities

The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

1. Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
2. Anything done in a market or fair, the right to hold which, was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
3. Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
4. Trading as a news vendor.
5. Trading which:
 - a. is carried on at premises used as a petrol filling station; or
 - b. is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business or shop.
6. Selling things, or offering or exposing them for sale, as a roundsman.
7. The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.
8. The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
9. The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

With regard to point 6 above it has been established in law that mobile ice cream sales normally will not be deemed to be exempt from street trading controls because they are not rounds men.

Markets/ Markets Charters

Markets (including Temporary Markets) and Special Events operated and promoted by Rushcliffe Borough Council held in the Borough fall outside of the scope of the Street Trading Policy.

A market is comprised of not less than five stalls, stands, vehicles or pitches from which articles are sold and may sometimes be held as part of a wider event.

Rushcliffe has no rights to hold a market under a charter.

However within Rushcliffe Bingham was granted a Market Charter in 1314 and a market was held here until the end of the 19th century. The market was revived in 1975 and the bustling Thursday market is an attractive feature of Bingham today. The large open Market Place lies at the heart of the Conservation Area, and its octagonal Butter Cross is a distinctive focal point. Other markets held in Rushcliffe are listed at

<https://www.rushcliffe.gov.uk/aboutus/aboutrushcliffe/whatalotrushcliffehastooffer/marketsandfairs/>

Nottingham City Council is the owner of Market Rights granted by Royal Charter and also under the 1984 Food Act. Any person or organisation wishing to operate a rival market within 6 $\frac{2}{3}$ miles of one of the council's markets may only do so with the council's agreement. A licence can be issued which will waive the council's right to take legal action for that event. See <http://www.nottinghamcity.gov.uk>

The Council can seek legal protection from any violation of those rights; i.e. any rival markets. This protection extends to 6 $\frac{2}{3}$ miles from any City Council run market including the Sunday Colwick car boot sale, and so extends beyond the Council's local government boundary.

The licence only relates to the Council's market rights. The organiser must obtain any other consents and permissions needed, whether statutory or private.

Should an individual trader wish to trade or an event take place in these areas outside the scope of the market charters, then they will be subject to the street trading scheme and will require a consent from Rushcliffe Borough Council.

Street Trading Consents for which fees are not payable

The following Street Trading activities have been deemed by Rushcliffe Borough Council to not require the payment of fees to the Council, however, a standard administration charge is still payable, please refer to the fees and charges section:

1. Non-Commercial (community) Car Boot Sales.
2. Sales of articles by residential occupiers within the curtilage of their properties, or on land contiguous with it.

One-Off and Community Based Events

One off events that are essentially non-commercial would not normally be considered to be street trading (street trading implies a degree of regularity) and therefore would be outside of the scope of the scheme and not require any form of street trading consent. If the purpose of the event is more than a one-off event or is of a commercial nature then it would be caught by the policy and an application required. A letter of

intent/confirmation from the community organisers would normally satisfy this Council. It is assumed, or strongly advised, that the community event organisers will have consulted with residents and businesses prior to holding the event.

Car Boot Sales

Where the events are of a commercial nature and operating on a more regular basis than a one-off, then the event will require a street trading consent.

Farmers Markets

Where the events are commercial in nature and operating on a more regular basis than a one-off, then the event will require a street trading consent.

Paying for access

Any event which can restrict access to those persons who pay an entry fee would be legally exempt from any street trading provisions and therefore would not require a street trading consent.

Trading on private land

In order to trade on private land (including car parks) within Rushcliffe Borough Council, you will also be required to produce written permission from the landowner before the Council can consider the site suitable for trading.

Applicants should note that planning permission maybe required separately for the proposed trading site subject to this licensing application. Planning permission is usually required for the siting of trading units on private land and are liable to planning enforcement action if no planning permission is granted.

Each case will be considered on its own merits with a copy of the full planning decision required for the Council to make a decision.

Application & Procedure for determining Street Trading Consent

Application process

The application process for new, renewals or transfers is by application and must be accompanied with the [correct fee](#). The procedure set out in the following flowchart will be followed. For renewal or transfer certain aspects of the process may not be required as set out in the notes to the flow chart below. The applications forms are available at [Street trading pages and application form](#).

Submission of application

An application for a Street Trading Consent must be made to Rushcliffe Borough Council in writing or submitted online. The application forms are available online at <https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/otherlicences/streettrading/>

Applicants will need to submit the following documents and fees with the application:

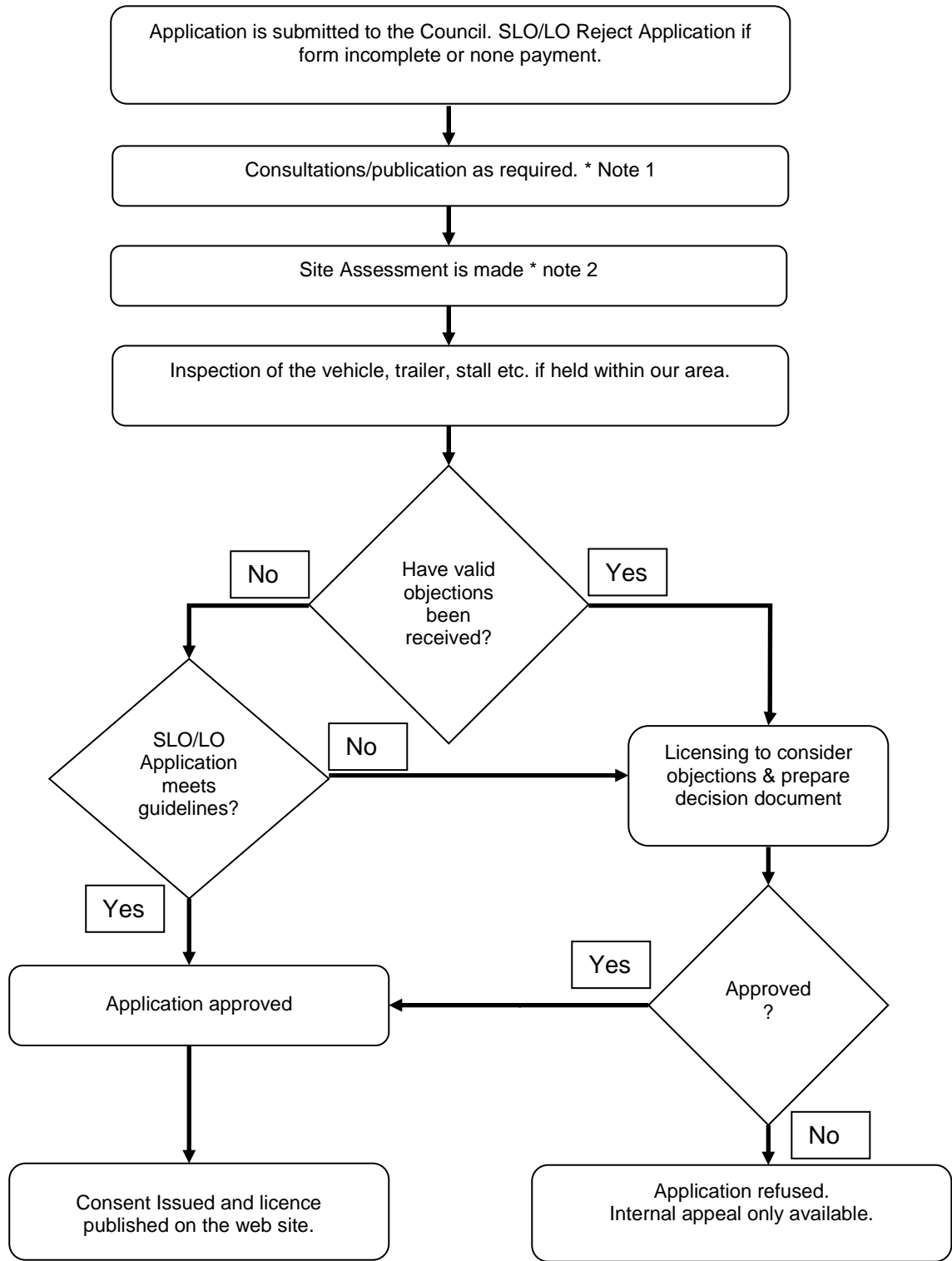
1. A completed and signed Street Trading Consent application form.
2. Proof of current address and identity will be requested at this stage (Original banks statements or utility bills, dated within 3 months of the application).
3. Proof of eligibility to work in the United Kingdom and sign a declaration to that effect.

4. A Payment of the annual fee with the application. The fee will be refunded if the application is withdrawn or refused less the admin charges. Fees for trading periods of less than 15 days will require submission of the full fee with the application.
5. Where the proposed street trading activity is from a fixed position, 1 copy of a map. The map should clearly identify the proposed site position by marking the site boundary with a red line.
6. Four different colour photographs of the stall, van, barrow, cart etc. that will be used for the street trading activity (Showing All sides).
7. An original copy of the certificate of insurance that covers the street trading activity for Third Party and Public Liability risks up to a maximum of £5,000,000. This includes block consent applications which must cover all types of anticipated trading. At the point of application for a consent a quote will be accepted but no consent will be granted without an original certificate of insurance being seen.
8. Written permission from a landowner if the street trading activity is to be carried out on private land or from any road /layby within the borough (VIA Nottinghamshire County Council)
9. Block consent applications will require colour photographs of the area the consent is being applied for.
10. Mobile catering vehicles and Ice cream vans will require a valid MOT certificate.
11. A Basic Criminal Background Check on the applicant from either Disclosure England (on line) or a Subject Access Disclosure from the local police station. On application the check will not be accepted if it is submitted later than three months from the date of issue of the check. This will need to be completed upon application every three years.
12. Block consent applications will require proof that all food traders are registered with a Local Authority.
13. Written permission for toilet provisions for the street trader and all staff to use.
14. For trade waste, original proof of a contract set up with a trade waste collection contractor.

Where available all application will be by online application. If not available applications should be made in person or by post to the Council at Rushcliffe Customer Contact Centre, Rectory Road, West Bridgford, Nottinghamshire, NG2 6BU. Applications may also be made on-line at GOV.UK

NB An appointment is necessary if visiting the office for advice or assistance.

Flow chart for application process



Note 1 Renewals consultation not required
 Note 2 For Transfers site assessment may not be required

Notes on application process

To apply for a renewal application for a street trading consent the applicant will need to submit relevant application and supporting paperwork at least 8 weeks before the expiry of the current Street Trading Consent. Data is subject to Appendix E Data Protection Privacy Notice requirement subject to legal exemptions.

Fees for annual consents must be paid full in advance, failure to maintain payments of the fee on a yearly basis will be a breach of the conditions attached to the Consent.

Should a consent holder wish to transfer a current Street Trading Consent into another person's name, then a transfer form will need to be completed with both parties signing it. The proposed new consent holder is also required to complete a new application form with the current hours in order to provide relevant information required.

Once the relevant transfer and application is received, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14-day consultation with the Police on the proposal and it will require a fee to be paid.

Please note, should the Police object to the change of ownership then the trader may be requested to cease trading until such time the application has been determined by the Council.

In addition should the new applicant wish to operate under different hours to those currently on the Street Trading Consent, then a new application will be required. This may result in the request to cease trading until determination of the application. Please note this would include a full consultation with the Responsible Authorities and other persons.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with the Policy will be undertaken.

No changes to mode of operation or hours will be permitted through the transfer of consent process.

Refunds

No Fees will be reimbursed to consent holders where they cease to trade and surrender their Street Trading Consent to the Council.

Types Of Consent

There are three different types of consents that can be applied for, they are Static Consent, Mobile Consent and Block Consent.

Further details of each are provided below:-

Static Consent

Static consents are applied for by traders who want to trade from one specific location. An example would be a fast food van which trades every day from the same lay-by. Please note, even though a static consent allows you to trade from a specific location, the unit must be moved from the trading site outside of permitted trading hours.

Mobile Consent

Mobile Consents are applied for by traders who want to trade from numerous locations for a short period of time. An example would be someone who trades from an ice cream van.

It is expected that a mobile trader will move from street to street and will only remain for the period in which sales are being made. There are conditions in force to ensure this.

Block Consent

Block consents are often applied for by organisers of street trading events involving more than one trader. For block consents, the organiser is responsible for all street trading and is liable for any potential breaches of conditions.

It is a requirement for organisers of block consents to keep an up to date list of all traders operating at any one time. This list must be presented to the Police or Council Officers upon request.

Applications will be considered from organisers of Markets (outside the scope of the market charters), Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block Consent for the market or event in question. The market or event organiser in receipt of a Block Consent will become responsible for all of the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.

Applications for block consents must also include Third Party and Public Liability insurance covering all traders, or individual insurance for all traders.

A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided 5 working days before the consent is used.

Where an application is made for the grant of a Street Trading Consent for the first time, applicants **should give a minimum of eight weeks' notice** of the application to:

Rushcliffe Customer Contact Centre, Rectory Road, West Bridgford, Nottinghamshire, NG2 6BU.

NB If you are visiting the offices please go to the Rushcliffe Customer Contact Centre, rectory Road, West Bridgford, Nottinghamshire, NG2 6BU.

Telephone 01159 819911

E-mail licensing@rushcliffe.gov.uk

Changes to trading hours

Should the applicant wish to extend trading hours then a full application will need to be submitted and will be treated as a new application.

When applying for additional hours, the Council will determine each application on its own individual merits. Generally, street trading will only be permitted between 06.00 hours and midnight on any one day.

Any trading outside of these hours will have to be approved by the Council.

Surrendering of Street Trading Consent

Should an applicant no longer wish to hold a Street Trading Consent, they will need to provide written confirmation of this fact detailing the last trading day.

Once they have ceased trading, they will be required to return their Street Trading Consent plate and paper consent to the Council within 7 days of your last trading day.

Once written confirmation has been received to cease trading on a site, new applications will be considered for the location.

Choosing a Location To Trade

When choosing a prospective pitch/location and deciding on the hours to trade, it is advised that you consider a number of issues, some of which are:-

- Would the proposed location have a detrimental effect on road safety?
- Would the proposed location obstruct pedestrian or vehicular traffic?
- Are there current or planned traffic orders or waiting restrictions in place?
- Would the proposed location affect local residential or business properties for example with noise, traffic, odour etc.?
- Would the proposed location potentially increase public order problems?

The Council has determined that applications for a Street Trading Consent or a Mobile Trading Consent (save for certain exemptions) will likely be refused for locations that are deemed to be:

- In close proximity to a place of worship;
- In close proximity to a place of education;
- In close proximity to a place of healthcare;
- In close proximity to a place of cultural or historical local / national significance;
- In close proximity to primarily residential properties;
- In close proximity to a business offering the same goods / services;
- Likely to undermine the safety and / or convenience of the general public and / or road users.

Nottingham Forest and Trent Bridge Street Trading.

There is a higher demand for street trading in these areas during events and a number of streets are prohibited streets to protect the residents in the area and promote the objectives of the council. The prohibited streets are shown in Appendix A. Sites around these areas for street consent are therefore limited.

During other events at the City Ground or Trent Bridge the Safety Advisory Groups or the police will request street trading will not take place at certain times or during events. As such any licences issued in this area (see Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West Bridgford) will not be able to trade during these period or will have a consent which limits dates and trading times.

Hours

The Council will determine each application on its own merits but generally will only permit street trading between 06.00 hours and midnight on any one day.

Any trading outside of these hours will have to be approved by the Council.

Please note that should an application be received for a street trading consent to sell hot food and/or drinks between the hours of 23.00 hours and 05.00 hours the applicant will also be required to apply for a Premises Licence under the Licensing Act 2003.

Appeals

Appeals to any decisions are to the Council within 21 days by the applicant from the date of any determination of any application or issue of refusal or revocation letter/notice.

Disclosure and Barring Service (DBS) check

Disclosure and Barring Service (DBS) check

A DBS check from Disclosure England will be required with each grant or every 3 years for a renewal application for the applicant.

<https://www.gov.uk/request-copy-criminal-record>

[the street trading application form](#) requires a declaration to be completed by the applicant to confirm that they have not received any convictions and/or cautions or to list any they have. The applicant must also provide a list of all working assistants associated with the street trading consent, as detailed in the conditions.

When considering the relevance of convictions and cautions the Council will have regard to Appendix C Policy for determining the Relevancy of Criminal Convictions

In assessing whether an applicant is a “fit and proper” person, that being morally suitable to comply with regulatory requirements, the Council will consider each case on its own merit.

The Council will take account of unspent convictions and cautions, but only insofar as they are relevant to an application for a consent to determine if the applicant has demonstrated being a “fit and proper” person to hold a consent. Consultations on applications.

Consultation

Before a Street Trading Consent is granted, renewed or transferred the Council will carry out a consultation process of up to 21 days with various Responsible Authorities. Wording for the notice will be supplied by the Council to the applicant to display on a yellow backed notice.

Applicants must produce and affix the yellow notice of the application in the immediate vicinity of the proposed trading site upon submission of the application. This must remain in place until the application consultation has ended.

Written observations from “Responsible Authorities” and occupiers of properties will be sought and taken into consideration when determining an application that has been made to the Council.

For Community based events, the applicant will be required to affix a yellow notice of the application in the immediate vicinity of the site of the proposed event. Consultation on such application by the Council will only be by way of e-mail to the Responsible Authorities. No consultation will be undertaken by the Council with the general public.

New applications process

In particular, we will consult with the following Responsible Authorities and other persons:

1. Town Councils / Parish Councils / Ward Councillors.

2. Local Residents (with properties within 100 meters of the proposed trading site)
3. Nottinghamshire Police (for Crime and Disorder issues)
4. Nottinghamshire Fire and Rescue Service.
5. Rushcliffe Borough Council Planning Department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the licence to be issued and type of vehicle or stall to be used).
6. Nottinghamshire County Council Highways Department (VIA)
7. Highways England If within a motorway Junction.
8. Rushcliffe Borough Council Environmental Health
9. Rushcliffe Borough Council Property Services.
10. The land owner (If the proposed street trading site is on private land).
11. Streetwise Team
12. Nottinghamshire County Council Public Health Team
13. Home Office – Interventions & Sanctions Directorate

New applications will be placed online for public consultation.

Renewal applications process

In particular we will consult with the following Responsible Authorities and other persons:

1. Town Councils / Parish Councils / Ward Councillors.
2. Nottinghamshire Police (for Crime and Disorder issues)
3. Nottinghamshire Fire and Rescue Service.
4. Rushcliffe Borough Council Planning department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the licence to be issued and type of vehicle or stall to be used).
5. Nottinghamshire County Council Highways department (VIA)
6. Highways England
7. Rushcliffe Borough Council Environmental Health
8. Rushcliffe Borough Council Property Services.
9. The land owner if the proposed street trading site is on private land.
10. Streetwise Team
11. Nottinghamshire County Council Public Health Team

Renewal applications will be placed online for public consultation.

Transfer applications process

This Council will consult with:

1. Nottinghamshire Police (for Crime and Disorder issues) only

Site Assessment

Street Trading Consents from static locations will not normally be granted where:

1. A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site, or
2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
3. There would be a significant loss of amenity caused by traffic, noise, odour or fumes, or
4. There is a conflict with Traffic Orders such as waiting restrictions, or
5. The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
6. The trading unit obstructs the safe passage of users of the footway or carriageway, or
7. The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
8. The site does not allow the Consent Holder, staff and customers to park in a safe manner, or
9. The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

Inspection of the Street-Trading Unit

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading Consents, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects to the legal requirements relating to type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

1. Environmental Protection Act 1990
2. Equality Act 2010
3. Food Information Regulations 2014
4. Food Premises (Registration) Regulations 1991
5. Food Safety Act 1990
6. Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004"
7. Health Act 2006
8. Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
9. Licensing Act 2003

There must be a waste contract in place and information of this available for inspection upon request submitted as part of any application.

Where the consent relates to the sale of food the vendor, will be required to be registered with their relevant local authority.

There current Food Hygiene Rating Scheme score **must be 3 or higher**. Where the trader is inspected and their rating falls below a 3, a period of time will be allowed for improvements and a rescore inspection to be carried out. This should not normally exceed 16 weeks.

Food safety records and any documented food safety procedures to be made available at the time of any inspection by an officer of the council of competent officer of the Food Authority.

Further advice on any of the above requirements can be obtained by:

telephoning: 0115 981 9911.

Objections to the application

If objections are received against the granting of a Street Trading Consent and are considered by Officers to be valid in terms of this policy the application will normally be referred to the Council's Licensing Principal Officer for determination.

Before such a referral is made officers will assess the objections on the following criteria:

1. Potential, or actual, nuisance to a property occupier from noise, fumes or smells.
2. Concern of crime and disorder problems resulting from the proposed street trading activity.
3. Any other valid reason raised that would affect the occupier of a property as a result of the application made.

A Licensing Officer will make every effort to liaise between the applicant and objectors to resolve any justified objections, within the consultation period. If no resolution is agreed, the application will be referred to the Principal Officer for consideration and determination of the application. The applicant will be informed in writing of the referral of the application to the Principal Officer, and notified of the date when the application will be considered.

Persons making written objections will also be informed of a decision to refer an application to the Principal Officer and notified of the outcome.

Determination of the application

The Council will use the criteria listed below in the determination of Street Trading Consents. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each case though will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

Where Trading Will Not Likely Be Permitted

The Council has determined that applications for a Street Trading Consent or a Mobile Trading Consent (save for certain exemptions) will likely be refused for locations that are deemed to be:

- **In close proximity to a place of worship;**
- **In close proximity to a place of education;**
- **In close proximity to a place of healthcare;**

- **In close proximity to a place of cultural or historical local / national Significance;**
- **In close proximity to primarily residential properties;**
- **In close proximity to a business offering the same goods / services;**
- **Likely to undermine the safety and / or convenience of the general public and / or road users.**

Relevant Considerations Applicable To All Applications

Public Safety

The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to both customers frequenting the street trading activity, and other members of the public using the street. In particular reference will be made to the guidelines set out in section 6 on site assessment criteria.

Prevention of Crime and Disorder

The street trading activity should not present a risk of potential crime and disorder in the locality in which it is situated. Observations from the Nottinghamshire Police will be taken into consideration under this heading.

Avoidance of Nuisance

The street trading activity should not present a substantial risk of nuisance from noise, smells, refuse or fumes to households and businesses in the vicinity of the proposed street trading site. Litter and food waste can be a significant cause of nuisance, defacement of the street scene and lead to public health concerns due to attracting vermin. Observations/ complaints and ongoing concerns about the suitability of a site and the recurrence of nuisance/litter from Council Officers shall be taken into consideration under this heading which may include rejecting or revoking any consent.

Compliance with legal requirements

The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation. Observations from Council Officers on the compliance with the requirements of Food Safety and Hygiene, Health and Safety and Environmental Protection legislation shall be taken into consideration. The street trader will need to ensure they comply with any conditions and legal requirements to avoid the occurrence of litter as a result of the street trading which will include litter from customers.

Consultees Observations

In relation to points above consideration will also be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.

Permitted Trading Hours

The Council will determine each application on its individual merits but generally will only permit street trading between 6.00 am and 2300 on any one day. Any trading outside these hours will have to be approved by the Council. Street Trading outside

of the guideline hours, will be assessed in terms of public order, public nuisance, and avoidance of nuisance.

The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances require it.

Should an application be received for a street trading consent to sell hot food and/or drink between the hours of 23:00 and 05:00 the applicant will be advised of the need to have a premises licence under the Licensing Act 2003.

The applicant will be encouraged to submit contemporaneous applications under both regimes which could be considered together. To encourage this, the applicant will be charged one fee, whichever is the maximum, for the two applications.

Environmental Impacts

Use of Single Use Plastics

The Council is committed to reduce the amount of single use plastics which are prevalent in the fast food communities. The Council will expect all traders to cease the use of single use plastics by July **2021 where this is practicable and reasonable to do so**, after this date street traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a **justified reason for the continued use**.

Failure to do so may mean that the trader will not have the street trading licence granted or renewed.

Trade Waste

Under the Environmental Protection Act 1990 people have a legal duty to make sure that any waste they produce is handled and disposed of correctly. All Street Traders are businesses that this requirement applies to and have a legal duty to ensure that waste is stored securely pending collection and only given it to authorised waste contractors.

For trade waste, this would normally require a contract to be set up with a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.

Trade waste must not be disposed of through the household waste collection system or at the Council waste Centres which includes being taken back to private residents or disposed of in on-street litter bins.

Failure to provide adequate waste disposal upon application and trade waste arrangements are in place will not be granted a Street Trading Consent.

Approval of applications

On approving the application the Council will issue a Street Trading Consent to which conditions will be attached. The Consent will also contain specific terms such as days and hours when street trading is permitted, and goods that may be sold. A copy of the Council's standard conditions, which are attached to Street Trading Consents, are shown at Appendix D Street Trading Consent Conditions. Additional conditions may be attached to the Standard Conditions if special circumstances apply to the Consent being granted by the Council.

The conditions attached to the Consent form part of the approval to carry out street trading in Rushcliffe. They MUST be complied with at all times and failure to do so may result in the consideration of enforcement action.

Consent Holders are therefore requested to familiarise themselves with the terms and conditions attached to the Street Trading Consent and comply with the requirements.

Issue of Street Trading Consent

Street Trading Consents will be issued for a maximum period of 12 months. Annual Consents issued will be renewable on the date specified in the Consent. Shorter term Consents may be issued on a daily, weekly or monthly basis.

In all cases when a Consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases the application will be required to go through the full consideration process outlined in these guidelines.

Fees for Annual Consents must be paid in full in advance

Failure to maintain payments of the fee on a yearly basis will be a breach of the conditions attached to the Consent.

The Council reserves the right to insist on payment in advance of the full years fees.

Where available online payment will be used. Payment can be made in person or over the telephone by credit or debit card or in the form of a cheque. ***The current fees and charges can be found on the licensing pages of the Council website. At www.rushcliffe.gov.uk***

Please note, if a cheque is dishonoured by the bank, this will result in the revocation of the Street Trading Consent issued by the Council unless payment of the outstanding fee is made by credit or debit card within 5 working days of notification from the Council. In such cases an administration charge will also be imposed on the Consent Holder.

Street Trading Consents and unit identification plates will be issued only at the Licensing Team Offices, currently at the Community Contact centre at West Bridgford. The applicant or a person representing the applicant (with written consent) must attend in person to collect any documentation or plates. This also applies for replacement documentation or plates.

Refusal of applications

The Council will consider an appeal and will provide a written decision within 21 working days from receipt of your appeal, unless further information is required in order to consider the appeal. In this situation the Council will provide a written decision within 21 working days from receipt of this information. The Council's written decision will refer to all information taken into account when considering the application and appeal information and reasons for reaching the decision.

The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision.

General Information on Street Trading Consents

Trading Unit Identification Plates

All vehicles, stalls, carts or other devices used for street trading will be required whilst trading to display a trading unit identification plate. The plate is issued by the Council and remains the Council's property throughout the duration of the Consent. The plate should be displayed in a prominent position on the trading unit so that it is clearly visible to members of the public using the trading unit.

The trading unit identification plate should be returned to the Council if the Consent Holder ceases to trade and surrenders his/her Consent.

Block consent- The identification plate should be displayed in a prominent position that is clearly visible to members of the public, the insurance covering all stalls/ units under the Block consent shall be visible to the public.

Reimbursement of Fees

No Fees will be reimbursed to Consent Holders where they cease to trade and surrender their Consent to the Council.

Persons under the age of 17 years

The Council will refuse to grant a consent, where the consent to be granted, would be in contravention of the Children and Young Persons Act 1933. Please refer to <https://www.nottinghamshire.gov.uk/jobs-and-working/support-for-businesses/employing-13-16-year-old>.

Access by Council and Police Officers

Consent Holders shall allow access to Authorised Officers of the Council and Police Officers at all reasonable times. Council Officers will carry with them and produce authorisation identity cards issued by Rushcliffe Borough Council.

If you have any doubts about a person claiming to be from Rushcliffe Borough Council ask to see their official identification card. If you remain uncertain please contact the Council on 01159 819911 and ask to speak to the Licensing department.

Street Trading Consents Changes/Transfer

The conditions attached to all Street Trading Consents stipulate that a Consent Holder cannot underlet or sublet a Street Trading Consent.

Should a Consent Holder wish to transfer a current Street Trading Consent into another person's name, then a transfer form will need to be completed which will be provided upon request with both parties signing it. The proposed new consent holder is also required to complete a new application form with the current hours in order to provide relevant information required.

Once the relevant transfer and application is received, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14-day consultation with the Police on the proposal and a fee is payable.

Please note, should the Police object to the change of ownership then the trader may be asked to cease trading until such time the application has been determined by the Council.

In addition should the new applicant wish to operate under different hours to those currently on the consent, then a new application will be required. This

may result in the request to cease training until determination of the application. Please note this would include a full consultation with Other Persons and the Responsible Authorities.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with the Policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

No changes to mode of operation or hours will be permitted through the transfer process.

Should a consent holder wish to change their operating hours, by extending them in some way, during the course of their existing consent period they will have to apply using the normal application form clearly specifying that this is for a change of hours only.

Full consultation in accordance with the Policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to consider the matter. An application for extended hours will attract a non-refundable fee.

Change of Trading Unit process

Should a consent holder wish to change their stall, van, cart, barrow etc. during the period of their consent they must submit three colour photographs of the unit showing the front side and rear of the unit that will be used for the street trading activity.

Policy Review

The Council will keep the policy under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every Five years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised street trading policy statement.

Enforcement

Enforcement options

Rushcliffe Borough Council will actively enforce the provisions of the Street Trading Scheme within its area in a fair and consistent manner. Due regard will be given to the Council's Enforcement Policy before any action is taken.

<https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/environmentalndwaste/environmentalhealth/protectionampsafety/Corporate%20enforcment%20policy%20-%20revised%20June%202017.doc.pdf> and the Regulators Code at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

Where licensable activities are conducted without the relevant permissions having been granted by the Council, or where conditions / permitted trading hours are breached, the Council will gather evidence and take the necessary enforcement actions as required.

The Licensing Officers will firstly seek to advice traders of the requirements of their Trading Consent, and should it be necessary issue Warnings. Should a trader continue to fail to comply with the requirements of the Council's Street Trading Policy or the conditions applicable to his / her Street Trading or Mobile Trading Consent,

the traders' suitability to continue to hold the Trading Consent will be reviewed by Rushcliffe Borough Council.

The options available are to:

- Review and (if necessary) vary the conditions attached to an existing Street Trading or Mobile Trading Consent when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the Consent, or information has come to light as to the suitability of the Trader.
- Review and (if necessary) **suspend or revoke** a Street Trading or Mobile Trading Consent issued to an existing Trader when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the Consent, or information has come to light as to the suitability of the Trader.
- Take no further action, if having reviewed matters, it is deemed that the Trader is not responsible for the issues that led to the Hearing being held.

Pedlars and non-licenced traders

A pedlar is someone who travels and trades on foot, going from town to town or house to house selling goods or offering their skills. A pedlar must hold a certificate granted by a chief constable. The certificate is valid for one year and applies throughout the United Kingdom.

To apply for a pedlar's certificate, contact your local police station. Someone who acts as a pedlar without a certificate commits an offence.

- A pedlar must not remain stationary for long periods of time.
- A pedlar must not set up a stall and wait for people to approach.

The Pedlars Act 1871 specifically precludes the now common place practice of a pedlar standing in one place for an extended period of time to sell their goods or services. The Pedlars act defines the difference between street traders and pedlars as "Street traders travel to trade, whereas a pedlar should trade as they travel."

Non licenced street traders and pedlar's who illegally participate in street trading in prohibited or consent streets could face enforcement action **including summary prosecution** under the Local Government (Miscellaneous Provisions) Act 1982.

Complaints against the Service

Rushcliffe Borough Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of Licensing Services in relation to street trading please contact the Council on 0115 9819911 and ask to speak to the senior Licensing Officer .

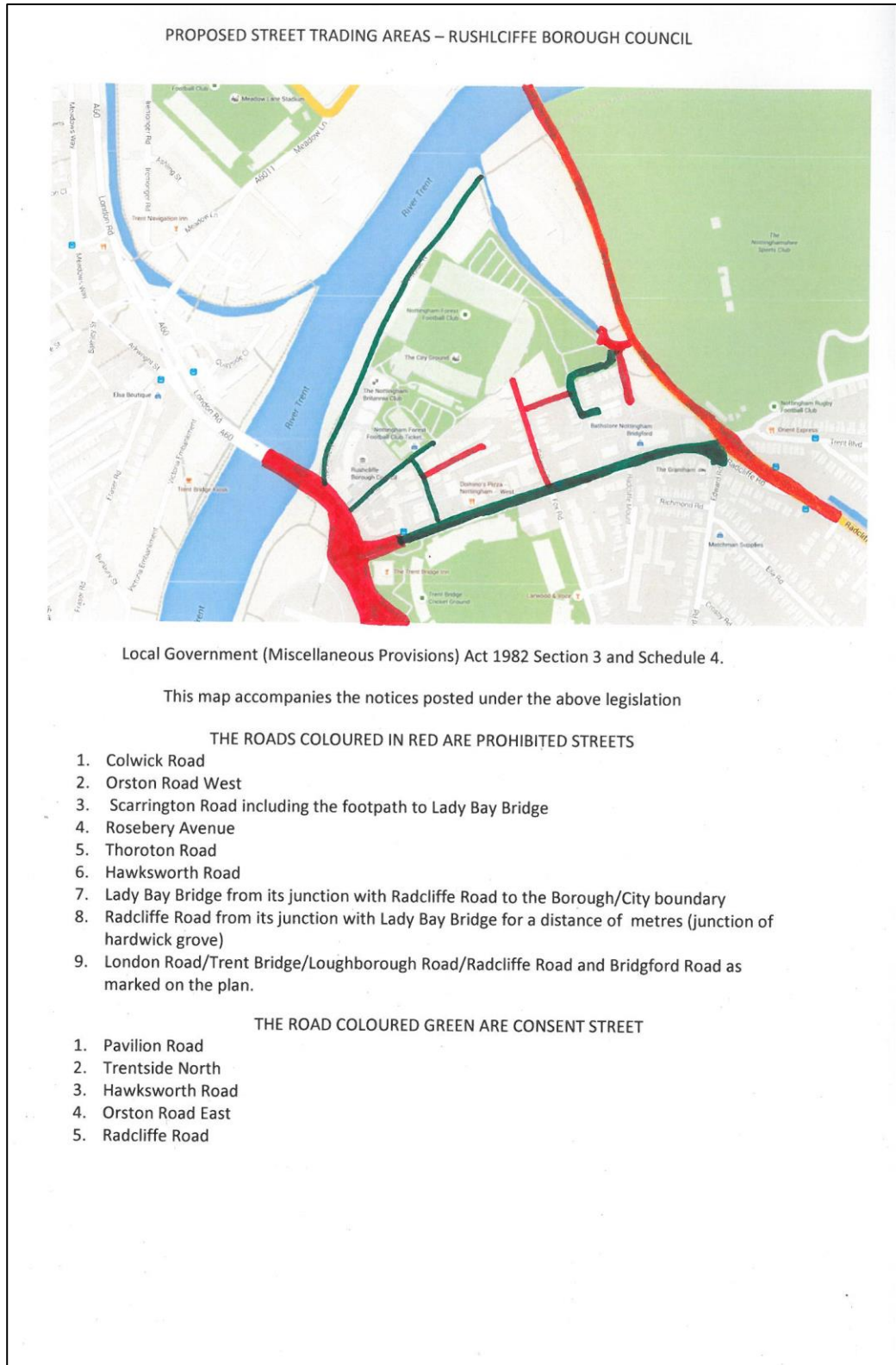
If the matter cannot be resolved advice will be given on how to further your complaint under the Council's Complaints Scheme accessible at <https://www.rushcliffe.gov.uk/complaints/>

Data Protection

The Licensing Service will adhere to the principles set out in the Data Protection Act 1998. The Councils Privacy Policy in is available at <https://www.rushcliffe.gov.uk/privacy/>

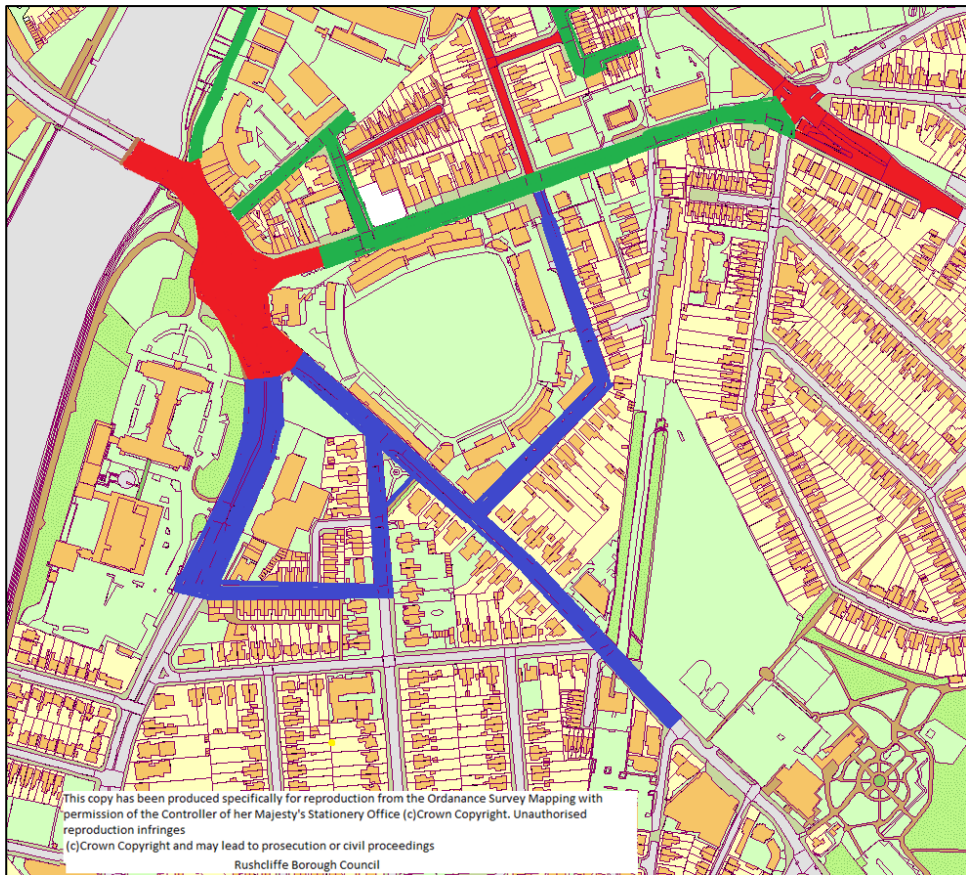
Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West
Bridgford

Plan A



Plan B

Restricted trading during events (shown in blue)



Appendix B Proof Of Eligibility To Work In The UK

In accordance with the amendment to the Immigration, Asylum, and Nationality Act 2006, effective from 29 February 2008, you are required to provide proof of the Right to Work in the UK from the two lists below. These detail the documents which provide evidence of this right.

List 1

Any **one** of the documents listed below will provide the necessary evidence of the right to work in the UK. The document provided must be the **original**.

- A passport showing that the holder is a British citizen, or has the right of abode in the United Kingdom.
- A document showing that the holder is a national of a European Economic Area country* or Switzerland. This must be a national passport or national identity card.
- A residence permit issued by the United Kingdom to a national from the European Economic Area country or Switzerland.
- A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the United Kingdom as the family member of a national from a European Economic Area country or Switzerland.
- A passport or other travel document endorsed to show that the holder can stay indefinitely in the United Kingdom, or has no time limit on their stay.
- A passport or other travel document endorsed to show that the holder can stay in the United Kingdom; and that this endorsement allows the holder to do the type of work the employer is offering if they do not have a work permit.
- An Application Registration Card issued by the Home Office to an asylum seeker stating that the holder is permitted to take employment.

* The following countries are part of the EEA:

Austria; Belgium; Denmark; Finland; France; Germany; Greece; Iceland; Ireland; Italy; Liechtenstein; Luxembourg; Netherlands; Norway; Portugal; Spain; Sweden; United Kingdom; Cyprus; Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; Slovakia; Slovenia; Bulgaria and Romania.

List 2

Two of the documents in the combinations listed below will provide evidence of the right to work in the UK. The documents provided must be the **originals**.

First Combination

- A)** A document giving a person's permanent National Insurance number and name. This could be a: P45, P60, National Insurance card, or a letter from a Government agency

AND one of the following documents

- B)** A full birth certificate issued in the United Kingdom, which includes the names of the holder's parents **or**
- C)** A birth certificate issued in the Channel Islands, the Isle of Man or Ireland **or**

- D)** A certificate of registration or naturalisation stating that the holder is a British citizen
or
- E)** A letter issued by the Home Office which indicates that the person named in it can stay indefinitely in the United Kingdom or has no time limit on their stay **or**
- F)** An Immigration Status Document issued by the Home Office with an endorsement indicating that the person named in it can stay indefinitely in the United Kingdom or has no time limit on their stay **or**
- G)** A letter issued by the Home Office which indicates that the person named in it can stay in the United Kingdom; and this allows them to do the type of work that the employer is offering **or**
- H)** An Immigration Status Document issued by the Home Office with an endorsement indicating that the person named in it can stay in the United Kingdom; and this allows them to do the type of work that the employer is offering.

Second combination

- A)** A work permit or other approval to take employment that has been issued by Work Permits UK

AND one of the following documents

- B)** A passport or other travel document endorsed to show that the holder is able to stay in the United Kingdom and can take the work permit employment in question
or
- C)** A letter issued by the Home Office confirming that the person named in it is able to stay in the United Kingdom and can take the work permit employment in question.

Appendix C Policy for determining the Relevancy of Criminal Convictions

Applications

1. When submitting an application for the grant or renewal of a Street Trading Consent, applicants must declare any unspent convictions or cautions they may have, and in addition they must disclose any matters currently under investigation, howsoever or where so ever arising, which have resulted in neither an absolute discharge nor a conviction or caution.

Public Safety

2. The Council's key objective is ensuring public safety and protection from criminal activity such as fraud. The policy reflects this overriding concern and although it recognises that employment plays an important part in preventing ex- offenders from reoffending, the very nature of a street trader's job being in a position of trust will, by implication, mean that a pattern of offending/ re- offending or, indeed a single specific offence may render an applicant unfit to hold such a position of trust.
3. Applicants demonstrating either or both of these will not normally be issued a consent by the Council.
4. Before, the Council makes any decision, it will allow an opportunity for the applicant to make comment about any unspent convictions and cautions.
5. The Council may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be based upon the Council establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
6. The Council will in all cases verify the applicant's identity and require a basic criminal record check to be undertaken. Where the check reveals that the applicant has a record of convictions and/ or cautions and warnings, the Council will consider these carefully on the basis of:-
 - How relevant the offences were to the type of consent applied for
 - The relative gravity of the offences committed and
 - How recent they were
7. The Council will consider all unspent convictions with further attention given to criminal offence involving:-
 - Dishonesty
 - Assault including, Battery, or Grievance Bodily Harm/ Actually Bodily Harm including any conviction of aiding or abetting or incitement for any such offence
 - Drugs including cultivation, sale, supply or the recreational use thereof
 - Sexual offence
8. A basic criminal record check is required upon application and thereafter every three years.
9. The Council reserve the right to seek intelligence from all 'appropriate sources'.
10. Applicants with relevant offences (see list below) or cause for concern will be referred to the Licensing Sub-Committee for determination.
11. Existing holders of a Street Trading Consent will be required to notify the Council, in writing, within five working days of receiving a criminal conviction (including cautions).
12. Any applicant who is refused a Street Trading Consent, does not have the right to appeal to a Magistrates Court. If a person is aggrieved against a decision made by a Licensing

Sub-Committee, may seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be deemed necessary.

13. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officers or employee of the Council or Police Officers whilst in the course of their duty.

Specific Guidance of the Relevance of Convictions.

Drugs

14. An isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a Street Trading consent, although further consideration of the application should be required, having regard to the circumstances of the offence.
15. However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from conviction has elapsed.

Indecency offences

16. As a Street Trading consent holder, applicants will often be in remote locations at various times. Therefore applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years. In either case, if a consent is granted a strict warning as to future conduct will be issued.
17. NB- Offences of a serious sexual nature will be considered separately outside the terms of the policy, prior to the granting of any consent.

Violence

18. As a Street Trading Consent Holder, will have close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault.
19. At least three years free of such conviction should be shown before an application will be entertained and even then a strict warning as to future conduct will be given.

Dishonesty (including theft)

20. Street Trading consent holders are expected to be a person of trust. It is comparatively easy for a dishonest street trader to defraud the public by demanding more money for goods, etc. Foreign visitors can be confused by the change in currency and become "fair game" for an unscrupulous street trader.
21. For these reasons a serious view will be taken of any convictions involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

Rehabilitation of Offenders Act

22. Other than as stated above in sections 1 to 20 of this appendix, the Council will take account of the following tables as stated in the Rehabilitation of Offenders Act 1974 (as amended 2012) when determining applications.

Sentence – Adult (18+) when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 7 years	(2)
	More than 6 months and less than (or equal to) 30 months	10 years	Sentence + 4 years	(3)
	Less than (or equal to) 6 months	7 years	Sentence + 2 years	(4)
Sentence of detention (over 6 months but not exceeding 30 months)		7 years	As prison sentences	(5)
Sentence of detention (6 months or under)		5 years	As prison sentences	
Removal from Her Majesty's Service		7 years	1 year	(6)
Service detention		5 years	1 year	(7)
Community order		5 years	12 months	(10)
Fine		5 years	1 year	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years / 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Caution, warning, reprimand		None	None	(14)

Sentence – Under 18 when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 3.5 years	(2)
	More than 6 months and less than (or equal to) 30 months	5 years	Sentence + 2 years	(3)
	Less than (or equal to) 6 months	3.5 years	Sentence + 18 months	(4)
Detention and Training Order (over 6 months)		5 years (15+ at conviction) or 1 year after order ceases (12-14)	As prison sentences	
Detention and Training Order (6 months or less)		3.5 yrs (15+ at conviction) or 1 year after order ceases (12-14)	As prison sentences	
Sentence of detention (over 6 months but not exceeding 30 months)		5 years	As prison sentences	(5)
Sentence of detention (6 months or under)		18 months	As prison sentences	
Removal from Her Majesty's service		3.5 years	6 months	(6)
Service detention		2.5 years	6 months	(7)
Community order		2.5 years	6 months	(10)
Youth Rehabilitation Order		Longer of 1 year / end of the order	6 months	(11)
Fine		2.5 years	6 months	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years/ 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Youth caution, warning, reprimand		None	None	(14)

Appendix D Street Trading Consent Conditions

GENERAL CONDITIONS

1. The Consent Holder (which expression where appropriate includes joint holders of this Consent) and any person employed by him to assist him in his trading, shall produce the Consent on demand when so required by a duly authorised officer of Rushcliffe Borough Council, or by a Police Officer.
2. A copy of this Consent shall kept onsite by the holder and available for inspection by an authorised officer of the Council, or a Police officer.
3. The Consent Holder shall notify the Environmental Health Manager of the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent, within 5 working days.
4. The Consent Holder shall not sublet or underlet this Consent or any part thereof, but may surrender it to the Council or transfer the consent to a third party at any time.
5. The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly Authorised Officer of the Council.
6. Nothing contained in these conditions shall relieve the Consent Holder or his/her employees or agents from any legal duty or liability and the Consent Holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this Consent
7. The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an Authorised Officer of the Council.
8. If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the Council that permission of the landowner or lessee has been obtained to carry out the Street Trading activity.
9. The Council may vary the Conditions attached to the Consent at any time.
10. The identities of all persons working on street trading units shall be notified to the Council and all such persons will wear an identification badge.
11. If public toilets are not readily accessible from the street trading site, the Consent Holder shall provide written permission from the owner of any toilet facilities that they are proposing to use while the street trading business is operating.
12. Such toilet permission must include confirmation that the facilities will be available at all times during normal trading hours. If this is not possible, the Consent Holder shall provide a suitably screened chemical toilet, maintained and emptied at their own expense.
13. The Council's Health, Safety and Food Team will assess the appropriateness of any proposed toilet arrangements and consent will be withheld until they are satisfied with them.
14. The Council will expect all traders to cease the use of single use plastics by July 2021 where this is practicable and reasonable to do so, after this date street traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a justified reason for the continued use.

SITE CONDITIONS

15. The Consent Holder, when operating on a static trading site shall have access to suitable and sufficient sanitary accommodation for both the Consent Holder, and any persons employed in the street trading activity. The sanitary accommodation arrangements shall be approved by the Council.

16. The Consent Holder shall not use any television, tape recorder or other device for the reproduction of sound whilst trading which is audible beyond 5 metres from the site.
17. The Consent Holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the Council.
18. Advertisements or other Notices must not be placed outside of the immediate area of the street trading site without the approval of the Council. The Consent Holder shall not make any excavations or alterations of any description to the surface of the street, or land in the ownership of the Council adjoining a street, or place or fix equipment of any description in the said surface, except with the previous consent from the Council in writing.
19. The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
20. The Consent Holder shall keep his trading position and the immediate adjacent area in a clean and tidy condition during the permitted hours and also leave the location in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
21. The Consent Holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
22. Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis and disposed of by a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.
23. The Consent Holder shall make such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.

TRADING CONDITIONS

24. The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.
25. The Consent Holder shall not trade outside the time and days permitted by the Consent.
26. The Consent Holder shall display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public a street trading identification plate that has been issued by the Council.
27. The Consent Holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.
28. The Consent Holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.
29. The Consent Holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.
30. The Consent Holder shall not trade in such a way as to cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity. Noise from equipment used in connection with consented street trading activity shall not be audible inside nearby residences.
31. All street trading fees are due yearly every July.
32. Static Street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.

33. Any Consent Holder who wishes to employ an assistant who will be left solely in charge of the street trading site during the course of a day's trading shall be required to:
 - a. Obtain written permission from the Council
 - b. Provide the name, age and address of the assistant.
34. The Consent Holder shall at all times conduct his business in a clean, honest, civil and business-like manner without interfering with the business of other Traders and Consent Holders.
35. There current Food Hygiene Rating Scheme score for any consent vending food must be rated at **3 or higher**. Food safety records and any documented food safety procedures shall be made available at the time of any inspection by an officer of the council or competent officer of the Food Authority.

LEGAL PROVISIONS

36. Nothing contained in these conditions shall relieve or excuse the Consent Holder or his/her employees or agents from any legal duty or liability.
37. At all times the Consent Holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the Health and Safety at Work etc. Act 1974, the Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004" and the Food Safety Act 1990.

REVOCATION OR SURRENDER OF CONSENT

38. The Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a Consent.
39. The Consent Holder of a Street Trading Unit Identification Plate shall return the said plate to the Council immediately on revocation or surrender of the Consent.
40. The Consent Holder shall return the Paper Consent to the Rushcliffe Borough Council immediately on revocation or surrender of the Consent.
41. A Consent Holder who is found to be employing an illegal immigrant will have the consent immediately revoked. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a Consent.
42. In the event of a Consent Holder having the consent revoked by the Council a further application from that person will not normally be considered within 3 years from the date of such revocation.

MOBILE TRADING CONSENT – Additional Conditions

43. This Consent is granted on the basis that a mobile trader must not trade from a site for more than 60 minutes and not return to the same site within 2 hours.
44. Mobile units may sound chimes but not:-
 1. For longer than 12 seconds at a time;
 2. More often than once every 2 minutes;
 3. When the vehicle is stationary;
 4. When the vehicle is moving, except on approach to a selling point;
 5. When in sight of another vehicle which is trading;
 6. When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship);
 7. More often than once every 2 hours in the same length of street;

8. Chimes must not be louder than 80dB(A) at 7.5m; and
9. Chimes must not be sounded before 12 noon or after 19:00 hours.
10. Must comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or subsequent amendments.

BLOCK TRADING CONSENT- Additional Conditions

45. Block consent applications will require numerous colour photographs of the area the consent is being applied for.
46. Third Party and Public Liability insurance must cover all traders, or individual insurance for all traders must be provided.
47. A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided to the Council at least 5 working days before the consent is granted.
48. Copies of proof that all food traders covered by the block consent are registered with a Local Authority

NOTES TO THE CONDITIONS

Within the terms of these conditions the following words have the meanings as described:

The Council	Means the Rushcliffe Borough Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street,
Street	Includes: <ol style="list-style-type: none"> a. Any road, footway, beach or other area to which the public have access without payment. <p>A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.</p>
Consent Street	Means a street in which street trading is prohibited without the consent of the district council.
Authorised Officer	Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

THIS CONSENT DOES NOT:

1. Permit trading outside the terms of the Consent.
2. Indicate that planning permission is not required, Please note:
 - a. That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.
 - b. That the grant of one or more street trading consents does not give the trader immunity from planning control
 - c. The Council has discretion whether or not to enforce planning laws in relation to street trading.
3. Indicate that the unit is exempt from business rates
4. Override parking restrictions or any other traffic regulations
5. Imply approval from the highway authority or any other person or authority

Appendix E Data Protection Privacy Notice

The personal information you provide will only be used by Rushcliffe Borough Council, the Data Controller, in accordance with General Data Protection Regulation 2016/ Data Protection Act 2018 to:

- process your application, query or to provide a service that you are requesting or undertake a statutory function (also known as a 'public task')

Your personal information will not be shared with any third party, other than our data processor, without seeking your consent.

Your personal data will be kept in accordance with the Council's retention policy and schedule. Details of which can be found on the Council's website at http://www.rushcliffe.gov.uk/retention_schedule/

In accordance with GDPR you have a right to:

- have a copy of the personal information that we hold about you. Details of how to obtain this are available at <http://www.rushcliffe.gov.uk/foi>
- Request that your personal data be corrected or completed.
- Complain to the Information Commissioner if you feel that your information is not being handled appropriately (<https://ico.org.uk/>)

You may also have a right to:

- have your personal data transferred (data portability).
- prevent automated processing and profiling.
- erasure (also known as the right to be forgotten).
- restrict processing.
- object to processing.

Your data protection rights are not absolute and in most cases are subject to the Council demonstrating compliance with other statutory legislation, for further information see <http://www.rushcliffe.gov.uk/privacy/>

For further details about how your personal information may be used or about your rights under data protection legislation, please contact the Council's Data Protection Officer at –

- By post: Data Protection Officer, Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG.
- By email: customerservices@rushcliffe.gov.uk
- By Telephone: 0115 981 9911

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STREET TRADING POLICY SUMMARY OF CONSULTATION RESPONSES

NAME	FOR /AGAINST	COMMENTS	ACTION
RBC Environmental Health	FOR	Support need for greater control in order to prevent waste and associated pest issues and requirements to have minimum food hygiene standards in place.	Noted
RBC Waste & Recycling Officer	FOR	<p>All street traders who produce some waste should have a disposal option rather than placing wastes they have in their own bins at home, so in reality should have a Waste Transfer Note Duty of Care with a disposal provider, that duty of care should have the producers name, address & who they give the waste to also should show where waste is taken to. I'm guessing at many locations their waste goes into street litter bins.</p> <p>Although the borough council has a policy stance regarding single use plastics, I'm not sure there is any legal basis to enforce that upon street traders, rather we ask them to consider other alternatives. Plastic forks and spoons are a prime example, the alternative, wooden ones may harbour bacteria if washed and re used so in essence become single use and having no economical or environmental benefits. I personally do not see any issues using plastic cutlery so long as they are disposed correctly. Plastic bottles which you purchase drinks in is another item we are asking traders not to use, but they can be recycled plus you don't need any more natural resources (olis) to make it into another bottle. Food wrapping from burger vans is usually paper, the alternative is polystyrene both these not recyclable so what is the point using the alternative, so it's really about thinking what are the</p>	Noted

		alternative if there are any. So for me it is really about correct disposal and proof of that which we should be concentrating on but where possible use alternatives	
East Leake Parish Council	query only	Comments relating to markets	Noted
Highways England	impartial	Comments relating to use of laybys on A46 and A453	Noted
RBC Community Development	Comment only	If the Street Trading policy only relates to hot food and hot drinks, I think that this needs to be made much clearer in the policy document.	The main retailing for street trading is food and drink and this will be the dominant activity. However street trading covers all retailing in the areas applicable to the policy.
	Comment only	It is recommended that the wording on (page 6) is changed to recognise the Bingham Market Charter in 1314 and thus making Bingham Market exempt from the street trading consent policy.	Noted and the policy has been amended to allow exemption for markets and events held by RBC.
	Comment only	Refer to Paying for Access – Page 7 - Legal exemption from the policy exists whereby you charge an entry fee and can restrict access. Given our events programme is accessible to all and provided for the benefit of our residents and community groups this is not an option.	This is a legal exemption to which the legislation cannot be applied and is stated to ensure such events are not covered by consents
	Comment only	Trading on private land-page 7 what is the definition of private land for the purposes of the policy?	This is the ordinary meaning of private land and pub car park would be private land.

	Comment only	Point 11, page 8 - requirement for traders to be DBS checked- We do not feel that a street trader will meet the Disclosure and Barring service eligibility criteria for roles that require a DBS.The Governments eligibility checker for DBS suggests that a DBS check for a street trader would not be appropriate	DBS checks are used widely in this authority and others nationally. The annual report from the dbs service provides an example of licensing as a possible use.
	Comment only	Point 14, page 8, have 2-year written records of a trade waste contract and trade transfer notes)- places a significant administrative burden on someone applying of a block consent.	All businesses in law are required to have this in any case. This condition ensures trade waste is being disposed of in compliance with the law.
	Comment only	Right to work in the UK, - The Borough Council require all direct employee to provide proof of eligibility to work in the UK, however it does not check sub-contractors as it is deemed the responsibility of their employer to check their status. We would suggest that a tick box included on the event booking form otherwise this would be a significant administrative burden and unenforceable when the stall workers do not have photo id to prove who they are.	Right to work is required in most circumstances where people are making a living now this is part of government policy aimed at illegal immigration and working.

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**Introduction of a Borough wide Street Trading Policy**

The draft Street Trading Policy outlines the Council's approach to the licensing of street trading in the Borough. It will be used when making decisions about whether to grant or refuse street trading consents and provides guidance to new applicants and existing consent holders and will promote the priorities of the council, protecting the environment and the safety of the public. As the licensing authority, public safety is our priority. It will determine when offences of street trading are taking place.

Information used to analyse the effects of equality:

In addition to working and consulting with community safety partners, ward members and other local stakeholders on the development of the proposal, the Council has also carried out a full public consultation. This was launched on 20th September 2019 and closed on 21st October 2019. Details of the responses are provided within the appendices to the report.

page	Could particular benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
17	n/a	n/a	No impact	
	n/a	n/a	No impact	
	n/a	n/a	No impact	
	n/a	n/a	No impact	
	n/a	n/a	No impact	
	n/a	n/a	No impact	
	x		The policy proposes the requirement for street traders to provide a current DBS	

children, cohesion/good relations, vulnerable children/adults)			certificate (Disclosure and Barring Service) in ensuring that applicants are fit and proper persons	
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OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT: *(delete as appropriate)*

No major change need ~~Adjust policy/proposal/project~~ ~~Adverse impact but continue~~ ~~Stop/remove project/policy/proposal~~

Arrangements for future monitoring of equality impact of this policy/proposal/project:
This is a five year policy and will be reviewed again on renewal

Names of officers who conducted EIA and date

M Hickey 25/10/2019
G Carpenter 28/10/19

Approved by:  **Date: 28/10/19**
(manager signature)