

When telephoning, please ask for: Helen Tambini
Direct dial 0115 914 8320
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 25 November 2020

To all Members of the Council

Dear Councillor

A Virtual Meeting of the Council will be held via Zoom on Thursday, 3 December 2020 at 7.00 pm to consider the following items of business.

The meeting will be live streamed via YouTube for the public to listen and view via the link: <https://www.youtube.com/user/RushcliffeBC>

Note: Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Sanjit Sull
Monitoring Officer

AGENDA

Moment of Reflection

1. Apologies for absence
2. Declarations of Interest
3. Minutes of the meeting held on 24 September 2020 (Pages 1 - 10)
To receive as a correct record the minutes of the Meeting of the Council held on 24 September 2020.
4. Mayor's Announcements
5. Leader's Announcements
6. Chief Executive's Announcements
7. Citizens' Questions



Rushcliffe
Borough Council

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9.30am - 5pm
Friday
8.30am - 4.30pm

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



To answer questions submitted by Citizens on the Council or its services.

8. Development Corporation (Pages 11 - 34)

The report of the Chief Executive is attached.

9. Revised Hackney Carriage and Private Hire Licensing Policy 2020-2025 (Pages 35 - 140)

The report of the Executive Manager – Neighbourhoods is attached.

10. Notices of Motion

To receive Notices of Motion submitted under Standing Order No.12

“The covid-19 pandemic has compounded the impact of austerity which local government has faced over the last decade. Severe cuts to funding for local government has compelled Councils to seek out different ways of investing money to bolster their budgets, which can result in a reliance on commercial income streams to support service delivery.

This Council calls for an immediate increase in funding from central government to cover the true cost of the covid-19 pandemic. An increase in funding will ensure that councils are able to pay for essential services in their communities.”

Councillor M Gaunt

11. Questions from Councillors

To answer questions submitted by Councillors under Standing Order No. 11(2)

Membership

Chairman: Councillor S Mallender

Vice-Chairman: Councillor T Combella

Councillors: R Adair, S Bailey, B Bansal, K Beardsall, N Begum, A Brennan, B Buschman, R Butler, N Clarke, J Cottee, G Dickman, A Edyvean, M Gaunt, P Gowland, B Gray, L Healy, L Howitt, R Inglis, Mrs C Jeffreys, R Jones, A Major, R Mallender, D Mason, G Moore, J Murray, A Phillips, F Purdue-Horan, S J Robinson, K Shaw, D Simms, J Stockwood, Mrs M Stockwood, C Thomas, R Upton, D Viridi, J Walker, R Walker, L Way, G Wheeler, J Wheeler and G Williams



Rushcliffe
Borough Council

Meeting Room Guidance

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.

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MINUTES OF THE MEETING OF THE COUNCIL

THURSDAY, 24 SEPTEMBER 2020

Held at 7.00 pm and live streamed on the
Rushcliffe Borough Council YouTube channel

PRESENT:

Councillors S Mallender (Chairman), T Combellack (Vice-Chairman), R Adair, S Bailey, B Bansal, K Beardsall, N Begum, A Brennan, B Buschman, R Butler, N Clarke, J Cottee, G Dickman, A Edyvean, M Gaunt, P Gowland, B Gray, L Healy, L Howitt, R Inglis, Mrs C Jeffreys, R Jones, A Major, R Mallender, D Mason, G Moore, A Phillips, F Purdue-Horan, S J Robinson, K Shaw, D Simms, J Stockwood, Mrs M Stockwood, C Thomas, R Upton, D Viridi, J Walker, R Walker, J Wheeler and G Williams

OFFICERS IN ATTENDANCE:

C Caven-Atack	Service Manager - Finance and Corporate Services
T Coop	Democratic Services Officer
P Linfield	Executive Manager - Finance and Corporate Services
K Marriott	Chief Executive
S Sull	Monitoring Officer
H Tambini	Democratic Services Manager
L Webb	Democratic Services Officer

APOLOGIES:

Councillors J Murray, L Way and G Wheeler

Moment of Reflection

The meeting was led in a moment of reflection by Mr Brij Phakey, ex-Chairman of the Hindu Temple in Nottingham.

A link to this is available by using the YouTube link:

<https://youtu.be/dTCh5jW6wjM>

22 Declarations of Interest

There were no declarations of interest.

23 Minutes of the meeting held on 16 July 2020

The minutes of the meeting held on Thursday, 16 July 2020 were approved as a correct record and signed by the Mayor.

24 Mayor's Announcements

The Mayor informed Council that despite the continued Covid restrictions she

had been able to attend some events and charitable engagements since the last meeting. Those included a Secrets of Saxondale walk, the Wilford Hill residents' garden sale, the Merchant Navy Day flag raising at County Hall and media opportunities with each of her three charities for this year – Nottinghamshire Wildlife Trust, Trent First Responders and Music Works. By far the most moving event attended over the last few months, was the commemorations held for the 75th anniversary of VJ Day in August.

25 Leader's Announcements

The Leader of the Council paid tribute to Councillor Debbie Mason who, after 18 years in the role, would be stepping down from the Cabinet at the end of the month. He recognised her support as Deputy Leader for the last three and half years as well as the commitment she had shown to the residents of Rushcliffe through her participation in many working groups and outside bodies in addition to her duties as Cabinet Portfolio holder for Communities.

The Leader was very pleased to announce Councillor Andy Edyvean as Deputy Leader and that Councillor Rob Inglis would take up the Chairmanship of the Bingham Growth Board. He reminded Council that Councillor Abby Brennan would be joining the Cabinet and would be taking on the role of Cabinet Portfolio Holder for Communities.

Finally, the Leader thanked officers and Councillors for their continued support, dedication and hard work during the continued Covid-19 pandemic. He particularly drew Council's attention to the fantastic work of those supporting businesses to reopen, managing multiple government grants for businesses and individuals, enforcement officers keeping the Borough's residents safe, and those who had worked hard to bring a revised budget forward for consideration at this meeting. The Leader also informed Council that the officers were currently working on the self-isolation contributions, which were announced this week and would be available to support residents on lower incomes should they need to self-isolate from next month.

26 Chief Executive's Announcements

There were no Chief Executive's announcements.

27 Citizens' Questions

There were no questions.

28 Covid-19 Budget

The Portfolio Holder for Finance, Councillor Moore, presented the report of the Executive Manager – Finance and Corporate Services providing Council with a position statement on the budget, which, as a result of Covid-19, had been revised for this year. The revised budget would support and maintain operational services in an ever-changing environment. The budget position covered by the report had been explained to Councillors recently in a series of budget briefings delivered by Mr Linfield – Executive Manager for Finance and Corporate Services.

Councillor Moore explained that despite in-year savings and government grant funding as a result of Covid-19, the Council was anticipating a budget deficit this year of £0.422m. A worst-case scenario of £1.7m had been calculated but was not, at this point, expected. Council income had been affected by the lockdown, in terms of facilities hire and car-parking charges, and additional funding had been required to support front-line services and most significantly Lex Leisure who managed the Council's leisure facilities. Changes had been made to budget projections, but it was too early to be confident how quickly normality would return; the projections had been made in line with the latest government guidance.

The Council was confident moving forward with its £38m capital programme including developments at Abbey Road in West Bridgford, a new Bingham Leisure Centre and a crematorium. Changes have been made to the repayment plan for Rushcliffe Arena.

The Borough remained open for business. Officers had distributed £18.3m in business grants, and an additional £1m in discretionary grants to businesses struggling to operate in the pandemic. The situation remained challenging and would be severely tested if the Borough was forced into a local lockdown. Additional grant payments of £500 would be available for those on low incomes needing to self-isolate, and the Council had recently been given the mandate to provide additional business grants in the event of a local lockdown.

Councillor Moore reminded Councillors that as challenging as the current situation was, Rushcliffe remained a well-managed Council with a comfortable reserve fund allowing it to steer a way through the current health crisis. He extended his thanks to Mr Linfield and the Finance team for their exceptional work under difficult circumstances and presented the recommendations to Council.

Councillor Robinson reminded Council that the authority had never before been tested in such a way but was, at present, proving resilient, continuing to provide high quality frontline services whilst delivering an ambitious capital programme and dealing with all that Covid-19 had to test the Council with. Councillor Robinson delivered his personal thanks to all officers who were keeping the authority running over this difficult time. He noted that leisure remained a real concern and informed Council that both he and the Chief Executive had made representations to ministers for support as the leisure industry had a huge part to play in keeping the community fit, healthy and able to fight Covid. He also mentioned the capital programme and reiterated his commitment to the future by growing the Borough as well as supporting the project to deliver climate change.

Councillor Gray thanked Councillor Moore and the Finance team for the updated budget report and the workshops held recently to bring Councillors up to speed. Councillor Gray expressed his concerns that the Council was subsidising leisure provision and continued to deliver an ambitious capital programme. He also thanked all officers who continued to work above and beyond to respond to Covid-19.

Councillor Jones thanked the officers involved in preparing a revised budget alongside their ordinary work and issuing Covid-19 related grants. He told

Council that he found the current situation very alarming and asked that consideration be given to deliberately slipping the capital programme to focus on the short-term financial concerns brought about as a result of Covid-19 rather than the Council's longer-term ambitions.

Councillor R Mallender thanked both the officers and Councillor Moore for their hard work during these extraordinary times. He noted that the climate change reserve remained in the budget for which he was extremely pleased.

Councillor Shaw conveyed his thanks to the Portfolio Holder and officers involved in presenting Council with a revised budget.

Councillor Moore conveyed the view that Cabinet were determined to progress the Bingham Leisure Centre development to demonstrate their commitment to positive outcomes for the Borough.

It was **RESOLVED** that:

a) the revised projections to the 2020/21 revenue budget and remainder of the current MTFS in **Appendix A** as a result of the impact of Covid-19 be approved;

b) the revised projections to the Capital Programme for 2020/21 and the impact on the Capital Programme over the MTFS in **Appendix B** be approved;

c) the changes to the Transformation Strategy in **Appendix C** be approved;

d) the Council Tax Hardship Fund Policy Paper at **Appendix D** and its current application be approved;

e) the strategy of utilising in-year budget efficiencies, the Organisation Stabilisation reserve, reviewing the use of existing reserves, reduced use of Voluntary Revenue Provision and therefore use of New Homes Bonus; as fiscal levers so the Council balances the budget and delivers its corporate objectives (**paragraph 4.8.6**) be approved; and

f) the transfer of three reserves totalling to £0.524m as stated at **paragraph 4.8.7** to the Organisation Stabilisation Reserve from 2020/21 and the revised anticipated position over the next five years (**Appendix E**) be approved.

29 **Scrutiny Annual Reports 2019/20**

The Leader and Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson, presented the report of the Executive Manager – Finance and Corporate Services providing a review of the work undertaken by the Council's four Scrutiny Groups during 2019/20. The Leader invited each of the Scrutiny Group Chairmen to deliver a brief summary of the work of each Group over the year.

Councillor J Wheeler, Chairman of the Communities Scrutiny Group, informed Council that the Group had experienced a very productive year during which they had looked at Young, Positive Futures, Carbon Management, Community Facilities, the Waste Strategy and Fly-tipping. He noted that Councillors had

suggested a number of those topics and the officers who had brought information forward and supported the meetings were thanked, as well as members of the Group, and his supportive Vice Chairman, Councillor Bal Bansal.

Councillor Clarke, Chairman of Growth and Development Scrutiny Group also reported an interesting and varied year in terms of scrutiny. The Group had examined seven issues including Abbey Road, the CIL, the business support offering, vibrancy in local town centres, the management of open spaces, the effect of Covid-19 on local businesses, and customer service and digital transformation. Councillor Clarke commended the commitment of officers in supporting the Group, even under the difficult circumstances created by Covid-19, and thanked his Vice Chairman, Councillor Abby Brennan, for her support and the contributions of members of the Group.

Councillor Purdue-Horan, Chairman of Governance Scrutiny Group, reminded Council that a well-run council like Rushcliffe was not accidental; it took considerable hard work to achieve high quality outcomes for residents. He thanked the third parties that had presented to the Group over the year, the officers involved in supporting the meetings, his Vice Chairman, Councillor J Walker, and the members of the Group for their constructive questioning and dedicated action over the last twelve months.

Councillor Combellack, Chairman of the Corporate Overview Group, reflected upon what had been a challenging year for scrutiny both in terms of adapting to the new structure, remits of the groups, and the impact of the Covid-19 pandemic. The beginning of the year had seen comprehensive scrutiny training for all Councillors and the recent survey undertaken as part of the review of scrutiny had shown a significant amount of understanding and engagement. The Group had participated in the development of the Corporate Strategy, considered potential topics for scrutiny, and could demonstrate through customer feedback and performance that the Council was faring much better through the current health crisis. She thanked all Councillors and officers involved in scrutiny for their enthusiasm and participation.

Councillor Robinson reminded Council that scrutiny was a very important function of the Council and thanked the four Chairmen for their hard work during the year. He believed that the new matrix was an improvement and thanked Councillor Combellack specifically for re-energising scrutiny through her proactive approach. Councillor Mason echoed those thoughts in seconding the recommendation.

Councillor J Walker spoke on behalf of the Labour group and noted that scrutiny was an essential part of a functioning democracy. She endorsed the work of the Groups over the last twelve months and hoped to see scrutiny continue to evolve. She would welcome Cabinet member participation in the meetings to help Councillors understand why decisions were made, and would like to see a willingness to engage the public in scrutiny both directly and through interest groups.

Councillor Jones reported an improvement in the relevance and depth of topics under scrutiny last year and was pleased to see a good level of engagement from Councillors across all parties. Councillor Jones agreed with Councillor J

Walker in that engagement of the public should be extended and looked forward to that over the course of the next year.

Councillor R Mallender was pleased to note that the changes brought in after the last election had settled down and were resulting in more effective scrutiny. He told Council that in his view the only recommendation made in the last review was for Cabinet to be more present at scrutiny to answer questions from the scrutiny group. He would also like to see more public engagement in scrutiny.

Councillor Thomas thanked officers and councillors for their contribution to scrutiny over the last twelve months. Although there was still some way to go, the process had become less inward looking.

Councillor Robinson thanked Councillors for their views and confirmed that members of Cabinet were available to attend scrutiny when invited.

It was **RESOLVED** that the work undertaken by the four Scrutiny Groups during 2019/20 be endorsed.

30 **Notices of Motion**

- a. The following Notice of Motion was proposed by Councillor Robinson and seconded by Councillor Brennan.

“In light of recent reports on council company governance issues leading to company failures, job losses, significant financial losses to the tax payer and council budgets being overly reliant on single commercial income streams, potentially impacted by Covid-19.

This Council calls on the Government to provide clearer governance and risk management guidance to councils taking part in commercial ventures - to ensure that local council taxpayers' money and jobs are better protected.”

Cllr Robinson informed Council, in moving the motion, that he had brought this motion forward to protect local businesses and people employed by local authorities. He reminded Council that since 2010, local authorities had been encouraged to diversify, generate additional income streams and become more business-like. Central Government did this on trust leaving it up to councils to ensure they had the right governance structures, skilled employees, risk awareness and financial backing. Rushcliffe had taken up that challenge and delivered. There was an Asset Investment Board, which considered investments and risks, it had developed a very successful portfolio, and senior council officers have been trained by the Institute of Directors to be competent in this new area. At the heart of this approach was the understanding that councils managed public money and, consequently, had substantial responsibility to ensure that was used wisely and prudently. Councillor Robinson reminded Council that Rushcliffe had recently been recognised as the Best Commercial Council and the most Entrepreneurial Local Authority in the same year after a number of successes including the delivery of Bridgford Hall, the regeneration of Cotgrave town centre, Rushcliffe Arena and Streetwise. He outlined a

number of other councils that had not been as effective with their investments, with a detrimental effect on local communities, local authority finances, and in many cases people employed by those new businesses. He believed that central government should be setting guidelines for local authorities to steer their activities in this area to protect local taxpayers, council run businesses and their employees.

Councillor Brennan seconded the motion and reminded Council that all local authorities were facing extreme financial challenges and that many front-line services were under threat. The Covid-19 pandemic had left many councils weaker still. She supported the need for guidelines to be published to support local authorities in their commercial ventures to protect public resources.

Councillor Gray informed Council that the Labour Group would be supporting the motion but that they objected to the overtly political manner in which the Leader had presented the motion. He also reported that research showed that councils with the greatest social need invested heavily and early to off-set the losses made by austerity cuts – cuts they would not have needed to make if Central Government had not removed the Revenue Support Grant.

Councillor Jones also supported the motion but informed Council that political point scoring was unnecessary in this case. Councils of all political persuasions had diversified in order to meet the growing budget gap, some had been successful, others had not. Commercialism was not an effective way to support public services in all areas.

Councillor R Mallender suggested that it was a failure of scrutiny and risk management by parties with an overwhelming majority thinking that they knew best on behalf of their residents. He claimed it was a warning that all councils needed to heed. Commercialisation was not a bad idea per se, councils just needed to do it better. Local authorities needed to have the competence to understand how businesses worked, as did Councillors, to ensure that they could ask the right questions.

Councillor Thomas declared that the motion was politically motivated, designed to highlight the risks of commercial activity in relation to other councils but not this authority. She proposed an amendment to the motion, which would be seconded by Councillor Jones.

On checking against the Constitution, the Monitoring Officer declared that the motion, as amended, was not acceptable as it completely changed the purpose and function of the original motion. Councillor Thomas was given the option of continuing with any further comments she wished to add on the motion but declined.

Councillor Robinson agreed with the comments made by Councillor R Mallender and stated that the Council had an excellent process in place for managing its risks. It was noted that the Council had turned down projects and investments in order to manage its risks.

On being put to the vote, the motion was carried, with two abstentions

(Councillors Thomas and Shaw).

- b. The following Notice of Motion was proposed by Councillor Gaunt and seconded by Councillor J Walker.

“The 21% of new homes built in the flood zone in Rushcliffe is the highest in Nottinghamshire and cannot still be considered a sustainable option. The Environment Agency in England has said building homes on flood plains should be resisted where possible and Conservative MP John Redwood has stated in February 2020 that “building on land most at risk of flooding was a very foolish thing to do.” With the future impact of climate breakdown meaning that flooding is likely to intensify in both frequency and severity, we call on the Borough Council to commit to the following actions:

Give due consideration to the potential impact of the building of housing in flood risk areas, zones 1-3.

Where proposed sites in the Rushcliffe part of the Greater Nottingham Strategic Plan fall within flood prone areas to actively engage with statutory consultees to ensure robust assessment of the proposal.”

The Mayor made Council aware that the motion contained a typographical error. A vote was taken to accept the correction of the error before the Mayor invited Councillor Gaunt to present his motion.

The corrected motion reads:

“The 21% of new homes built in the flood zone in Rushcliffe is the highest in Nottinghamshire and cannot still be considered a sustainable option. The Environment Agency in England has said building homes on flood plains should be resisted where possible and Conservative MP John Redwood has stated in February 2020 that “building on land most at risk of flooding was a very foolish thing to do.” With the future impact of climate breakdown meaning that flooding is likely to intensify in both frequency and severity, we call on the Borough Council to commit to the following actions:

Give due consideration to the potential impact of the building of housing in flood risk areas, zones 2-3.

Where proposed sites in the Rushcliffe part of the Greater Nottingham Strategic Plan fall within flood prone areas to actively engage with statutory consultees to ensure robust assessment of the proposal.”

Councillor Gaunt, in moving the motion, gave a number of examples where senior public officials had made comment on the dangers of building new homes on local flood plains. He also drew Council’s attention to the part that flooding was playing in the climate emergency, which this Council had pledged to address locally. However, Rushcliffe continued to approve plans allowing others to build on the flood plain. It also allocated land at risk of flooding for development in the Local Plan. Councillor Gaunt explained that this motion was necessary to ensure the Council considered and consulted

upon all other options before building on the flood plain. He concluded by saying that building new homes on the flood plain was not sustainable – economically, socially or environmentally.

Councillor J Walker seconded the motion and reserved the right to speak.

Councillor Upton responded to the motion on behalf of the leading group. He stated that he was very surprised that the motion had been put forward as the Council already considered alternative options and undertook extensive consultation before approving land for allocation or new developments. He also pointed out that there had not been significant flooding on any new development in the Borough built in the last five years and moved that the motion be put to the vote without further debate.

Councillor Gaunt argued against setting aside discussion of the motion as he felt this was an important issue that deserved to be debated democratically in an open forum.

Councillor Gray raised a point of order, referred the Mayor to section 14.11.c of the Council's Constitution, and stated that Councillor Upton's motion to proceed directly to the vote had not been seconded.

Councillor Robinson seconded the motion to proceed directly to the vote and reassured Councillor Gaunt that his Group would be supporting the motion as the Council already undertook the measures he was proposing.

Councillor Jones added his support to the motion and raised concerns that what the Council was currently doing was not working and did not go far enough to protect the flood plains. He pointed out that building on flood plains did not necessarily mean that those properties would flood but suggested the Council look more widely at the impact of developments as there had been significant additional flooding in more established parts of the Borough adjacent to new developments.

Councillor Thomas encouraged the Council to take the opportunity to assess flood risk as more than just a box ticking exercise.

Councillor J Walker, who had reserved her right to speak, was disappointed that a more productive debate had not taken place. She reiterated that the Council needed to stop allocating land for development and approving plans to develop in Zones 2-3.

On being put to the vote, the motion was carried.

31 **Questions from Councillors**

a) **Question from Councillor Gowland to Councillor Moore**

“There is a pressing need for a reliable source of IT support that our residents can trust, and many people would be happy to pay for IT support service from an organisation like Rushcliffe Borough Council that they trust. Can this Council undertake a feasibility study into the possibility of providing a paid for IT support and training service to the

residents of Rushcliffe?”

Councillor Moore noted that the Council’s ICT services was currently fully occupied with maintaining services and dealing with effects of Covid-19 on the Council. He reported that he had seen no evidence of a pressing need for this kind of service and any requirement within the community could be adequately met by the private sector.

Supplementary question

Councillor Gowland asked if a pilot scheme could be considered perhaps outsourcing the actual work whilst raising much needed money for the Council.

Councillor Moore replied that any pressing need was dealt with by the private sector and that such a scheme was very unlikely to generate an income for the Council if outsourced.

The meeting closed at 8.40 pm.

CHAIRMAN



Council

Thursday, 3 December 2020

Development Corporation

Report of the Chief Executive

Portfolio Holder for Strategic and Borough Wide Leadership Councillor S J Robinson

1. Purpose of report

- 1.1. As previously presented to Cabinet in February 2020, Council in March 2020 and Cabinet again in November 2020, the Ratcliffe on Soar site in Rushcliffe is one of the three sites in the proposals for an East Midlands Development Corporation (EMDC).
- 1.2. This report provides background on, and progress to date of, the creation of a East Midlands Development Corporation; specifically, to seek approval for Rushcliffe Borough Council's involvement in the establishment of an Interim Vehicle from January 2021, for a period of three years, to maintain the momentum prior to a Statutory Development Corporation being created by Parliament.

2. Recommendation

It is RECOMMENDED that Council:

- a) notes the progress made to date of the East Midlands Development Corporation Programme, towards the establishment of an Interim Vehicle
- b) approves the principle of a financial contribution to support the Interim Vehicle over the next three years in the sum of £500,000, subject to match funding from other affected local authorities and Government. The funding arrangements to be included within the Medium Term Financial Strategy for 2021/22 onwards and funding will be allocated over the course of the three years
- c) approves in principle entering into the Members' Agreement and participating in the incorporation of the Interim Vehicle Company Limited by Guarantee and delegates authority to the Leader and Chief Executive for agreeing the final form of the Members' Agreement and Articles of Association
- d) agree the nomination of the Leader of the Council as a proposed Director of the Interim Vehicle.

3. Reasons for Recommendation

- 3.1. A recommendation was approved by Cabinet on 10 November 2020, for the Chief Executive to prepare a report including further detail on the Interim Vehicle and Rushcliffe Borough Council's involvement in it, both financially and as part of the board of the Company Limited by Guarantee (CLG), to be ratified by Full Council in December 2020.
- 3.2. The Cabinet also approved recommendations in relation to funding the Interim Vehicle and that the Council become a member of the Company Limited by Guarantee (the Interim Vehicle) subject to approval by Council.
- 3.3. If established and supported with the required resources and expertise the Development Corporation would attract nationally and internationally significant investment and development into the East Midlands, and more specifically, in to the Ratcliffe on Soar Power Station site. It is believed that this type of investment is not something that Rushcliffe, or the owners of the power station, could attract on their own.
- 3.4. Following the Government announcement regarding the decommissioning of coal-fired power stations, Ratcliffe on Soar Power Station is due to be decommissioned by 2025. This could have a significant impact on the Borough both financially (loss of business rates) and with the potential to have a very large derelict site at the entrance to the Borough from the A453. The Development Corporation would provide greater certainty on the redevelopment of the site, leveraging investment and resources to support delivery.

4. Supporting Information

- 4.1. As previously reported (Cabinet in February and November 2020, and Council March 2020), in February 2019, the Government approved funding for a two year programme to explore the business case for a locally led development delivery vehicle for the East Midlands and asked the Midlands Engine to lead the work. The Midlands Engine was asked to consider three locations in the East Midlands; specifically, Ratcliffe on Soar Power Station site (in Rushcliffe), Toton and Chetwynd Barracks (in Broxtowe), and East Midlands Airport (in North West Leicestershire).
- 4.2. The Development Corporation programme is overseen by an Oversight Board (now known as The Alchemy Board) supported by an Executive Group. The Alchemy Board is made up of Leaders from the region's upper tier local authorities and directly affected districts (Rushcliffe, Broxtowe and North West Leicestershire) alongside private sector, business community, central government, LEP's, and university representatives. The Executive Group is a smaller group of executive officers. Both are chaired by Sir John Peace, as chairman of the Midlands Engine. Anthony May (Chief Executive of Nottinghamshire County Council and Chair of the Midlands Engine Operating Board) is the Senior Responsible Officer. The Executive Group will be superseded by the Company Limited by Guarantee as covered below.

- 4.3. The overall ambition of the East Midlands Development Corporation (“EMDC”) is to supercharge a new era of growth for the regional economy by enabling projects which build directly on the potential of HS2, the region’s status as a major trade and logistics gateway and its historic strengths in research and development and industrial innovation; particularly research and innovation related to the emerging low carbon economy.
- 4.4. For the purposes of Government assessment, the team considered a range of different scenarios. The initial analysis indicates that the emerging proposition, across the three sites, could deliver 4,500 homes, an additional 84,000 jobs across the region and £4.8bn GVA growth per annum for the region.
- 4.5. The EMDC will contribute substantially to inclusive, zero carbon growth and “levelling up” by initially realising the potential of the three key sites:
- HS2 Hub at Toton & Chetwynd - a new destination for knowledge-driven jobs and an exemplar zero carbon mixed-use community, showcasing next generation living, with a HS2 hub station offering unrivalled connectivity; and
 - Ratcliffe Power Station and East Midlands Airport Area that together will provide a demonstrator for new technologies and methods of:
 - production and energy generation and supply;
 - transport and digital connectivity;
 - a proposal to be the UK’s only Inland Freeport with the Country’s largest and only 24-hour dedicated air freight hub being its main entry point to the Freeport;
 - a global multi-modal hub and centre for trade and logistics with substantial housing growth proposed across the wider area; and
 - creation of “ZERO” on the Ratcliffe Power Station site, an international centre for the development of market-ready zero emission technologies.
- 4.6. In addition to the broad programme benefits outlined in Para 4.5, there are a number of specific benefits for each of the five authority areas (three districts and two counties). For Rushcliffe Borough Council, the identified benefits include the development of a comprehensive and integrated plan for the area in and around the Ratcliffe on Soar Power Station which will create a series of attractive and deliverable investment propositions including:
- A world-class green and blue environmental investment programme with R&D in climate change and zero carbon;
 - Employment opportunities and infrastructure investment;
 - Investment in major infrastructure improvements which include; enhanced links to the A453 and A50 – including the option to dual the A453 connection to the A42;
 - Enhanced transport links; and
 - Shared benefits from the key sites in the wider East Midlands Development Corporation programme.

- 4.7. Work is continuing on the preparation of the detailed business case, which will set out to Government how the proposals meet the criteria for public sector intervention. It will establish a case for change, a value for money assessment, commercial viability, financial affordability and a route to delivery. It is anticipated that this will be submitted to Government in March 2021.
- 4.8. The proposal for the Development Corporation in the East Midlands identified the need for a new form of Development Corporation to be established to meet the needs of the East Midlands creating a locally led urban Development Corporation. This model does not currently exist and, therefore, if agreed by Government it would require legislation to establish this hybrid model of Development Corporation.
- 4.9. There has been an ongoing and positive dialogue with Government regarding the most appropriate legislative pathway to establish this new type of Development Corporation:
- In January 2020, the Midlands Engine responded to the MHCLG 'Development Corporation Reform: Technical Consultation';
 - In July 2020, the Secretary of State confirmed his support for the establishment of an Interim Vehicle, to continue to build momentum prior to the creation of a statutory Development Corporation; and
 - In August 2020, the [Planning White Paper consultation "Planning for the Future"](#) included positive reference to the Development Corporation work on page 69 with the following statement:
"As we bring forward planning reform, we also want to ensure we have in place the right delivery mechanisms, including development corporations. A good example that we are already progressing is development at Toton in the East Midlands, where we have announced our intention to support the establishment of a development corporation to maximise the area's international links and create tens of thousands of new homes and jobs. We want to see more schemes of this kind, backed by modern delivery models, around the country."
- 4.10. The Parliamentary processes required to establish a new type of Development Corporation will take time and at the July meeting of the Alchemy Board, partners endorsed the establishment of an Interim Vehicle to maintain momentum, subject to approval of the five directly affected local authorities.

Establishment of the Interim Vehicle

- 4.11. Since the report to Council in March, more work has been done by the consultant teams, Development Corporation programme team and officers from Rushcliffe to establish the detail of the arrangements for the Interim Vehicle. The proposal is for the Interim Vehicle to be a company limited by guarantee (CLG).
- 4.12. Subject to the approval of the recommendations in this report, the Interim Vehicle, to be known as EM Devco will be incorporated in January 2021. The five local authorities with administrative responsibilities within the current scope

of the programme (Toton, Chetwynd Barracks, East Midlands Airport Area and the power station at Ratcliffe on Soar), will be the members of the company and shall all need to approve similar recommendations:

- Broxtowe Borough Council;
- Leicestershire County Council;
- North West Leicestershire District Council;
- Nottinghamshire County Council; and
- Rushcliffe Borough Council.

4.13. The Interim Vehicle will, in part, mirror the intended form of the statutory Development Corporation and will consist of:

- An Oversight Authority comprising the five local authorities who will be the guarantee holders and corporate 'Members' of the CLG (this is different to the Alchemy Board);
- The Board of directors shall be 11, made up of six independent directors and five directors appointed by the councils, each council having the power to appoint a director and remove that director. The Chair shall be an independent director but will not have a casting vote. The independent directors will be appointed following a transparent process and subject to the approval of members in accordance with the members agreement; and
- Local delivery vehicles/ special purpose vehicles or joint ventures for each site.

4.14. The Interim Vehicle will not have any statutory powers (eg planning), these will remain with the relevant local authority partners until the establishment of the statutory Development Corporation.

4.15. The draft Members Agreement and draft Articles of Association set out the formal constitutional arrangements for the CLG. Approval to establish the Interim Vehicle will confirm the authority's agreement to the details within these documents. The two County Councils (Leicestershire and Nottinghamshire) have jointly commissioned Bevan Brittan and the three District and Borough Councils (Rushcliffe, Broxtowe and North West Leicestershire) Browne Jacobson to provide independent advice. These documents have been based on an agreed set of principles developed between the five Local Authorities.

4.16. Members of the Board will be appointed as Directors of the CLG. The Leader of the Council is proposed in this report as the director representative for Rushcliffe Borough Council.

4.17. There remain a few matters outstanding to be resolved between the Councils; however, these are being narrowed. At present the key matters to be agreed are:

- The form of funding contribution and the documentation to support this;

- Agreement on how changes to the articles may be brought about as well as the process for moving from this Interim Vehicles to a development company;
- Division of liability for staff or upon winding up the Interim Vehicle; and
- The process for approving director conflicts of interests to ensure that directors appointed by a council with an interest in a decision are able to take part in discussion and vote.

The terms of funding, including structure, timing and ability to withdraw or cease funding has not yet been discussed or agreed. Council is advised that the terms of the funding from each member council would need to be captured in a separate legal agreement.

4.18. Once established, the first key task will be to consider appointments and develop a business plan. It will be the responsibility of the Board to deliver the business plan which will need the approval of the Oversight Authority and which will be reviewed on an annual basis. Approval will be required of the Oversight Authority for decisions that fall outside the business plan especially those which have a budgetary implication.

4.19. Broadly speaking, the role of the Interim Vehicle will be:

- Developing the proposals and full business case for the Development Corporation;
- Masterplanning, submitting conventional planning applications and other development control applications;
- Agreements and land negotiations;
- Discussions with funders;
- Raising finance;
- Acquiring land;
- Delivering early infrastructure; and
- Selling serviced land.

4.20. Where any decision is reserved to the member councils (rather than the board of directors) then the members will have weighted voting rights. With each county having a vote representing 33% of the rights and each district having a vote which has 11% of the rights (this reflects the Councils' financial contributions.) As drafted presently, the agreement provides that certain matters are reserved to the member councils to decide upon. These decisions are split into matters requiring all councils to agree to and those which require members holding not less than 75% of the voting rights (both county councils and at least one district council) to agree to. The approval of the annual business plan and the appointment of independent directors will require unanimous approval of all members.

4.21. As stated above, it is important to note that until such time as a statutory Development Corporation is established, planning powers would remain with the local authority so not achieving equal voting rights on the board may not carry any particular detriment to Rushcliffe Borough Council.

- 4.22. The core costs for 2019-20 and 2020-21 of the Midlands Engine Development Corporation programme so far have been funded by Government, through the Ministry of Housing, Communities and Local Government (MHCLG). The total funding was £2 million, spread equally across two years (2019/20 and 2020/21). The programme team has also received additional resources through a mix of direct funding and in-kind support from partner Local Authorities.
- 4.23. The Interim Vehicle will require additional funding to bring forward the proposals. As such, in September 2020, the programme submitted a £18.6m ask to Government as part of the Comprehensive Spending Review 2020 (CSR) process to cover the first three years, which is awaiting decision (Appendix B).
- 4.24. The CSR proposition includes the establishment of a dedicated and focussed team and governance structure to rapidly progress delivery. Given the situation with Covid, and the postponement of the November budget, there is a real risk there will be a lack of clarity in terms of government support.
- 4.25. Over the three years, this funding will pay for the Programme Team as well as costs such as; concept masterplan, site investigation, planning application and the business case for the Centre for Zero Carbon Futures.
- 4.26. The Council wants to play an active role in the Development Corporation. It has been identified, therefore, that the Council could contribute up to £500k to be paid over the three years that the Interim Vehicle is established. This would be conditional on Government funding being secured and approval of Council.
- 4.27. As ratified at Full Council, a Development Corporation Reserve of £100k utilised from 2019/20 projected revenue efficiencies has been provided in order to support the project. This will, therefore, now need to increase to £300k over three years and be included as part of the Medium Term Financial Strategy presented to Full Council in March 2021. A further £200k would be allocated from the Climate Change reserve in recognition of the proposal for the National Centre for Integrated Zero Carbon Futures at Ratcliffe on Soar. This takes the total investment to £500k to be allocated over three years (2021, 2022 and 2023).
- 4.28. Rushcliffe along with the other four constituent local authorities have agreed (subject to individual council approval) that North West Leicestershire District Council, Broxtowe Borough Council and Rushcliffe Borough Council will contribute up to £500k each for the three years of the Interim Vehicle and Leicestershire and Nottinghamshire County Councils will both make a contribution of £500k per year for the three years.
- 4.29. A revised spend profile based on a reduced amount has been prepared; however, the ask of Government remains at £18.6m. All authorities are expected to have approved decisions by the end of December 2020.

5. Planning

- 5.1. In advance of the statutory Development Corporation, it is anticipated that the Interim Vehicle would work with respective local authority partners to develop masterplans and supportive policy frameworks for the sites.
- 5.2. The five councils who will be the members of the Interim Vehicle will support it either individually or together through the following means:
 - Providing planning policy expertise and related information associated with the three areas;
 - Engaging in site masterplanning and ensuring consistency with Local Plan review processes;
 - Consulting with the Interim Vehicle and engaging their planning teams on land use and transport planning policies being developed as part of the current reviews of local plans and strategies; and
 - Consulting with the Interim Vehicle and engage their planning teams on planning applications and other development management decisions relating to the development of the sites.
- 5.3. At this stage, the broad principles for the statutory Development Corporation would likely mean planning powers would only be sought for land within the proposed Development Corporation area. The range of powers may include, as examples, plan-making; development management and associated revenue raising (e.g. CIL and s106) and CPO powers. Should any planning powers be provided to the Development Corporation, consideration will be given to how they will interact with the powers held by the surrounding planning authorities in respect of both how the powers are expressed and how they will be exercised.
- 5.4. The requirements under the duty to co-operate will apply between the Development Corporation and local authorities, should the Development Corporation obtain plan-making powers. Community engagement and consultation will be enshrined from the outset through the preparation of a statement of community involvement (SCI) and with a statutory consultation process envisaged.
- 5.5. It is anticipated that planning fee income, which operates on a cost recovery basis only, will be paid to the Development Corporation for planning applications within its boundary. The partners will seek to ensure that the constituent local authorities will have an important role as statutory consultees for planning applications (and policy through the duty to co-operate and the SCI), which would ordinarily fall within their respective administrative areas.
- 5.6. It is anticipated that the Development Corporation will act as the s.106 and/or CIL authority for associated infrastructure and where appropriate this may include the Development Corporation requiring developers to contribute to strategic infrastructure outside of the Development Corporation's area.

6. Alternative options considered and reasons for rejection

- 6.1. Not to establish the Interim Vehicle is not desirable because momentum would stall, and the deliverability of the benefits set out in this report would be put into considerable doubt.
- 6.2. As outlined, there is an expectation that local authority partners contribute to the funding of the Development Corporation Interim Vehicle for its planned three years of operation. Providing this funding will ensure that Rushcliffe has a seat at the table to play a key role in shaping the Development Corporation in to the future to ensure the delivery of maximum benefit for Rushcliffe and the region.
- 6.3. The alternative option for Rushcliffe Borough Council is to not support this proposal. However, the Development Corporation could continue without the support of all local authority partners, although this would be far from ideal. In the short term, the Borough Council will retain planning control but in the longer term (when the formal Development Corporation is established) this is unlikely to be the case and therefore the Council would lose any control of the site and its future development.

7. Risks and uncertainties

- 7.1. There are risks that the Development Corporation does not get approval from Government or the required level of funding, in the immediate or longer term, and so it does not deliver or does not progress beyond the initial three-year Interim Vehicle stage. Throughout the process, the Borough Council will maintain a close working relationship with Uniper and will support them with the development of the site in this instance (in line with planning considerations). Given the situation with Covid, and the postponement of the November budget, there is a real risk there will be a lack of clarity in terms of government support.
- 7.2. There is a risk that after the initial three-year term, further funding will be required from local authority partners to support the Development Corporation. This will need to be reviewed by each individual partner at that point in time if required and based on outputs delivered to date. There is no commitment from Rushcliffe Borough Council to fund beyond the initial three years. It is expected that if a statutory Development Corporation is set up by Government in the future it will be funded and will be able to borrow and secure private investment to deliver the ambitions.
- 7.3. At this stage there is limited legal risk in deciding to become a guarantee holder of the Interim Vehicle because there are no overly onerous obligations within the documentation, there is no obligation to contribute a specific amount of money and Rushcliffe Borough Council is able to leave the Interim Vehicle by giving notice.
- 7.4. Having an RBC Director and being involved in the Consent Matter decisions increases Rushcliffe Borough Council's control over and involvement with the project and is preferable to not being a member of the Interim Vehicle.

- 7.5. The Council will retain its statutory powers, including planning powers. It is not until the Development Corporation is formally established following the passing of relevant primary legislation and an order having been made by the Secretary of State that the Development Corporation will be afforded any statutory powers. The extent of the powers afforded to the Development Corporation will depend on the nature of the primary legislation passed and also the Order made by the Secretary of State. Early involvement in the Interim Vehicle may assist the Council in shaping the nature of the Development Corporation. The loss of powers on the part of the Council can be mitigated by the extent to which the oversight authority retains power over any matters. This is likely to be influenced by the balance that can be struck in the interim period.
- 7.6. Depending on the exact nature of the final form of Development Corporation in the primary legislation, the Council may lose financial income from Section 106 contributions, community infrastructure levy payments and business rates. This, however, will only impact at the point of the Development Corporation being established and not the Interim Vehicle, and it is preferable for the Council to be actively involved during this interim period so as to have the opportunity to influence the potential longer term position.

8. Financial implications

- 8.1. As ratified at Full Council, a Development Corporation Reserve of £100k utilised from 2019/20 projected revenue efficiencies has been provided in order to support the project. The request is now that this be increased to £300k over three years based on the conditions set out earlier in this report. The timing of any advances are to be agreed. It is anticipated the £300k will be funded from the Rushcliffe element of the 2020/21 Nottinghamshire Business Rates Pool surplus (as reported in the Quarter 2 Financial Monitoring Report).
- 8.2. A further £200k to be allocated from the Climate Change reserve in recognition of the proposal for the National Centre for Integrated Zero Carbon Futures proposal for Ratcliffe on Soar. This takes the total investment to £500k over three years (2021, 2022 and 2023).
- 8.3. The financial contribution will also be subject to match funding from other local authorities partners and Government funding. It will be included as part of the Council's MTFS.
- 8.4. It is also anticipated that there is 'no detriment' clause on business rates so the Council is not disadvantaged by the loss in business rates from the closure of the power station.

9. Legal implications

- 9.1. Appendix A sets out the background advice received on the setting up of the Development Corporation.

- 9.2. By joining the Interim Vehicle, the Council will not delegate any of its statutory powers to the Interim Vehicle. The Council will retain control of these powers and any planning decisions will revert to each Council to be taken. The Council will not be bound by the considerations of the Interim Vehicle in exercising those powers.
- 9.3. The table below sets out the decisions to be taken by the Council in relation to the Interim Vehicle and the relevant decision making body within the Council:

Governance	
Decision	Decision Maker
To join the Interim Vehicle	Full Council
To contribute financially to the Interim Vehicle	Full Council
To nominate an RBC councillor to be a director in the Interim Vehicle	Full Council

10. Equalities implications

Inclusive growth is a key theme in the business case ensuring that, as far as possible, the Development Corporation brings benefits for all. As well as creating jobs the focus is on the quality as well as the accessibility of those jobs.

11. Section 17 of the Crime and Disorder Act 1998 implications

There are no crime and disorder implications associated with this report.

12. Link to corporate priorities

Quality of Life	The Development Corporation has the potential to benefit local residents' quality of life through the provision of new jobs, open space and green infrastructure.
Efficient Services	
Sustainable Growth	<p>The development of Ratcliffe on Soar Power Station through the Development Corporation and Freeport could attract a significant number of new businesses and approximately 20,000 jobs.</p> <p>The Development Corporation could deliver significant improvements to connectivity enabling more people to access opportunities at the three sites and in the wider region.</p>
The Environment	Beyond the economic benefits, the developments will enhance and improve the environment, take account of the

	<p>need to reduce emissions and achieve net gains in natural capital.</p> <p>The proposal for Ratcliffe on Soar is for a National Centre for Integrated Zero Carbon Futures putting Rushcliffe at the forefront of driving climate change.</p> <p>In addition, an integral part of the proposition is the connectivity between the sites and more broadly across the region. The focus of this is green infrastructure and public transport, minimising the impact on the environment.</p> <p>The proposition includes the creation of a wildway which is an active transport link between the sites enhancing and protecting the existing areas specifically around Attenborough Nature Reserve, River Trent and the canal network.</p>
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13. Recommendations

It is RECOMMENDED that Council:

- a) notes the progress made to date of the East Midlands Development Corporation Programme, and the establishment of an Interim Vehicle
- b) approves the principle of revising the financial contribution to support the Interim Vehicle over the next three years in the sum of £300,000, subject to further negotiation and subject to match funding from other affected local authorities and Government and, thereafter, the funding arrangements to be included within the Medium Term Financial Strategy for 2021/22 onwards
- c) approves in principle the Council entering into the Members’ Agreement and participating in the incorporation of the Interim Vehicle Company Limited by Guarantee and delegates authority to the Leader and Chief Executive for agreeing the final form of the Members’ Agreement and Articles of Association
- d) agree the appointment of the leader of the Council as a proposed Director of the Interim Vehicle.

For more information contact:	Kath Marriott Chief Executive kmariott@rushcliffe.gov.uk
Background papers available for Inspection:	EM DevCo- High Level Issues and Risks LOG
List of appendices:	Appendix A – Legal briefing note Appendix B – Comprehensive Spending Review submission

Appendix A

1. Legal Implications of the Proposed Development Corporation

1.1. The Midlands Engine has instructed Pinsents to advise it in relation to this matter. Pinsents have given detailed advice in relation to the various potential options for establishing a Development Corporation which has been reviewed by Browne Jacobson on behalf of the district/borough councils. Four key features were identified as needing to be satisfied for the Development Corporation:

- To be locally led in order to better meet the needs of the local area. An oversight authority is proposed, potentially comprised of local authority membership to have oversight and control of various powers of the Development Corporation;
- To have wide financial powers so as to be able to access a wide range of funding including private and public equity and debt finance, and grants and other investments. It is also proposed that the Development Corporation be given powers to become a community infrastructure levy charging authority;
- To have two streams of planning powers. Firstly plan making powers, and secondly operational and enforcement powers to include the ability to approve planning applications; and
- To be able to undertake delivery of projects and infrastructure, including the ability to determine planning applications and grant development orders. This will avoid multiple applications to separate local authorities where applications span more than one local authority area.

1.2. A number of existing forms of vehicles were considered with a view to meeting these requirements:

- A simple joint venture – considered to be inappropriate because it would not have the requisite power to progress this project with the complex make up of authorities and stakeholders involved;
- A Locally Led New Town Development Corporation – whilst this form of vehicle enjoys many of the powers identified for this project and is locally led, under existing legislation it would not have plan making or planning enforcement powers and it does not have the power to become a community infrastructure levy charging authority and so is limited in the funding streams it may be able to access;
- An Urban Development Corporation – there are many benefits to this form of vehicle, however the Secretary of State has the power to give binding directions with which the vehicle must comply and so it does not have the benefit of being truly locally led; and
- A Development Consent Order – these vehicles can have wider ranging powers but do have restrictions in terms of transport and economic development powers.

1.3. As none of the above existing vehicles are considered to meet all of the requirements of the proposed Development Corporation a new form of Locally Led Urban Development Corporation is proposed. This will require new primary

legislation to be passed by Parliament. If legislated as suggested then this new form of vehicle will offer the greatest benefits to the local authorities going forwards. However, at this stage the benefits are of course only hypothetical and represent a significant drawback to the proposed structure.

2. Power to Establish the Development Corporation

- 2.1. The power to establish the proposed form of Development Corporation will come through primary legislation, in a similar way to the current forms of Urban Development Corporation and Locally Led New Town Development Corporation. In both of those cases there is primary legislation in place which broadly provides a power to the Secretary of State to designate an area for the relevant purpose and to establish the relevant vehicle by way of an order of the Secretary of State. Such an order will provide certain powers to the vehicle established by the order, with the Secretary of State potentially being able to exclude powers. Depending on the nature of the vehicle proposed there are differences as to the process to be undertaken and also the nature of the order that may be made by the Secretary of State. In both cases, Parliamentary approval of the order is required.
- 2.2. The proposal for the new form of Development Corporation follows a similar process. Primary legislation will be required in order to provide the Secretary of State with the power to designate an area and establish a Development Corporation by way of an order. Parliamentary approval of the proposed order will be required.
- 2.3. As such, the Council will not take a formal decision to establish the proposed Development Corporation. This will be a matter for the Secretary of State with the approval of Parliament. The Secretary of State will however be required to consult in relation to the designation of an area and the making of an order to establish the Development Corporation. The Council will have the opportunity to respond to that consultation with a view to shaping the nature of the Development Corporation and the powers afforded to it. The Council may also make proposals directly to the Secretary of State in relation to the Development Corporation.
- 2.4. The possibility of the primary legislation itself establishing the Development Corporation without further steps being required by the Secretary of State is being explored. However, whether this is required will depend on how the primary legislation progresses.
- 2.5. Early involvement through the Interim Vehicle will be beneficial to the Council in helping it to shape the nature of the proposed Development Corporation, in particular with a view to ensuring a locally led position is established. The position that is established with the Interim Vehicle is likely to be reflected in the Development Corporation in due course.

3. Nature and Structure of the Development Corporation

3.1. The powers of the proposed Development Corporation will depend on the nature of the primary legislation that is ultimately passed. Whilst at this stage this is uncertain, it is proposed that this form of Development Corporation will be able to take on powers in its area to include acting as:

- Planning authority;
- Highways authority; and
- Local transport authority.

3.2. It is also proposed that the powers of the Development Corporation will potentially also include those relating to air quality, tourism and housing under a combined authority model.

3.3. The Council's main role following establishment of the Development Corporation will be within the proposed oversight authority. The functions available to the oversight authority will be conferred by the legislation and the order creating the Development Corporation, but proposals include:

- The ability to give directions to the Development Corporation;
- The ability to appoint members of the Development Corporation;
- A requirement to give consent or approval to the acquisition or disposal of land by the Development Corporation; and
- A requirement to give consent in the event that the Development Corporation seeks to have additional powers conferred on it by a subsequent order.

3.4. Again, the benefit of the Council being involved in the Interim Vehicle is that the position that is established is likely to be reflected in the Development Corporation in due course, and this provides the Council with the ability to influence the nature of the future Development Corporation.

4. Legal Implications for the Council of the Proposed Development Corporation

4.1. The key legal implication for the Council of the proposed Development Corporation is that to the extent that any powers in respect of a particular area are afforded to the Development Corporation, the Council will no longer be able to exercise such powers. As such the Council will lose a degree of control over those matters, the functions in respect of which are then to be exercised by the development corporation.

4.2. The potential for the legislation to include an ability for powers of the Development Corporation to be "switched on and off" is being explored. For example, certain powers may be afforded to the Development Corporation for certain phases of development, and otherwise revert to the Council. Again, this is only a proposal at this stage and what is ultimately the position will depend on the nature of the proposed primary legislation.

5. The Interim Position – ie Prior to Government Legislation

Power to Join the Interim Vehicle

- 5.1. In the interim, it is proposed that an Interim Vehicle be established as set out in this report. This Interim Vehicle is proposed to be in the form of a company limited by guarantee. The Council's power to join a company limited by guarantee comes from the general power of competence in Section 1 of the Localism Act 2011 ("the 2011 Act"). This gives the Council the power to do anything that an individual might do. The power is restricted by Section 4 of the 2011 Act which requires that a thing done for a commercial purpose must not be something that the Council is required to do by statute, and must be something that the Council may also do for a non-commercial purpose. Pursuant to Section 4, when doing something for a commercial purpose the Council must do this through a company, which includes a company limited by guarantee.
- 5.2. Development and regeneration areas have regularly utilised the general power of competence, and the Council may do so in the current matter.

6. Nature and Structure of the Interim Vehicle

- 6.1. As stated above, the Interim Vehicle will take the form of a company limited by guarantee. This means that the company will have no share capital, and the local authorities will be the guarantee holders and, therefore, the 'members' of the company.
- 6.2. Guarantees cannot be sold in the same way that shares can, therefore if a local authority wishes to leave the company, they would hand their guarantee back and leave. They could not pass their guarantee on to another body or organisation. The local authorities may leave the company at any time by giving 12 months' notice to the other authorities that they wish to leave.
- While guarantee holders, the local authorities can exercise their control over the company in two key ways:
 - Each local authority can appoint a director to the board, who will have a say in the day to day running of the company; and
 - As members, the local authorities together can take direction on the 'Consent Matters' set out in the Members Agreement.



Comprehensive Spending Review (CSR) 2020 Proposition



THE EAST MIDLANDS: OVERCOMING CHALLENGE, DRIVING OPPORTUNITY

The East Midlands regional economy is at an historic turning point, with a strategic response now required to address challenges and exploit long-term opportunities. As it recovers from the impact of COVID-19, its industrial base is also confronting the continuing digital revolution and adapting to a zero-carbon future. To harness its true potential, it must also raise skill levels and improve connectivity.



The East Midlands Development Corporation (EMDC) will be the catalyst for turning significant challenge into historic opportunity. It will provide the capacity, coherence, confidence and drive which enables a series of large-scale developments to deliver regional and national impacts.

The EMDC Comprehensive Spending Review (CSR) 2020 programme has brought together all upper tier authorities across the East Midlands together with university, LEPs and business leaders.

THE EAST MIDLANDS DEVELOPMENT CORPORATION: THE PATHWAY TO PROGRESS CORPORATION

The EMDC will supercharge a new era of growth for the regional economy by enabling projects which build directly on the potential of HS2; the region's status as a major UK trade and logistics gateway; and its historic strengths in R&D and industrial innovation – particularly research and innovation related to the emerging low carbon economy.

Those projects will contribute substantially to levelling-up the regional economy by driving clean, inclusive growth, significantly improving connectivity, and enabling real-world technologies which open up new markets and give the UK competitive advantage.

Our CSR 2020 programme proposals will drive early momentum for these opportunities by creating an interim body which will pave the way for the statutory Development Corporation.

This interim vehicle will:

- Provide detailed, deliverable investment plans
- Establish commercial arrangements
- Invest in enabling infrastructure which unlocks the key sites
- Acquire and assemble the land needed for coherent delivery of homes and jobs

- Establish a National Skills Academy focused on future economic need
- Fund ZERO, an international centre for the development of commercial applications to meet the climate change challenge
- Demonstrate economic ambition, drive market confidence.

The EMDC programme is focused on ambitious long-term outcomes which will lift regional economic performance to a point where it makes a greater contribution to UK output. Those outcomes are:

An exemplar community at Toton & Chetwynd centred on the HS2 Hub – A destination for knowledge-driven jobs and an exemplar carbon zero community which mixes next generation living, working and connectivity, and builds a new ‘Garden of Innovation’.

Symbolic transformation of the UK’s last coal-fired power station into an international centre for next-generation carbon zero technologies – The Ratcliffe-on-Soar Power Station, due to close in 2025, would host ZERO, a demonstrator for the development of market-ready carbon zero technologies for energy, industry, housing, transport.

An Inland Freeport centred on the UK’s largest 24-hour airfreight hub – East Midlands Airport is a global freight gateway which sits alongside a major multi-modal logistics interchange and is close to world-class industries such as aerospace and automotive.

The East Midlands was the cradle of the UK’s Industrial Revolution, an historic economic transformation. It is fitting that it should now be the place which overcomes some of the challenging environmental legacies that this fossil-fuelled revolution left behind.

It is also a deliverable strategy, with a number of factors aligning to make this new transformation possible: the arrival of HS2, which will supercharge connectivity and enable new housing and commercial investment; the decommissioning of Ratcliffe-on-Soar Power Station, a strategically-positioned 700-acre investment site with grid infrastructure; the UK’s largest airfreight gateway at East Midlands Airport; and the presence of specialist low-carbon expertise in the region’s major businesses and universities – who have a history of collaboration.

The EMDC model itself is the key to exploiting potential at this transformational scale: through vision, capacity and professional expertise, it will reverse the coordination challenges that have held back regional economic momentum. Critically, it will also provide confidence to investors looking for clear opportunities driven by committed teams working to a long-term goal.

GOVERNMENT'S ROLE: LEVELLING-UP IN ACTION

Our ambitions for the EMDC project are of an historic magnitude. Without bold government intervention, old hurdles to progress will remain, and growth ambitions will not be met:

- Housing and business space delivery would be slower and at lower levels without the leadership, focus, specialist skills and visible momentum of the Interim Vehicle.
- Coordinated and timely delivery of plans for Toton & Chetwynd will not be possible without a link road and early land acquisition.
- ZERO is a visionary project which requires significant upfront investment to prime delivery whilst key areas of focus and operating models are refined.
- The National Skills Academy's scope and significance is such that it requires funding over and above that available via Local Authority and partner budgets.

Central to the EMDC concept is a structure and purpose which overcomes challenges posed by the current system:

- Complex local authority boundaries and responsibilities mean strategic intervention is required to bring forward a coherent plan for priority regeneration of key regional development sites.



- Fragmented land ownership at Toton and Chetwynd hinders coordinated infrastructure investment. Intervention enables investment aligned to strategic goals.
- New transport infrastructure and green spaces – critical to connectivity and quality of life – would be limited without a strategic masterplan, which will maximise impact and value.
- ZERO will marshal resources for R&D in a way which ensures a focus on the delivery of applied solutions capable of transforming connectivity, productivity and place.
- The Development Corporation's strategic priorities will provide a repeatable model for zero carbon regeneration, development and integrated placemaking.
- Growth enabled by HS2 could cause congestion which strains existing infrastructure. The Interim Vehicle will mitigate these impacts by coordinating responses across boundaries.
- Regional inequalities would be locked-in without intervention. The Interim Vehicle can correct this under-performance by prioritising interventions and coordinating delivery.

INITIAL INVESTMENT: BUILDING VISIBLE MOMENTUM



The initial investment will deliver:

- 1500 new homes
- 500 new jobs
- £25m Gross Value Added (GVA)
Growth per annum

It will also provide visible momentum behind an historic intervention designed to both shift the dial of regional economic performance and make decisive progress towards zero carbon innovation and growth via industrial and academic collaboration which delivers viable, real-world solutions.

Both HM Treasury Green Book and Departmental Guidance, including MHCLG, suggest early intervention will deliver a Benefit Cost Ratio of 2:1 based on land value uplifts and the impacts of each project.

Initial Investment



1,500
new homes



500
new jobs



£25m
additional GVA



Overall Ambition



at least 4,500
new homes



84,000
new jobs



£4.8bn
additional GVA

This initial investment is a critical step which paves the way for a transformational long-term programme which is expected to deliver 84,000 jobs, at least 4,500 homes and a £4.8bn uplift to the East Midlands' GVA.



FINANCIAL PROFILE: UNLOCKING OPPORTUNITY

The EMDC CSR 2020 projects have a total current-price cost of £235m. These costs have been based on estimates developed by professional expertise, including cost consultants, chartered surveyors, consulting engineers and infrastructure specialists. Specialist advice has also been provided about land acquisitions. Land assembly costs will be recovered as sites are developed and any uplift in value resulting from investment by EMDC will also be captured.

The estimated total cost of ZERO reflects its capacity to deliver benefit at societal level, with early investment required to finalise detailed feasibility studies.

Grant Thornton has advised on establishing the Interim Vehicle, with costs for the corporate team and deliverables split between the three key sites, and costs for specialist expertise assessed according to site-specific requirements.

Total private sector investment levered by the EMDC CSR 2020 programme is estimated to be some £300 million.

CRITICAL FIRST STEPS: SUPPORTING AND DELIVERING THE 2020 CSR PROPOSITION

The process starts with the five key steps which form this 2020 CSR proposition:

- 1. The Interim Vehicle** is pivotal to project-specific objectives, commercial confidence and region-wide economic ambitions: if funding is reduced, the capacity does not exist. Various models have been evaluated by partners and government and the appropriate structure has now been identified.
- 2. The Toton & Chetwynd Link Road** to open up the first phase of development. It cannot be delivered without the full requested funding. It is also central to the 'Access To Toton' strategy developed to maximise the connectivity value of investment in the Toton HS2 Hub. It will be implemented by Nottinghamshire County Council as highway authority working with the EMDC interim vehicle.
- 3. Land assembly at Toton & Chetwynd** – pooling public sector land and acquiring other strategic assets, including formally integrating the Chetwynd MoD barracks into the site.
- 4 ZERO** – Creating an international centre on a radically new scale to develop commercial low emission solutions at speed and linked to a large industrial development fund. ZERO will be critical in achieving decarbonisation and emissions targets and will put the UK at the forefront of applied innovation in sustainable future technologies.



The business case for ZERO reflects the investment required to go from the conceptual stage to a detailed delivery plan involving researchers, engineers, policy and behavioural specialists – including application-focused technologists and an unrivalled set of solution demonstrators. Reducing funding would impact on confidence and miss the opportunity to accelerate the delivery of much needed solutions. This is a symbolic transformational ambition defined by expertise in problem-solving and real-world outcomes. Regional universities, industry, local partners and the Energy Research Accelerator are already developing a feasibility study. Turner & Townsend has identified a programme to progress the proposals.

5. Creating a National Skills Academy

is a central part of our programme, ensuring growth opportunities created in the East Midlands can be extended to all communities. It is therefore a priority for partners, and fundamental to our inclusive ambitions. It will be delivered by a collaboration between our university partners & a local secondary school to develop low carbon economy skills: training key workers, linked to knowledge sector, also providing retraining & social mobility to support sustained inclusive growth.



Risk Management

Robust governance and delivery arrangements have been identified for the proposed EMDC and its associated Interim Vehicle, ensuring efficient and effective delivery of CSR 2020 projects. Through a shared vision with partners, they have already prepared responses to key delivery risks:

- **Site Assembly** – Nottinghamshire County Council has already acquired a strategically important part of the Toton site. CSR funding will enable aligned landholdings, including MoD property at Chetwynd, to be assembled.
- **Planning consent** – required for the link road, but the proposed scheme will also form part of local planning policies, and the emerging Supplementary Planning Document.
- **Cost management** – appropriate allowances have been made in the project, both in cost estimates and feasibility advice to help develop the projects.
- **Dependence on third parties** to take forward early investments – local partners have close working relationships, for example, the University of Loughborough and the owners of Ratcliffe Power Station site.
- **Market/economic uncertainty** – mitigated by the involvement of public sector in infrastructure for early win projects; development plots ready as Covid-19 recovery accelerates.

SUMMARY:

A REGION LEVELLED-UP AND LIFTED

A series of major development opportunities have been identified which offer long-term potential to drive inclusive growth which better connects communities to the emerging low carbon economy. These projects offer individual benefits and the collective potential for viable, next generation solutions for living, working and travelling. They also address UK-wide strategic policy objectives related to skills, housing, transport, innovation and zero carbon.

A 'purpose-built' structure is required to lead progress and attract significant private sector investment. The model identified is the East Midlands Development Corporation, which will have the capacity, skills and coherence to act at a regional scale.



To build momentum ahead of the creation of a statutory body, an Interim Vehicle is needed to drive the early, enabling interventions such as infrastructure, land assembly and preparation/scoping.

This will not only enable the statutory body to hit the ground running but will build confidence that the levelling-up agenda will create long-term opportunities for communities and investors.



www.midlandsengine.org



Council

Thursday, 3 December 2020

Revised Hackney Carriages and Private Hire Licensing Policy 2020-2025

Report of the Executive Manager – Neighbourhoods

Cabinet Portfolio Holder for Neighbourhoods, Councillor R Inglis

1. Purpose of report

- 1.1. This report seeks to review and update the Council's Hackney Carriages and Private Hire Licensing Policy considering recent legislative changes by the Department of Transport.
- 1.2. Council is requested to approve the Policy changes.

2. Recommendation

It is RECOMMENDED that Council approves:

- a) the Hackney Carriages and Private Hire Licensing Policy 2020-2025
- b) that the Executive Manager – Neighbourhoods be granted delegated authority to make minor variations to the Policy.

3. Reasons for Recommendation

The Department of Transport (DOT) has released a statutory Taxi and Private Hire Vehicle Standards report, the Government is expecting all councils to adopt the document by placing it in the Policy. The amendments further protect children and vulnerable adults using our licensed vehicles. The DOT require a report in January as to the measures the Council have put in place, and, if not, a satisfactory explanation must be provided.

4. Supporting Information

- 4.1. It is a legal requirement for the Council to have a policy for the licensing of Hackney carriages and private hire vehicles.
- 4.2. The proposed revised Policy has been updated to reflect new statutory vehicle standards as outlined in the DOT report. The Policy is shown at Appendix A.

4.3. Significant changes include:

4.3.1. **Section 5, page 8 and Appendix R, page 98**

New provisions relating to whistleblowing enabling Licensing officers to be confidentially informed of a safeguarding issue. The Government guidelines make the grounds for a robust policy, which is provided at Appendix R.

4.3.2. **Section 6, page 8**

New paragraph relating to the use of Common Law Police Disclosure to obtain details on an applicant if they have been arrested, bailed, not charged or suspected of being involved in an offence(previously the Notifiable Occupation Scheme). This is highlighted in paragraph 6.

4.3.3. **Section 6.1 page 9**

New provision for the inclusion of the “Harm Test” to identify whether an applicant has currently or previously been involved in violence where harm has been caused to a child or vulnerable adult.

4.3.4. **Section 6.5, page 12**

Amends existing requirements for all drivers to undertake a knowledge test orally / reading or other to show they can communicate with the passenger.

4.3.5. **Section 6.8, page 14**

Amends safeguarding requirements. All drivers must undergo Safeguarding Vulnerable Passengers training, which can be carried out by the Council or by an approved contractor. The Council are using a charity called the Blue Lamp trust who run this course at no charge to the authority. This training will be mandatory for all renewing drivers including disability awareness and training for the Hackney drivers on loading wheelchairs.

4.3.6. **Section 6.11, page 15**

New provision relating to a new code of conduct when working with vulnerable passengers.

4.3.7. **Section 7.1, page 18**

Broadens the types of vehicles that can be licensed to include stretch limousines and other adapted vehicles.

4.3.8. **Section 9.2, page 26**

Amends the requirements in respect of “fit and proper” persons.

4.3.9. **Section 9.3 and 9.4, pages 27-28**

This is a particularly helpful new provision relating to staff working on bookings and dispatch who are now required to be DBS checked if they come into contact with the public or over the phone. This is intended to prevent grooming of vulnerable persons or the sharing of

sensitive information to criminals. There are also new requirements for operators to keep records of bookings.

4.3.10. **Section 9.5, page 28**

New provision requiring operators to have a policy on the employment for ex-offenders specifically the type of work to be undertaken.

4.3.11. **General Comments Omission and Inclusions.**

The DOT is requesting councils give consideration to mandating the fitting of CCTV within all licensed vehicles. Currently, there are only two English councils who have mandated a CCTV system. This proposal was included in the consultation of this Policy.

4.4. Following endorsement of the draft Policy changes by the Licensing Committee on 12 October 2020, the Council undertook a consultation exercise on the revised Policy in November 2020, and received two responses both of which agreed that the policy changes meet the requirements to protect children and vulnerable adults. Both responses also favoured maintaining the current position on the optional use of CCTV in-cab requirements and, consequently, there is no proposal at this stage to incorporate this change.

4.5. Given the extensive breadth of the Policy, it is vital that the Policy is kept up to date with any changes to legislation and guidance, therefore delegation is sought for the Executive Manager Neighbourhoods to make minor amendments. To ensure transparency, all such minor variations to the Policy will be reported to the Licensing Committee on an annual basis.

5. **Alternative options considered and reasons for rejection**

5.1. No alternative options have been considered as the update to the Policy is required to comply with current legislation and guidance.

6. **Risks and Uncertainties**

6.1. Some of the proposed changes may impact on existing taxi / private hire operators and licence holders. However, it is considered unlikely that this will reduce the number of vehicles significantly as many of the changes seek to improve professional standards and public safety which the trade should support.

7. **Implications**

7.1. **Financial Implications**

It is anticipated that the changes to the Taxi and Private Hire Standards should not have a significant financial impact upon the Council. Third parties contractors may be engaged for certification purposes regards new reading, writing and oral checks, for which the applicant would pay a fee direct to the third party. Changes to demands on RBC licencing and administrative

workloads may attract minimal fee to licence applicants in order to maintain a cost neutral service.

7.2. Legal Implications

The Council adopted the Policy in December 2019 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

An Equalities Impact Assessment has been undertaken which has identified no major or adverse impact has been noted. This is shown at Appendix B.

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

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

8. Link to Corporate Priorities

Quality of Life	The implications of this amended Policy will further protect the public and users of licensed vehicles
Efficient Services	None
Sustainable Growth	None
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 Council approves:

- a) the Hackney Carriages and Private Hire Licensing Policy 2020-2025
- b) that the Executive Manager – Neighbourhoods be granted delegated authority to make minor variations to the Policy.

For more information contact:	Geoff Carpenter, Environmental Health Manager 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	Report to Licensing Committee 12 October 2020
List of appendices:	Appendix 1 - Hackney Carriage and Private Hire Licensing Policy 2020– 2025 Appendix 2 – Equality Impact Assessment



Rushcliffe Borough Council

RUSHCLIFFE BOROUGH COUNCIL HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2020 - 2025

Revised Oct 2020

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DRAFT

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).
- **Statutory Taxi & Private Hire Vehicle Standards. July 2020, Policing and Crime Act, sec 171(1)(5)(4)**

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.
- Policing & Crime Act 2017
- Immigration Act 2016
- Common Law Police Disclosure

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 of individual applications, contraventions, suspensions and revocations for drivers, vehicles and operators. In certain circumstances a Licensing Sub-Committee, comprising of up to four 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. Whistleblowing (confidential reporting Code) Operators

See Appendix R Procedure for Licensed drivers to report issues to their operator which may be contrary to the law whilst protecting their identity. <https://www.gov.uk/whistleblowing> if reported the council policy will be followed.

6. Driver Requirements

Each driver must satisfy the Council that he / she is a 'fit and proper person' 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. Enquiries will be made by the Disclosure and Barring service and the use of Police Common Law disclosure (replaced Notifiable Occupation Scheme (March 2015)).

It is the applicants duty 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, and 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.

6.1 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.
- **Harm Test**

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.

Harm Test: a person satisfies the “Harm Test” if they may harm a child or vulnerable adult or put them at risk of harm. Or it is something a person may do to cause harm or pose a risk of harm to a child or a vulnerable adult.

Prior to and when issued with a licence, the licence holder Must notify the issuing Council within 48hrs of any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. Failure to do so may result in the non-issue of the licence, penalty points, suspension or revocation.

6.2 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 Disclosure and Barring Service (DBS) Check. Use the guide to online disclosure found in Related Documents section.
2. Full UK driver's licence held for at least a year
3. Two 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 references (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 the above must be in place before the three-month period expires - **there are no refunds of any monies paid.**

This Council issues licences that enable the driving of both Hackney Carriages and Private Hire Vehicles. Licences shall be issued for a maximum period of three 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.

6.3 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 they have been printed within the last three months and are to an enhanced level and have 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 in 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.

6.4 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.

6.5 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 **and read** English in such a manner that they can communicate **satisfactorily** with customers. The Council will make such arrangements for the testing of an applicant's ability to speak **and read** English as required on an individual basis and may make a charge for such a test. **This will be carried out at the council's office at Fountain Court at the same time as the knowledge test (unless other arrangements are made by Licensing Staff). The candidate should at the time of the test be able to satisfy the customer service staff / or other agent the council nominates, that they fully understand what they have read. The applicant will be asked to read a paragraph on a selected page which is relevant to their role, and must verbally reply to the tester, in English what the text means for them. The tester will decide if that knowledge is a pass or a fail and note any reasons good or bad.**

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.

6.6 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 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.

6.7 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.

6.8 Safeguarding Training

Every new applicant shall undergo Safeguarding Vulnerable Passengers training before a licence is issued. The training may be provided through an approved online training provider or 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 three months of the renewal dates of their licence.

Failure to pass the training will result in the applicant or current licence holder re-taking the training session and exam. 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, and 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 driver's badge, to attend refresher training within three months of the renewal. Failure to do so may lead to the licence being suspended.

6.9 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 and will be reviewed from time to time.

6.10 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.

6.11 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.

Drivers working under an arrangement to transport children may be working in 'Regulated Activity' as defined by the Safeguarding Vulnerable Groups Act 2006. It is an offence to knowingly allow a barred individual to work in regulated activity. The guidance on home to school travel and transport issued by the Department of Education should be considered alongside this document.

6.12 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 other 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 authority's name or any person so employed by them.

6.13 Driver 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.

6.14 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 deems 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 ten hours unless there is an agreement to work longer hours
- Working between six and nine 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.

6.15 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, will be entered into the register.

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 licence 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.

7. Hackney Carriage and Private Hire Vehicles

7.1 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) which 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
- A current MOT certificate valid for at least three months or evidence of 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.
- **Stretch limousines can be licensed by the authority but will not be licensed for any more than 8 passengers, if the seating is of such a kind that a determination of seating is not clear, a licensing officer will inspect the vehicle to discover the precise number of seats available. If no clear determination can be obtained, the application will be viewed on its own merits and may be refused.**

7.2 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 Council's 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 five 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 seven years old on the day that the licence is granted will be issued with a 6-month licence.

7.3 Emissions and Age of Vehicles

The Rushcliffe Borough Council 2017 Policy introduced a change to the age policy for both Private Hire and Hackney Carriage 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 accordingly:

Any NEWLY LICENSED 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 Rushcliffe Borough 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 councils 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, and wheelchair 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 Council's public register page and no implications on data protection are expected to comply with this obligation.

7.4 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.

7.5 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.

7.6 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 consider the aims and objectives of this policy.

7.7 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.
- **Specialised vehicles. Used for school proms etc. constructed or adapted for less than 8 persons.**

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.

7.8 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.

7.9 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 about 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.

7.10 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 roadworthy 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.

7.11 Vehicle Examination and Testing Requirements

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

7.12 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.

7.13 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.

7.14 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.

7.15 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.

7.16 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.

8. 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.

9. Operators

9.1 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 Operator's 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.

9.2 Fitness and Propriety

The Council will only issue licences to applicants that are deemed to be fit and proper. **Applicants must declare all persons who are directors of the company and a valid DBS certificate must be supplied along with a valid passport, or a valid driving licence.** 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).

9.3 Booking & Dispatch Staff

Private Hire vehicle drivers are not the only direct contact that private hire users have with private hire vehicles operator's staff, for example a person taking bookings (Be it be by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adult.

The Council will need to be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. The Council will, **as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**

Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded. The register must be available for inspection by a warranted police officer and an authorised Council officer.

Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

9.4 Record keeping

Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. The Council **shall as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

9.5 Policy for the employment of ex-offenders

The Council also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

9.6 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 employer's liability insurance.

9.7 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 consider 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.

9.8 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).

9.9 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 authority's 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.

9.10 Right to Work in the UK

Refer to section 6.12 Right of the Driver to Work in the UK.

9.11 Complaint/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.

9.12 Operator's Responsibility

The Operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall 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 any 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.

9.13 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.

10. 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.

11. Compliance and Enforcement

11.1 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 to 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.

11.2 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 maintains these arrangements.

11.3 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 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 Officers will be authorised to operate the scheme and issue points accordingly. The penalty point scheme is outlined in Appendix M.

11.4 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 for Neighbourhoods, under delegated powers, is permitted to suspend the licence of a driver, vehicle or operator.

Where the Executive Manager for 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 for Neighbourhoods will take into account all relevant facts and circumstances including the aims and objectives of this policy and the nature of the breach.

11.5 Refusal to Renew a Licence

The Executive Manager for 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.

11.6 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.

11.7 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.

11.8 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 available on 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.

Appendix A Private Hire and Hackney Carriage Drivers Registration/Application Procedure

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 proper nature 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 applicant's 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 have 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 Council's 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 **seven 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 Council's 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 the Related Documents section
2. Full UK driver's licence held for at least a year
3. Two 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 references (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 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 for Neighbourhoods. In these cases, the Executive Manager for Neighbourhoods will 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 driver's licence will be three years. Once a licence expires, the applicant will be required to complete the renewal application.

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Appendix B Disclosure and Barring Service Procedure

Rushcliffe Borough Council uses a third party, the GB Group, to obtain Disclosure and Barring Service check. Checks for drivers will be of Enhanced level. For Private Hire Operators who are NOT drivers, these 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 be required to attend the Rushcliffe Community Contact Centre (RCCC) 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 notifies 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 Service 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 provided 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 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 (IoL) and a copy is available on the website [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 driver’s 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 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
- 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 or violence
- there is failure to comply with the provisions of the Town Police Clauses Act 1847
- there is failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- there is 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 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 requiring 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 driver's 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. 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 until at least **ten 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 of Police
9. Common assault (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. 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 until at least **seven 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. 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 until at least **five 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. 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 **ten 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 **three 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 **five years** (or at least **five 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 **three years** free of conviction or at least **three 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. 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 **ten 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 **ten 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 **five 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 **three-five 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 **five 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
4. 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 **ten years** (or at least **ten 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.

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 **five 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 **five years** is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least **five 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 **six months** prior to the date of the application the application will normally be refused.

5.29 In cases of disqualification at least **three 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 **two 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 One

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 six months.

- 5.35 An application with a points total **greater than seven** 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 for 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 for Neighbourhoods under delegated powers.
- 5.39 A list of offences to which this section applies is attached as **Appendix One**.
- 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 two years** has elapsed for 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 are described in Appendix One and will be treated as **major** traffic offences if the court awarded **four** or more penalty points for the offence and as **minor** traffic offences if the court awarded **three** 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 **three 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 **three 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 of passengers for hire and reward whilst without insurance will have his/her operator's licence revoked immediately and prevented from holding a licence for **three years**.

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Appendix One

MAJOR TRAFFIC OFFENCES

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
BA40	Causing death by driving while disqualified
BA60	Causing serious injury by driving while disqualified
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink *
CD50	Causing death by careless driving when unfit through drugs *
CD60	Causing death by careless driving with alcohol level above the limit *
CD70	Causing death by careless driving then failing to supply a specimen for analysis *
CD80	Causing death by careless or inconsiderate driving *
CD90	Causing Death by driving: unlicensed, disqualified or uninsured drivers *
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle *
DD80	Causing death by dangerous driving *
DD90	Furious driving
DG60	Causing death by careless driving with drug level above the limit*

The above offences marked * are dealt with in the section entitled driving offences involving the loss life

DR10	Driving or attempting to drive with alcohol level above limit +
DR20	Driving or attempting to drive while unfit through drink +
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
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
DR40	In charge of a vehicle while alcohol level above limit +
DR50	In charge of a vehicle while unfit through drink +
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +
DR70	Failing to provide specimen for breath test +
DR80	Driving or attempting to drive when unfit through drugs +
DR90	In charge of a vehicle when unfit through drugs +
DG10	Driving or attempting to drive with drug level above the specified limit
DG40	In charge of a vehicle while drug level above the specified limit

The above offences marked + are dealt with in the section entitled alcohol and drugs

IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
UT50	Aggravated taking of a vehicle
TT99	Signifies a disqualification under the totting up procedure 12 or more points within three years

MINOR TRAFFIC OFFENCES

CU10	Using vehicle with defective brakes
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
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Using a mobile phone while driving a vehicle
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS60	Offences not covered by other codes
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to the identity of driver etc.
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SPI0	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable/ warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign
TS70 Undefined failure to comply with a traffic direction sign

HYBRID TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes
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
CU30 Using a vehicle with defective tyre(s)
CU40 Using a vehicle with defective steering
CU50 Causing or likely to cause danger by reason of load or passengers
SPI0 Exceeding goods vehicle speed limit
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30 Exceeding statutory speed limit on a public road
SP40 Exceeding passenger vehicle speed limit
SP50 Exceeding speed limit on a motorway
SP60 Undefined speed limit offence

Other non-endorsable motoring offences i.e. no MOT

NOTE:

All offences in Appendix above may also have the following codes:

- Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)
- Causing or permitting Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)
- Inciting Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).

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 four or eleven years depending on the offence.

Accident offences

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

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes Causing or likely to cause danger by reason of use of unsuitable vehicle	3
CU20	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 four years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11

Code	Offence	Penalty points
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
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 four 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 four 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
DR90	In charge of a vehicle when unfit through drugs	10

Insurance offences

Code IN10 must stay on a driving record for four 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 four 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 four 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 four 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 four 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 four 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 four 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 four years from the date of conviction.

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

Theft or unauthorised taking

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

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

'Mutual recognition' codes

You will get an 'MR' code on your driving record if you are 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 have 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 driver's 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
- (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 seven days
- (b) Any convictions for any offence incurred by him during the period of the licence reported in writing within seven days (this includes fixed penalty ticket offences warnings and cautions or speed awareness courses)
- (c) The details of any road accident in which a licensed vehicle has been involved shall be reported to the Council in writing or by email within 48 hours
- (d) A change of Private Hire Operator shall be reported in writing within seven 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. Hirings - 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) 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. 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.

8. 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 the following:

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.

9. Safeguarding Training

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

10. Penalty Points Scheme

- (a) The Council operates a Penalty Points Scheme to raise the awareness of conditions amongst licensed drivers and 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 you, as 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.

11. 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 an 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 five years and Hackney Carriages older than seven years 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 elapsed. 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 Council's 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.

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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 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 01.01.2011, 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 the vehicle 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 turbos which are more fuel efficient rather than some of the larger cubic capacity engines. Vehicles less than 1600cc will be accepted 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 vehicles 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 RCCCH. 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.

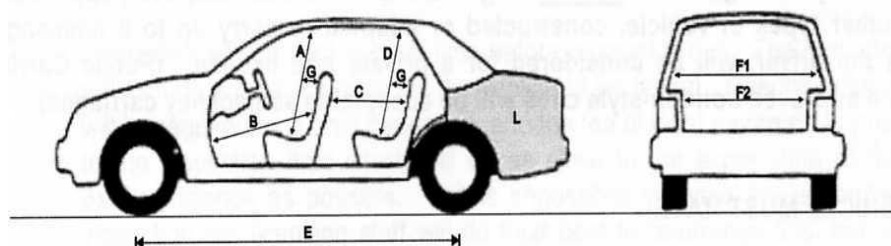
11. Unauthorised use

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 four 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 or part worn tyres are not accepted,

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.

Stretch Limousines

All applications for licence stretch 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. 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 have written 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 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.

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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 driver licensed 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 aged three years or older, without a seat belt if they're under three years.

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 used for specific types of work and not normal private hire journeys. The applicant will be required to show the type of work undertaken in order that 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, conformation 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 driver licensed 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
- c) 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.**

7. 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 and 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, conformation 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 that 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 with 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 washers 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.
Check that 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 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.

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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/online 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/her operating base premises records of the following information in relation to all Private Hire Vehicles operated by him/her 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 with 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/her shall be maintained in a satisfactory and roadworthy 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 drivers' hours, it is incumbent upon the Operator to ensure drivers do not work long hours and that they are fit to drive 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 **seven days**
- b) Change of address, in writing within **seven 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/her or his/her agents or managers relative to any aspect of his/her 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 driver's, vehicle or operator's licences, and should a breach of the condition or Act be detected, points may be issued against the licence holder, up to the maximum values shown on the table below.

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 Council's 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 affects their ability to drive

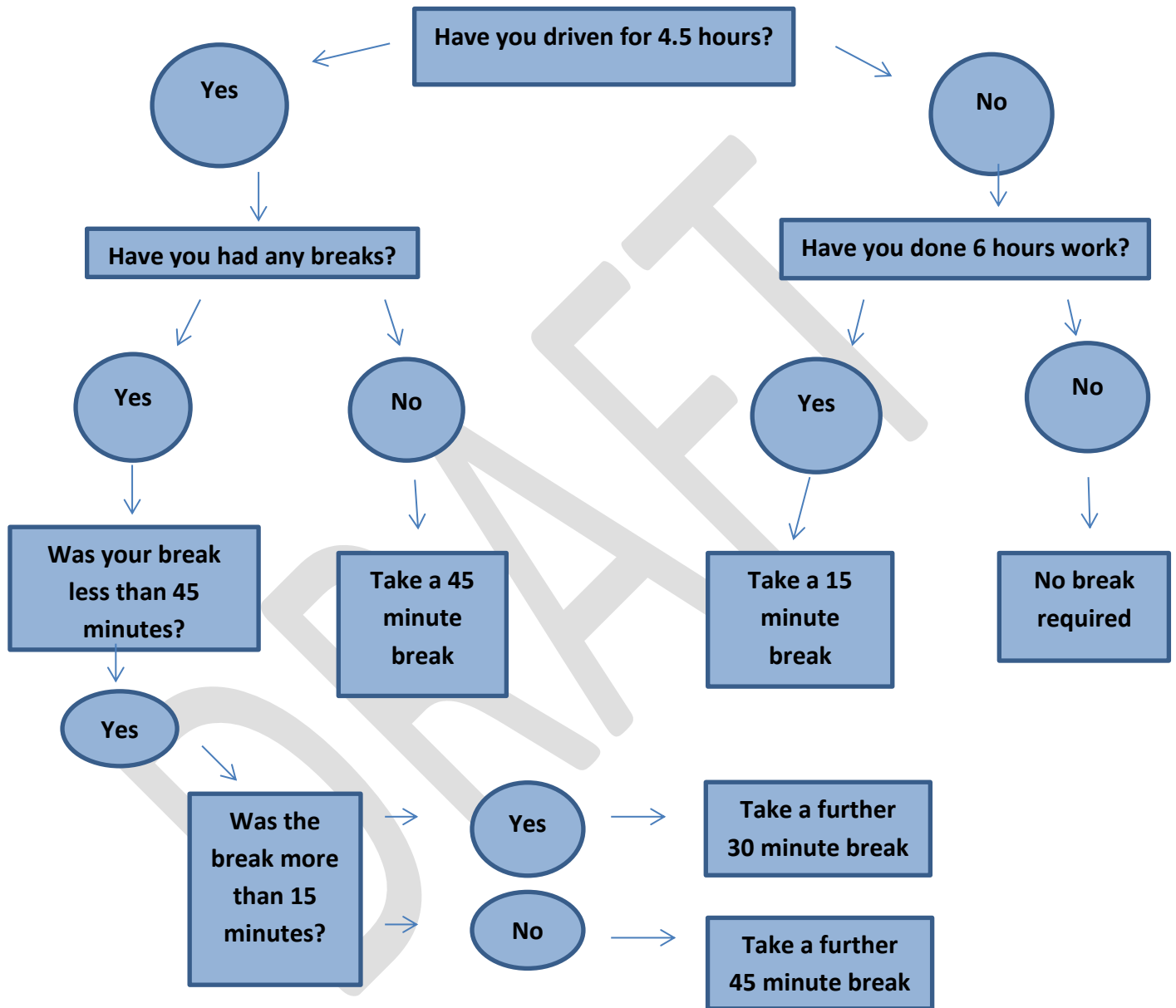
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Appendix N Rushcliffe Borough Council's Code of Conduct When working with Vulnerable Passengers

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-identification 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, the driver/operator 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 the driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, he/she should report this to the police by telephoning 101 (or in appropriate cases by calling 999)
- If the driver/operator is concerned about someone else's conduct, he/she should report their concerns to the police (101) or Crimestoppers (0800 555 111) or the Safeguarding hub on 0300 500 80 90

Appendix O Guidance Notes on Driver Working Hours – Do I need a break?



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 driver's licence. This information is important in the context of a subsequent application to another authority for a driver's 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 driver's 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 driver's licence, or renewal of an existing driver's 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 stated. 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 three 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
- 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's) 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 subject's 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 driver's 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 schedule 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 record 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, 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 number: _____

National Insurance number: _____

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.

Whistleblowing for employees

Whistle Blowing

This policy relates to the reporting of allegations of illegalities or wrong doings in the taxi/private hire trades regulated by Rushcliffe Borough Council's licensing service.

Such reports may be considered as "whistleblowing" and there exists legislation to protect such individuals in certain circumstances. You will be considered a whistleblower if you're a worker and you report certain types of wrongdoing, so as an employed Private Hire driver for example. This will usually be something you've seen at work.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

Private Hire and Hackney Drivers or others in the taxi trade can raise any concerns with Rushcliffe Borough Council directly. Any information will be treated confidentially, taken seriously, and appropriately investigated.

A taxi driver or other person employed in the Taxi/Private Hire trade may choose to contact Rushcliffe Licensing anonymously by submitting evidence, along with any other relevant details, via Licensing@rushcliffe.gov.uk. In these cases a reporter may lose their whistleblowing law rights.

As such we would encourage any person aware of wrong doings in the taxi trade occurring in Rushcliffe to report the matter to Rushcliffe Licensing service with their full details to enable officers to ask for further information and attain the best evidence possible. Reporters will not have a say in how the concern is dealt with but can be kept updated as far as confidentiality rules allow. In these circumstances where the reporter makes it clear at the outset, that they do not want anyone else to know it was them who raised the concern, then reports will be treated confidentially and we will do all we can to ensure details of the reporter will not be released.

Employed individuals might be able to benefit from the protections in whistleblowing legislation depending on their status and way of working. If an individual is unsure if they are protected, independent advice should be sought, for example from Citizens' Advice. More information is available on the Government's website - <https://www.gov.uk/whistleblowing>.

An employer may also have a whistleblowing policy and in this case any person with a concern to raise should also review their policy in deciding a course of action. Rushcliffe Borough Council Licensing do not require Private Hire Operators to have a specific policy on whistleblowing but we do encourage the adoption of such

policies. Larger organisations are likely to have a policy covering whistleblowing in relation to their employees.

In all cases if a crime is being or has been committed, drivers and others should report this to the Police either by calling 999/101 or making a report after the event to Nottinghamshire police. <https://www.nottinghamshire.police.uk/do-it-online/report-online>

Where employees of Rushcliffe Borough Council have any concerns about the legal and correct application of legislation or policy in respect of regulating the taxi trade or generally about the licencing function Rushcliffe Borough Council has an internal confidential reporting policy available at:

<https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/documentsstrategiesandpolicies/> to enable confidential reporting, investigation and response.”

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EQUALITY IMPACT ASSESSMENT FORM

Name and brief description of proposal/project / policy / service being assessed:

Revised Hackney Carriage and Private Hire Licensing Policy 2020-2025 v.2

The Department of Transport (DOT) has released a new Statutory standards for Taxi and Private Hire vehicles and it is expecting all Councils to adopt them by revising their policies.

Information used to analyse the effects of equality:

This report relates to statutory amendment to the council's policy which went to Full Council in December 2019 and previous to that had undergone a full consultation process

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	Could particularly 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	x		The taxi policy will ensure public safety using taxis in the borough	
Men, women (including maternity/pregnancy impact), transgender people	x		See above	
Disabled people or carers	x		See above	
People from different faith groups	x		See above	
Lesbian, gay or bisexual	x		See above	
Older or younger people	x		See above	

Other (marriage/civil partnership. Looked after children, cohesion/good relations, vulnerable children/adults)	x		See above	
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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:
Note when assessment will be reviewed (e.g. review assessment in 6 months or annual review).

The policy will be reviewed in 2022

Names of officers who conducted EIA and date

Geoff Carpenter

Approved by: 
(manager signature)

Date: 22/09/20