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10 March 2016

To: All Councillors

As a Member of the **Licensing & Appeals Committee**, please treat this as your summons to attend the meeting on **Thursday 10 March 2016 at 6.00 pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Lamb', with a stylized flourish at the end.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence.

2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING.**

3. MINUTES OF LAST MEETING

15 July 2015

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

	Page Nos
<p>5. REVIEW OF ANIMAL ESTABLISHMENTS LICENSING - CONSULTATION</p> <p>To consider approval of a proposed response to consultation, by the Department for Environment, Food and Rural Affairs (DEFRA), on proposals to reform the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments.</p>	3 - 9
<p>6. DEREGULATION ACT 2015 - POWER TO EXEMPT THE SUPPLY OF LATE NIGHT REFRESHMENT FROM REQUIREMENTS OF THE LICENSING ACT 2003</p> <p>To consider a proposal that the District Council continues to licence late night refreshment premises under the provisions of the Licensing Act 2003; and an amendment to the Authority's Scheme of Delegation to enable the Licensing and Appeals Committee to apply an exemption, were it to deem it appropriate at some point, in accordance with the Deregulation Act 2015.</p>	10 - 18
<p>7. ANIMAL WELFARE LICENSING – ADOPTION OF LICENCE CONDITIONS FOR DOG BOARDING / DAY CARE & HOME BOARDING; AND BOARDING OF CATS</p> <p>To consider adoption of two sets of new Model Licence Conditions for Home Boarding/Day Care of Dogs (in the home only), and Dog Boarding/Dog Day Care (in purpose-built facilities); revised Model Licence Conditions for Cat Boarding Establishments and to delegate authority to amend, relax or waive any of the District Council's Model Licence Conditions for Home Boarding/Day Care of Dogs as considered appropriate for the type of premises to the Head of Regulatory Services</p>	19 - 36
<p>8. REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY – UPDATE REPORT</p> <p>To provide an update on the review of the District Council's Taxi and Private Hire Licensing Policy; and to consider approval for consultation with the Taxi and Private Hire Trade on proposed revisions to the Policy.</p>	37 - 104

Members of the Committee: Councillors Jennifer Bower (Vice Chair), Tom Donnelly, Graham Elliott, Richard FitzHerbert, Steve Flitter, Helen Froggatt, Alyson Hill, Angus Jenkins, Tony Millward BEM, Jean Monks (Chairman), Joyce Pawley, John Tibenham,

LICENSING AND APPEALS COMMITTEE
10 MARCH 2016

Report of the Head of Regulatory Services

REVIEW OF ANIMAL ESTABLISHMENTS LICENSING - CONSULTATION

SUMMARY

This report informs the Committee of Government proposals, through the Department for Environment, Food and Rural Affairs (DEFRA) to reform the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments.

The Committee is asked to consider a draft response to the consultation, prepared by officers, to allow submission of comments by 12 March 2016, the consultation closing date.

RECOMMENDATION

That the Committee approves the draft response to the consultation from DEFRA on proposals to reform animal establishments licensing, for submission by the closing date of 12 March 2016.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the vision of a safe Peak District.

1 REPORT

1.1 Background

The District Council is responsible for regulating a number of animal-related businesses, as well as the keeping of specified dangerous wild animals by businesses or individuals.

1.2 The licence types which can be issued under several pieces of legislation are:

- Animal boarding establishment licences (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet day care)
- Dog breeding establishment licences (premises used for, or in connection with, the commercial breeding of dogs)
- Pet shop licences (any business which keeps animals with a view to selling them as pets)
- Riding establishment licences (premises which keep horses and ponies for hire for riding, or for riding tuition – but excluding livery stables)
- Zoo licences (for premises which exhibit wild animals to the public)
- Dangerous wild animal licences (for keeping one or more dangerous wild animals, from a prescribed list, at premises within the district)

1.3 The numbers of licences in force for premises in the Derbyshire Dales at 31 December 2015 are as follows:

Licence Type	Duration	Number
Animal Boarding Establishments	12 months	13 (total)
- Cats and Dogs **		6
- Cats		3
- Dogs**		4
** (includes home boarding)		
Dog Breeding Establishments	12 months	4
Pet Shops	12 months	4
Riding Establishments	12 months	4
Zoos	4-6 years	0
Dangerous Wild Animals	24 months	1 (ostriches)

1.4 Whilst the District Council is responsible for licensing animal welfare premises, Derbyshire County Council is responsible for registering any performing animals based within the county, and for recording the movements of farm animals.

1.5 The legislation governing all of the above licence types has been introduced mainly between 1951 and 1981, with various amending pieces of legislation following on. The effect of this is that there are now 10 Acts of Parliament plus numerous pieces of secondary legislation governing the above six licence types.

1.6 Over the years, each local authority has the discretion to determine its own procedures, processes and licence conditions for dealing with these application types, which has led to a great deal of variation across the country. This has resulted in uncertainty and confusion for businesses trading in more than one area/district.

1.7 Each licence is stand-alone, so any business wishing to offer two or more of the licensable activities (for example, a pet shop which provides accommodation for dogs/cats while their owners are away) would have to apply for two licences for the same premises; one licence to operate as a pet shop and another licence to operate an animal boarding establishment.

1.8 A consultation on proposals to reform animal establishment licensing in England

In December 2015 the Government informed local authorities of its intention to introduce new secondary legislation under the Animal Welfare Act 2006, (as had been anticipated when the Act was originally enacted), which would introduce a single 'Animal Establishment Licence' for animal boarding establishments, pet shops, riding establishments, and dog breeding.

1.9 A consultation exercise was launched by the Department for Environment, Food and Rural Affairs (DEFRA), at the end of December 2015 to run until 12 March 2016.

- 1.10 The consultation document explains how there is a strong public expectation that animal welfare standards will be robustly enforced by local authorities, but that the laws, and their specific requirements, are often decades old, and difficult to adapt to the changing types of animal-related businesses, and to new standards of good practice in animal welfare.
- 1.11 The document highlights how the current process is complex and burdensome for both businesses and local authorities. For instance, primary legislation limits licences to a calendar-year framework, arbitrarily focussing inspections at the end of the year, and forcing some businesses with multiple functions to have as many as three separate licences.
- 1.12 As part of its commitment to Better Regulation, DEFRA is conducting a cross-cutting review of licences and permits. This consultation sits within that wider review and aims to relieve the administrative burden on local authorities, simplify the application and inspection process for businesses, as well as maintain and improve existing animal welfare standards by modernising the current animal licensing system in England.
- 1.13 Full details of the proposals are set out in the consultation document produced by DEFRA; it can be accessed through the link: <https://consult.defra.gov.uk/animal-health-and-welfare/consultation-on-the-review-of-animal-licensing>
- 1.14 The proposal envisages that the existing legislation for all of the current licensing activities would be repealed upon the introduction of the new scheme.
- 1.15 Officers have considered the proposals and prepared a draft response to the 15 questions contained in the consultation document. In principle, the proposals are welcomed. The draft response is produced in **Appendix 1** for consideration by the Committee.
- 1.16 Any response to the Consultation will need to be submitted on-line by 12 March 2016.

2 RISK ASSESSMENT

2.1 Legal

The report comments on reforms to legislation. There are no legal considerations for the District Council at this stage.

2.2 Financial

The financial risk of this report is assessed as low because there are no direct financial implications arising from it. This is an initial consultation on possible legislative change. Once the outcome of the consultation is known, a further report will be prepared for the committee if there are any financial implications for Derbyshire Dales District Council.

3 OTHER CONSIDERATIONS

- 3.1 In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, environmental health, climate change, legal and human rights, financial personal and property considerations.

4 CONTACT INFORMATION

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5 BACKGROUND PAPERS

Description	Date	File
Letter from DEFRA re consultation	20 December 2015	RS/LN
Consultation Document on Review of Animal Establishments Licensing in England https://consult.defra.gov.uk/animal-health-and-welfare/consultation-on-the-review-of-animal-licensing	December 2015	-

6 ATTACHMENTS

Appendix 1	Draft Response to Defra Consultation on Animal Establishment Licensing in England
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DRAFT RESPONSE TO DEFRA'S CONSULTATION ON REFORM OF ANIMAL ESTABLISHMENT LICENSING IN ENGLAND

Question 1: To what extent do you agree or disagree with the proposal to introduce a single Animal Establishment Licence? Please provide any comments or evidence to support your answer.

We welcome proposals to simplify the system of licensing both for businesses and local authorities. A single piece of legislation and associated processes covering all forms of animal welfare licensing should help to achieve this aim. We note that the proposals do not include Zoo Licensing or Dangerous Wild Animals; we do not understand the logic behind their omission.

Question 2: To what extent do you agree or disagree with the proposal to promote or require use of the Model Conditions by local authorities, for activities where they have been agreed? Please provide any comments or evidence to support your answer.

We welcome the use of Model Standards (which are already in operation in Derbyshire Dales) as these promote consistency for business and aid local authorities in their decision making.

Question 3: To what extent do you agree or disagree with the proposal to prohibit the sale of puppies below the age of eight weeks? Please provide any comments or evidence to support your answer.

This proposal is very clear and gives minimal room for uncertainty – as such we welcome it.

Question 4: To what extent do you agree or disagree with the proposal to make clear that the statutory licensing threshold for dog breeders is set at three or more litters per year? Please provide any comments or evidence to support your answer.

Under the current licensing regime there is still uncertainty around the definition of being in the business of breeding dogs for sale. The proposed threshold of 3 or more litters per year will reduce some of this uncertainty and enable local authorities to properly regulate dog breeders who are currently circumventing the law.

Question 5: To what extent do you agree or disagree with the proposal to legally require pet sales to provide written information when selling animals? Please provide any comments or evidence to support your answer.

We agree with this proposal. It is not easily possible for pet vendors to know whether a purchaser is an experienced pet owner or not. Requiring the provision of information should help to ensure successful pet ownership.

Question 6: What other proportionate measures could address concerns around the care of exotic animals?

We believe there might be scope for the development of nationally agreed information about exotic species. This should help ensure that new owners receive the best advice at point of sale.

Question 7: To what extent do you agree or disagree with the proposal to allow licences to be issued for a fixed term, set at any point in the year? Please provide any comments or evidence to support your answer.

We agree with this proposal. Modern IT systems allow the effective processing and tracking of licences so it is no longer necessary to have a single expiry date. In fact spreading the workload throughout the year should be of benefit to local authorities both in processing licences and undertaking inspection activities. This proposal will also aid business through removing the nonsense of a licence that may only last for a few months.

Question 8: To what extent do you agree or disagree with the proposal to increase the maximum length of a licence that local authorities may issue to up to three years? Please provide any comments or evidence to support your answer.

We support the principle of a longer licensing period for compliant businesses. Any risk assessment process to support this principle would need to be clear and transparent both to local authorities and to business; we do not want to create a whole new bureaucracy around the risk assessment process itself. We believe that rather than the licensing period being subject to risk assessment it would be more sensible for the inspection frequency to be set by risk assessment. In this way a licence would last for 3 years and any premises considered to be high risk might be subject to (say) annual inspections whilst low risk premises would be subject to a reduced inspection frequency.

Question 9: To what extent do you agree or disagree with the proposal to allow licence holders to transfer licences to new owners of the same premises, subject to notification of and approval by the local authority? Please provide any comments or evidence to support your answer.

We agree with this proposal provided that the fee associated with transfer is able to cover the cost to the local authority.

Question 10: To what extent do you agree or disagree with the proposal to require licence holders to notify local authorities of major changes, such as a change of premises or scale of activities? Please provide any comments or evidence to support your answer.

We agree with this proposal.

Question 11: To what extent do you agree or disagree with the proposal to maintain the registration requirement for performing animals? Please provide any comments or evidence to support your answer.

This activity is not covered by the District Council and as such we have no comment to make.

Question 12: To what extent do you agree or disagree with the proposed changes to the registration system for performing animals? Please provide any comments or evidence to support your answer.

This activity is not covered by the District Council and as such we have no comment to make.

Question 13: To what extent do you agree or disagree with these proposals on powers of entry? Please provide any comments or evidence to support your answer.

We agree with this proposal in principle and are pleased to note that the requirement to give reasonable notice of the application for a warrant will not apply where this notice would defeat the object of entry. We are concerned at the proposal to limit the number of people permitted to enter premises under the authority of a warrant to 4. Whilst this should be adequate in the majority of cases there may be circumstances when more than 4 officials would need to enter, for example in the case of a large scale puppy farming operation.

Question 14: To what extent do you agree or disagree with the proposal to allow an exemption from licensing requirements for businesses affiliated to a body accredited by UKAS? Please provide any comments or evidence to support your answer.

We agree with this proposal in principle as it fits with the concept of earned recognition. However, further information needs to be provided about any proposed UKAS certification schemes.

Question 15: Do you think sector-led UKAS-accredited certification schemes could improve animal welfare in unlicensed areas? If so, what would work best and how could this process be encouraged?

We believe that this proposal could produce positive impacts in relation to animal welfare. However, as the businesses discussed are not currently subject to specific regulation we have no information to back up this assertion.

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LICENSING AND APPEALS COMMITTEE
10 MARCH 2016

Report of the Head of Regulatory Services

DEREGULATION ACT 2015 POWER TO EXEMPT THE SUPPLY OF LATE NIGHT REFRESHMENT FROM REQUIREMENTS OF THE LICENSING ACT 2003

SUMMARY

This report informs the Committee how the Deregulation Act 2015 amends the Licensing Act 2003; by giving new powers to licensing authorities to allow certain (prescribed) premises an exemption from being regulated to allow the supply of late night refreshment.

The report suggests that the District Council continues to licence late night refreshment venues at the present time but seeks to put in place the appropriate delegation to give the Licensing and Appeals Committee the power to apply an exemption were it at some future date to deem it appropriate.

RECOMMENDATION

- 1) That late night refreshment premises in the Derbyshire Dales should continue to be licensed under the provisions of the Licensing Act 2003, at this time.
- 2) That the District Council's Scheme of Delegations is revised to authorise the Licensing and Appeals Committee to apply an exemption to the regulation of late night refreshment, if deemed to be appropriate in the future.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the vision of a safe Peak District.

1 BACKGROUND

1.1. Licensing Act 2003

The sale/supply of hot food and drink to members of the public or members of a registered club between the hours of 11pm and 5am is regulated under the Licensing Act 2003 (the Act). This licensable activity can be authorised by a Premises Licence or Club Premises Certificate if carried out regularly; or by a Temporary Event Notice (TEN), if only needed for (a) specific occasion(s).

- 1.2. Premises can be licensed for the sale of alcohol, the provision of regulated entertainment and/or the supply of late night refreshment with just one authorisation.

Usually premises that are licensed just for the supply of late night refreshment are takeaways or late night cafes. Licences/Certificates are granted for the life of the business and an annual fee is due each year on the anniversary of the date of grant. Conditions can be attached to these licence is considered necessary to promote the 4 licensing objectives in the Act.

1.3. In Derbyshire Dales there are currently 7 premises that are licensed just for the supply of late night refreshment – these are all takeaway premises and are located in Matlock, Ashbourne and Wirksworth town centres. There are several more takeaways across the District selling hot food such as fish and chips, Chinese, Indian food etc, but the premises are closed to the public by 11pm and fall outside the regulatory regime.

1.4. There are many restaurants, public houses, clubs and hotels, off-licences, village stores etc in the Derbyshire Dales that are licensed to provide late night refreshment between 11pm and 5am, but they are also licensed for the sale of alcohol and/or the provision of regulated entertainment so will need to continue be regulated in any event.

1.5. Deregulation Act 2015

In March 2015 the Deregulation Act 2015 introduced amendments to the Licensing Act 2003, which included exemptions to the regulation of late night refreshment in specific types of premises, depending on the location and the times of operation.

1.6. The types of premises to be affected were specified in The Licensing Act 2003 (Late Night Refreshment) Regulations 2015 which came into effect on 5 November 2015.

1.7. The Home Office has produced new guidance for licensing authorities and police authorities, intended to assist them with monitoring and enforcement of late night refreshment licensing activities. It is also intended to assist businesses wishing to provide hot food or drink between 11pm and 5am, to know whether or not they will need a licence.

1.8. The Government's guidance is included at **Appendix 1** for information. It is not statutory, and has been issued as an interim measure until the Statutory Guidance first issued to Licensing and Police authorities under section 182 of the 2003 Licensing Act, can be updated.

1.9. The provision of late night refreshment is regulated primarily because it is often (but not always) linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers do tend to congregate. The Guidance suggests that these safeguards may not be needed everywhere or for every type of late night refreshment premises. For example, some late-night cafés serving hot drinks after 11pm could be located away from pubs and nightclubs or areas associated with alcohol-related anti-social behaviour, crime and disorder, and as a result there may not be any problems associated with these premises staying open late.

1.10. Powers of Exemption

The powers allow a licensing authority to exempt the supply of late night refreshment if it takes place:

- a) on or from premises which are wholly situated in a designated area;
- b) on or from premises which are of a designated description; or
- c) during a designated period (beginning no earlier than 11.00 pm and ending no later than 5.00 am).

1.11. The Guidance is clear that it is not mandatory for a Licensing Authority to exercise this new power; it is legal to continue as before, and require all premises supplying late night refreshment to be licensed.

The guidance acknowledges that: ‘...Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with antisocial behaviour or disorder associated with the night time economy..’

1.12. If choosing to designate a particular area as exempt, the relevant licensing authority must define the location, which can be of any size.

1.13. If choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations, which are:

- Motorway service areas;
- petrol stations;
- local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- schools (except domestic premises) unless there is an event taking place at which more than 500 people are present
- hospitals (except domestic premises);
- community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
- licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.

1.14. If choosing to exempt the provision of late night refreshment at particular times, the relevant licensing authority must determine the times between 11pm and 5am when the exemption applies. The exemption and any subsequent change to the time will apply to the whole licensing authority area.

1.15. A relevant licensing authority may use more than one type of exemption at the same time, for example by changing the times across the licensing authority area during which licensing requirements will apply and also exempting premises by type across the whole licensing authority area.

1.16. However, it cannot use different forms of exemption in conjunction with one another – for example, it would not be permitted to change the times in one geographical area.

1.17. When deciding which exemption to use, **if any**, the relevant licensing authority should always first consider what the risks are in terms of the promotion of the licensing objectives. Licensing authorities do not have to use the exemptions at all and can continue to require all late night refreshment providers to be licensed.

1.18. Late Night Refreshment in Derbyshire Dales

As detailed in paragraph 1.3, there are only a few premises licensed solely for the supply/sale of late night refreshment. As some of these premises are located in an area where there is a commercial/domestic mix of premises, in close proximity to pubs and bars, they do tend to attract people who have been drinking alcohol.

- 1.19. The hours for some of our takeaway premises have already been restricted to a finish time much earlier than 5am as part of the Planning Permission, to minimise the effect of nuisance and disorder.
- 1.20. The use of the premises for later hours than these cannot be achieved by the granting of a premises licence alone; a variation of the planning permission hours would also be needed before the premises licence could be used later.
- 1.21. At the time of writing this report there have not been any requests to exempt premises from the requirement to have a licence to provide late night refreshment.
- 1.22. Because of the town centre locations of the 7 premises currently licensed for this activity Officers consider that these late night refreshment premises should continue to be licensed under the provisions of the Licensing Act 2003, at this time.
- 1.23. It is further recommended that the District Council's Scheme of Delegations should be revised to authorise the Licensing and Appeals Committee the power to apply an exemption were it at some future date deemed to be appropriate.

2 RISK ASSESSMENT

2.1 Legal

The principles of the report accord with the statutory provisions. The legal risk is therefore low.

2.2 Financial

There are no financial risks arising from this report. Any costs arising from the new powers, including officer time, will be met from existing budgets.

3 OTHER CONSIDERATIONS

- 3.1 In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, environmental health, climate change, legal and human rights, financial personal and property considerations.

4 CONTACT INFORMATION

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5 BACKGROUND PAPERS

Description	Date	File
Deregulation Act 2015	March 2015	-
The Licensing Act 2003 (Late Night Refreshment) Regulations 2015	November 2015	-

6 ATTACHMENTS

Appendix 1	Home Office Guidance on the Licensing of Late Night Refreshment
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Home Office

Guidance on the licensing of late night refreshment

1. Introduction

- 1.1 This guidance sets out what activities are to be treated as the provision of late night refreshment and as such are regulated under the Licensing Act 2003 (“the 2003 Act”). It also sets out which activities are exempt from the late night refreshment aspects of the licensing regime. In particular, it includes guidance on the provisions in the Deregulation Act 2015 which amends the 2003 Act to give licensing authorities powers to opt to exempt supplies of late night refreshment from the licensing requirements of the 2003 Act which are made at or from certain designated locations, types of premises or times.
- 1.2 This guidance is not issued as part of the statutory guidance under section 182 of the 2003 Act but will be incorporated into the section 182 guidance when it is next updated. It is intended to assist licensing authorities and police forces with monitoring and enforcement activity in relation to the provision of late night refreshment. It may also help businesses who wish to provide hot food or drink to determine whether they will require a licence under the 2003 Act in order to do so.

2. General

- 2.1 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves only the supply of ‘hot food and hot drink’ between the hours of 11pm and 5am. Under Schedule 2, food or drink is considered to be ‘hot’ if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.
- 2.2 Shops, stores and supermarkets selling cold food and cold drink, whether it is immediately consumable or not, from 11.00pm are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or drink at any time from 11.00pm and until 5.00am. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a takeaway is handed to a customer over the counter.
- 2.3 Some premises provide hot food or hot drink between 11.00pm and 5.00am by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.
- 2.4 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.
- 2.5 It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions.
- 2.6 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is licensed by the provisions relating to the sale or supply of alcohol.
- 2.7 The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as “free of charge”. Supplies by a registered charity or anyone authorised by a registered charity are also exempt.

- 2.8 Supplies made on moving vehicles (for example boats, trains or coaches) are also exempt. However supplies made from a vehicle which is permanently or temporarily parked, such as from a mobile takeaway van, are not exempt (see section 3.4 below for more detail on provisions for 'Vessels, vehicles and moveable structures').
- 2.9 Supplies of hot food or hot drink from 11.00pm are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:
- a member of a recognised club supplied by the club;
 - persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
 - an employee of a particular employer (for example in a staff canteen);
 - a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
 - a guest of any of the above.

3. Exemptions based on designated locations, premises types and times

- 3.1 The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate. However, these safeguards may not be needed everywhere or for every type of late night refreshment business. For example, some late-night cafés serving hot drinks after 11pm may be located nowhere near pubs and nightclubs or areas associated with alcohol-related crime and disorder.
- 3.2 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with anti-social behaviour or disorder associated with the night time economy. As well as freeing up the businesses in question from unnecessary costs, this can also provide greater flexibility for licensing authorities to target their resources more effectively.
- 3.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:
- a) on or from premises which are wholly situated in a designated area;
 - b) on or from premises which are of a designated description; or
 - c) during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.).
- 3.4 When choosing to designate a particular area as exempt, the relevant licensing authority must define the location, which can be of any size.

Vessels, vehicles and moveable structures

Under section 189 of the 2003 Act, a vehicle which is not permanently situated in the same place and is or is proposed to be used for one or more licensable activities while parked at a particular place, is to be treated as if it were premises situated at that place. Therefore, a mobile provider of late night refreshment, such as a kebab van, could be treated as exempt if it supplied hot food to the public late at night in an area which had been designated as exempt. If the mobile van drove to and began operating in a non-exempt area, a licence to carry on this activity would be required. Should the licensing authority introduce an exemption, and subsequently wish to revoke it if problems arise, it has the power to do so. Areas which are likely to be considered for exemption by licensing authorities (for example, an area outside a town centre) are unlikely to be areas in which mobile kebab vans would frequently operate. As such, mobile vehicles selling late night refreshment are likely to still require licences in the areas in which they are more commonly found.

- 3.5 When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:
- Motorway service areas;
 - petrol stations;
 - local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
 - schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
 - hospitals (except domestic premises);
 - community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
 - licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.
- 3.6 When choosing to exempt the provision of late night refreshment at particular times, the relevant licensing authority must determine the times between 11pm and 5am when the exemption applies. The exemption and any subsequent change to the time will apply to the whole licensing authority area.
- 3.7 A relevant licensing authority may use more than one type of exemption at the same time, for example by changing the times across the licensing authority area during which licensing requirements will apply and also exempting premises by type across the whole licensing authority area. However, it cannot use different forms of exemption in conjunction with one another – for example, it would not be permitted to change the times in one geographic area only.
- 3.8 Where a premises is situated in the areas of two or more licensing authorities, any of those authorities may be the relevant licensing authority and it would be advisable for an authority wishing to apply an exemption to discuss it with the other authority concerned. This might apply, for example, where an area or premises type exemption is being applied and the licensing authority is aware that a particular premises such as a motorway service area sits across the boundary of two or more licensing authority areas.

- 3.9 Licensing authorities do not have to use the exemptions at all and can continue to require all late night refreshment providers to be licensed. However, licensing authorities should consider deregulation where appropriate.
- 3.10 Existing late night refreshment licences for premises that become exempt from regulation will remain extant unless the holder chooses to surrender it to the licensing authority, but there will be no requirement on the licence holder to pay annual renewal fees and any conditions on the licence will cease to apply for as long as the exemption is in place. In cases where an exemption in relation to late night refreshment provision is applied, other licensing is unaffected. For example if a premises is licensed to sell alcohol and is exempt from requiring a late night refreshment licence, their licence in respect of the sale of alcohol is unaffected. Where a premises benefits from an exemption applied by the licensing authority, any existing conditions on a licence relating solely to the provision of late night refreshment will have no effect during the period of the exemption.
- 3.11 When deciding which exemption to use, if any, the relevant licensing authority should always first consider what the risks are in terms of the promotion of the licensing objectives. The decision to make an exemption is a licensing function that licensing authorities should include within their statement of licensing policy. It would then therefore be subject to the statutory consultation process with other responsible authorities and relevant parties set out in section 5 of the 2003 Act. However, it is for the licensing authority to decide on the detail and extent of the consultation beyond the statutory minimum. The licensing authority may decide to only consult on the proposed exemption or, alternatively, it may form part of a wider review of other matters within its statement of licensing policy. It is also for the licensing authority to decide within its statement of licensing policy whether the decision to grant exemptions is delegated to its licensing committee or to an officer.
- 3.12 When applying any of the exemptions the relevant licensing authority must publicise the changes and should decide on the most appropriate way to do this, in addition to updating its statement of licensing policy as soon as is practical. There is no requirement for licensing authorities to tell premises individually, however they should publicise the exemption in a way that ensures that those who are likely to be affected may benefit from it. If any fees are paid prior to an exemption coming into effect, licensing authorities should consider whether a refund or partial refund is appropriate. It is for each individual licensing authority to develop its own refund policy and ensure that it is communicated appropriately to all licence holders that are likely to be affected by an exemption.
- 3.13 Licensing authorities can review the exemptions at any time, to change the times, locations or types. However, unlike many other types of licensing decision, the late night refreshment exemptions are not made on a case by case basis and there is no recourse to bring an individual premises back into the licensing regime if there is a problem with that particular premises. In such cases the licensing authority would have to take a decision about the entire exemption and apply it across the whole area. Alternatively, depending on the scale of the problem, other powers could be used such as closure powers under the Anti-social Behaviour, Crime and Policing Act 2014. Environmental health legislation around noise nuisance may also offer a solution.

LICENSING AND APPEALS COMMITTEE
10 MARCH 2016

Report of the Head of Regulatory Services

ANIMAL WELFARE LICENSING – ADOPTION OF LICENCE CONDITIONS FOR DOG BOARDING/DAY CARE & HOME BOARDING; AND BOARDING OF CATS

SUMMARY

Home Boarding for Dogs

This report seeks the Committee's approval of 2 sets of Standard Licence Conditions developed by Officers in the Council's Environmental Health and Licensing Teams in respect of Home Boarding and Day Care for Dogs, both inside the home and in a purpose-built environment. It is considered that the CIEH Draft Model Conditions for Dog Boarding Establishments (produced by the Chartered Institute of Environmental Health in 1995) and currently attached to most of our dog boarding licences are in need of updating as they were intended more for the traditional dog kennel environment rather than for modern-day dog boarding/day care, particularly inside the home.

Cat Boarding Establishments

The report seeks approval to adopt the revised Model Conditions developed by the Chartered Institute of Environmental Health Officers (CIEH) in respect of Cat Boarding Establishments. These were originally adopted in July 2014, after consultation with current licence-holders, but a revision was necessary in June 2015 as the template for the inspectors' inspection sheet in Annex A of the document contained an error in the risk rating scores. The conditions were republished by the CIEH, and for completeness need adopting again.

RECOMMENDATION(S)

- 1) That the Model Licence Conditions for Home Boarding/Day Care of Dogs (in the home only), and Dog Boarding/Dog Day Care (in purpose-built facilities) are adopted and attached to all licences granted or renewed with effect from 1st April 2016.
- 2) That the Head of Regulatory Services be delegated to amend, relax or waive any of the District Council's Model Licence Conditions for Home Boarding/Day Care of Dogs as considered appropriate for the type of premises.
- 3) That the Model Licence Conditions for Cat Boarding Establishments revised in June 2015 are adopted and attached to all licences granted/renewed with effect from 1st April 2016.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime supports the District Council's corporate priorities, in particular to maintain safe and healthy communities; and the aim to provide excellent services.

1 REPORT

- 1.1 Under section 5 of the Animal Boarding Establishments Act 1963, Local Authorities are responsible for licensing animal boarding establishments which include premises such as commercial catteries/kennels for dogs and/or cats.
- 1.2 Licences are generally granted for a 12-month period.
- 1.3 Currently in Derbyshire Dales there are 13 licensed animal boarding establishments; a small number of these only offer Home Boarding and Day Care for Dogs.
- 1.4 Members will recall that in July 2014 a report was considered where approval was sought to adopt several sets of Model Licence Conditions for various Animal Welfare Establishments, such as Pet Shops, Dog Breeders and Catteries. The Conditions were developed by the Chartered Institute of Environmental Health (CIEH) and were designed to introduce a consistent approach by licensing authorities and ensure a proportionate burden on business. Model Licence Conditions in respect of Dog Boarding Establishments are not available other than as a draft produced by the CIEH in 1995.
- 1.5 In recent years there has been an increase in the number of enquiries received from people wanting to provide a home boarding service for dogs. Home Boarding is looking after someone else's dog(s) in your home without the need to have purpose-built facilities as is the case with traditionally licensed kennels; it can also include day crèche facilities as well as overnight stays.
- 1.6 Licence Conditions for Home Boarding have not been agreed by this Committee previously, but inspecting officers across the country have been working towards standards recommended by LAC^{ORS} several years ago. In Derbyshire Dales, officers have gained the agreement to these standards of anyone wanting to operate this type of service, before a licence has been granted.
- 1.7 In view of the number of enquiries being received and the number of licences in operation it is considered prudent to formally adopt a set of Model Conditions for Home Boarding and Day Care for Dogs and a separate set of conditions for Dog Boarding and Day Care in purpose-built facilities. This will assist in future compliance and enforcement activity at these premises.
- 1.8 Based on the standards already in force sets of draft standard conditions have been prepared and are produced in **Appendices 1 and 2** for the Committee's consideration.
- 1.9 Adoption of the Model Conditions

It is suggested that it is not necessary to consult existing proprietors of home dog boarding establishments on the proposed standard conditions as these are the ones to which they have all been working towards.

- 1.10 It is further suggested that the Standard Conditions are not to be treated as blanket conditions to be attached to every Home Boarding/Day Care licence granted. Each application for a licence should be treated on its own merits and where there is a need to relax any of the conditions which may be considered too onerous or disproportionate for the type of premises, the applicant should be able to apply for those conditions to be waived.

- 1.11 In those cases it is recommended that the decision to amend, relax or waive any licence condition is delegated to the Head of Regulatory Services.
- 1.12 It is recommended that the conditions in **Appendices 1 and 2** are adopted for any new licences granted or any existing licences renewed on or after 1 April 2016.

1.13 Procedure for Dealing with Applications for Home Boarding/Dog Day Care Licence Applications

It is recommended that the following procedure for dealing with applications for licences for Home Boarding/Dog Day Care Licences is used to produce Guidance for Applicants.

- Application form to be completed and submitted to Derbyshire Dales District Council with application fee.
- Application form to be accompanied with detailed plan of layout of property showing areas for feeding and sleeping, isolation area in event of illness, and separation areas for each of the dogs to be boarded.
- The number of dogs permitted to be boarded will be determined by the ability to separate dogs into different rooms in the event of an issue occurring between the dogs and the suitability of the premises for that number. Ground floor rooms will only be counted in this regard for visiting dogs. **(Home Boarding)**.
- The number of dogs permitted to be boarded over night or otherwise will be determined by the units of available accommodation and the ability to separate dogs in the event of an issue occurring between the dogs and the suitability of the premises generally for that number. **(Purpose-built facilities)**.
- If the applicant does not agree with the Council's maximum number of dogs to be permitted on the licence, the applicant can seek the opinion of a veterinary surgeon. Any alternative maximum number of dogs recommended by a veterinary surgeon must be based on evidence from an inspection of the premises and an assessment of the applicant's ability to apply these licence conditions to their business.
- In the event of a person being aggrieved by the refusal of the Council to grant a licence or by any condition subject to which a licence is granted, they may appeal to a Magistrates' Court.

1.14 Revised Model Licence Conditions for Cat Boarding Establishments – June 2015

Members will recall that in July 2014 a report was considered which sought approval to adopt Model Conditions and Guidance produced by the Chartered Institute of Environmental Health (CIEH) in respect of Cat Boarding Establishments.

The Animal Boarding Act 1963 requires anyone who wishes to keep an animal boarding establishment, ie in this context a cattery, to be licensed by the local authority and abide by the conditions of the licence. The main conditions relate to suitable accommodation, adequate supply of suitable food, drink and bedding material, exercise and visit, prevention and control of spread of infectious disease etc;

- 1.15 In June 2015 the CIEH released a revised document to take account of an error in the risk rating scores contained in the template for the inspection sheet in Annexe A of the document.

1.16 As the document is fairly lengthy and only one change has been made it is not produced as an appendix to this report, but can be emailed on request or can be viewed by pasting the following link into your browser.
<http://www.cieh.org/policy/model-licence-conditions-and-guidance-for-cat-boarding-establishments.html>

1.17 A paper copy of the document will be available at the meeting for information.

2 RISK ASSESSMENT

2.1 Legal

There are no legal risks arising directly from this report. The conditions have been developed and published following advice of leading regulatory/advisory bodies in consultation with animal welfare and trade organisations. Adopting these model conditions will improve consistency in set-up and compliance costs for businesses and in enforcement standards for local authorities across the Country. As a result, the risk of legal challenge should be significantly reduced.

2.2 Financial

There are no financial risks arising from this report. Any costs arising from the adoption of the Standard or Model Conditions, including officer time, will be met from existing budgets.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

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5 BACKGROUND PAPERS

Date	Description
November 2013	CIEH Model Licence Conditions and Guidance for Cat Boarding Establishments
June 2015	Revised CIEH Model Licence Conditions and Guidance for Cat Boarding Establishments

6 ATTACHMENTS

Appendix 1	Draft Standard Conditions for Home Boarding and Dog Day Care (Domestic).
Appendix 2	Draft Standard Conditions for Dog Boarding and Dog Day Care (Purpose-Built Facilities)



A grey rectangular box containing the word 'DRAFT' in bold, black, uppercase letters, positioned centrally on the page.

**ANIMAL BOARDING ESTABLISHMENTS ACT 1963
STANDARD LICENCE CONDITIONS FOR DOMESTIC HOME BOARDING
& DAY CARE (DOGS)**

1. INTRODUCTION

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs in a **domestic home**.
- 1.2 Normally planning permission will not be required for the home boarding of animals on the scale proposed. However, should complaints be received because of particular noise or odour problems, then the District Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.
- 1.3 The Licence-holder must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employer's liability insurance.
- 1.4 No dog registered under the Dangerous Dogs Act 1991 shall be accepted for home boarding.
- 1.5 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) shall not be accepted for home boarding.
- 1.6 Entire males and bitches in season, or bitches due to be in season, during the boarding, must not be boarded together or boarded with resident dogs.
- 1.7 Puppies (i.e. under 6 months), must not be boarded with other dogs until completion of initial inoculations and never, if any difficulties have been identified during the trial socialisation period.

2. LICENCE DISPLAY

- 2.1 The Licence (or a certified copy of it) and the licence conditions under which it is granted must be suitably displayed in a prominent position where it can be easily read by the public in, on or about the premises. A copy must be made available to each service user upon request.

3. NUMBERS OF ANIMALS

- 3.1 The maximum number of dogs to be kept at any one time in the Licence-holder's home is detailed on the licence.

- 3.2 Dogs from different households may be boarded at the same time only if a trial familiarisation session prior to the period of boarding has been carried out and documented, and the owners of all dogs have provided written agreement.

The Licence-holder must check that the Public Liability Insurance in place will cover dogs boarded from different households.

- 3.3 Where there is a resident dog or cat kept at the household, the Licence-holder must obtain written consent from the owners of the boarded dog following a trial familiarisation session.
- 3.4 The Licence-holder will be required to make an assessment of the risks of home boarding to include the risk to, or caused by, children who are likely to be at the property.

4. CONSTRUCTION

- 4.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs.
- 4.2 The premises shall have their own entrance and must not have shared access e.g. communal stairs.
- 4.3 There must be adequate space, light, heat and ventilation for the dogs.
- 4.4 As far as is reasonably practicable all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury to the dogs.
- 4.5 There must be sufficient space available to be able to keep the dogs separately if required. Due consideration should also be given to the known temperament of the dogs being cared for.
- 4.6 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

5. MANAGEMENT

5.1 Training

- 5.1.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out. Competency of licensees must be demonstrated to the satisfaction of the Council.

5.2 Cleanliness

- 5.2.1 All areas to which the dogs have access, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

- 5.2.2 All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the District Council.
- 5.2.3 All bedding areas must be kept clean and dry.
- 5.2.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.
- 5.2.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.
- 5.3 Food and Water Supplies
- 5.3.1 All dogs shall have an adequate supply of suitable food as directed by the owner of the dog to be boarded.
- 5.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.
- 5.3.3 Owners must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc These items must be cleaned regularly to prevent cross-infection. The Licence-holder should also be able to provide extra bedding material, if required.
- 5.3.4 Where necessary, eating and drinking vessels must be provided by the Licence-holder, and if provided, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.
- 5.4 Kitchen Facilities
- 5.4.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.
- 5.4.2 All bulk supplies of food shall be kept in vermin proof containers.
- 5.5 Disease Control and Vaccination
- 5.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
- 5.5.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases.

The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

- 5.5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.
- 5.5.4 A well-stocked, in date first-aid kit suitable for use on dogs must be available and accessible on site.
- 5.5.5 The Licence-holder must be registered with a veterinary practice that can provide 24-hour help and advice. The owner must provide contact details of his/her own veterinary practice, for consulting if necessary.
- 5.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.
- 5.5.7 The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.
- 5.5.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

5.6 Isolation and Contagious Disease Outbreak

- 5.6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 5.6.2 The Licensee must inform the District Council on the next working day if a dog develops an infectious disease.
- 5.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the District Council as agreed with their authorised veterinary surgeon.
- 5.6.4 The District Council must be informed of any animal death on the premises. The Licence-holder must make arrangements for the body to be stored at a veterinary surgeon's premises until the owners return.

5.7 Register

- 5.7.1 A register must be kept of all dogs boarded. The information kept must include the following information:
 - Date of arrival
 - Name of dog, any identification system such as microchip number, tattoo
 - Description, breed, age and gender of dog
 - Name, address and telephone number of owner or keeper

- Name, address and telephone number of contact person whilst boarded
- Name, address and telephone number of dog's veterinary surgeon
- Anticipated and actual date of departure
- Proof of current vaccinations, medical history and requirements
- Health, welfare nutrition and exercise requirements

5.7.2 Such a register is to be available for inspection at all times by an officer of the District Council or a veterinary surgeon.

5.7.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

5.7.4 If medication is to be administered, this must be recorded.

5.7.5 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

5.8 Supervision

5.8.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal Caution for any animal welfare related offence.

5.8.2 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time, and then not on a regular basis.

5.8.3 Premises will not be licensed where children under 5 years normally reside or where they are frequent/regular visitors.

5.8.4 Only people over 16 years of age are allowed to walk the dogs in public places.

5.9 Exercise

5.9.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owner's written permission.

5.9.2 There must be direct access to a suitable outside area. The area / garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean and in doing-so free from accumulations of dog faeces; other obnoxious materials; and accumulations of rubbish/refuse that may harm a dog.

5.9.3 The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be capable of being locked.

5.9.4 Many house and garden plants are poisonous to dogs therefore the Licence-holder should familiarise themselves with such species; minimise the risk of contact during play/exercise; and seek veterinary advice should a dog chew or eat any such plants. A record of any follow-up actions shall be recorded in accordance with section 5.7 above.

- 5.9.5 If there is a pond, it must be covered to avoid drowning.
- 5.9.6 Dogs must wear a collar and identity tag during their time being boarded. The tag must display the name, address and telephone number of the boarding premises.
- 5.9.7 The District Council must be informed on the next working day if a dog is lost.

5.10 Fire / Emergency Precautions

- 5.10.1 A fire warning procedure and emergency evacuation plan – including an audible alarm facility and details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises.
- 5.10.2 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
- 5.10.3 The occupier of the property (Licence-holder) must be aware of the location of the dogs in the property at all times.
- 5.10.4 Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.
- 5.10.5 The Licence- holder must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises are rendered uninhabitable.
- 5.10.6 All doors to rooms must be kept shut at night.
- 5.10.7 All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.
- 5.10.8 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or oil appliances.
- 5.10.9 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the District Council.

6. **AMENDMENTS TO THESE CONDITIONS**

These conditions may be revised or amended at any time by the Head of Regulatory Services; a copy of the conditions as revised or amended will be supplied to the Licence- holder.

**DRAFT**

ANIMAL BOARDING ESTABLISHMENTS ACT 1963 STANDARD LICENCE CONDITIONS FOR DOG BOARDING AND/OR DAY CARE (PURPOSE-BUILT FACILITIES)

1. INTRODUCTION

- 1.1 These licence conditions apply to bespoke business premises for the purposes of boarding dogs and/or the provision of dog day care. They are not applicable to home boarders or dog day care in a domestic dwelling.
- 1.2 In these conditions the term 'boarding' shall relate to both day and overnight care.

2. LICENCE DISPLAY

- 2.1 The Licence (or a certified copy of it) and the licence conditions under which it is granted must be suitably displayed in a prominent position where it can be easily read by the public in, on or about the premises. A copy must be made available to each service user upon request.

3. GENERAL

- 3.1 Customers must be made aware that dogs at the establishment may be free to mix and socialise with other dogs and consequently may be at risk of injury or infectious disease.
- 3.2 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for boarding.
- 3.3 No dog designated under section 1 of the Dangerous Dogs Act 1991 will be accepted for boarding.
- 3.4 Entire males and bitches in season, or bitches due to be in season, must not be boarded together or with other dogs. Puppies under 6 months of age must not be boarded with other dogs.
- 3.5 The local authority must be satisfied that the Licence-holder is not disqualified from keeping animals, under any relevant legislation.
- 3.6 The Licence-holder must conduct the business, to the satisfaction of the authority, in such a way as to prevent insect, odour and/or nuisance to neighbouring premises.
- 3.7 The Licence-holder must take all reasonable steps to ensure that any dog boarded on the premises will not represent a risk to the safety of any person be it a member of the public working and/or visiting at the premises, or in neighbouring premises.

If such a situation should occur the dog (unless it can be returned to its owner), must be transferred to an alternative licensed boarding kennels with such suitable facilities as soon as practicable.

- 3.8 The Licence-holder must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.

4. CONSTRUCTION

- 4.1 The establishment must, at all times, be laid out and operated in accordance with an approved plan, to be attached to the licence. Before carrying out any alterations, plans detailing the said proposals must be submitted to and approved by the licensing officer of the Council.

- 4.2 Where wood has been used in the existing construction it must be smooth and treated to render it impervious. Wood should not be used in exposed construction of walls, floors, partitions, door frames or doors in the dog kennelling area. There must be no projections or rough edges liable to cause injury.

- 4.3 Fencing materials must be secure and safe.

- 4.4 Sleeping/kennelling compartments must be so insulated or sited so as to prevent extremes of temperature.

- 4.5 The construction of the kennelling and premises must be such that security of the dog is ensured.

- 4.6 All external wood must be properly treated against wood rot e.g. Tanalised. Only products which are not toxic to dogs/cats may be used.

- 4.7 All internal surfaces used in the construction of walls, floors, partitions, doors and door frames to be durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.

5. WALLS AND PARTITIONS

- 5.1 The walls with which dogs may come into contact must be of smooth impervious materials, capable of being readily cleansed. Where concrete or other building blocks or bricks are used in such walls, they must be sealed so as to be smooth and impervious, and resealed as necessary.

- 5.2 Junctions between vertical and horizontal sections should be coved. If impractical in existing premises, all joints must be sealed.

- 5.3 Partition walls between kennels must be of solid construction.

- 5.4 In new construction, in exercise runs the lower section of partitions in adjoining runs must be of solid construction.

6. FLOORS

- 6.1 Floors of all buildings, individual exercise areas and kennelling compartments must be of smooth, impervious materials, capable of being easily cleansed and in new buildings, must incorporate a damp proof membrane.
- 6.2 All floors of kennels and individual exercise areas must be constructed and maintained in such a condition as to prevent ponding of liquids.
- 6.3 In new construction floors must be laid to a minimum fall of 1 in 80 leading to a shallow drainage channel or effectively covered deep drainage channel.
- 6.4 Communal exercise areas must be suitably drained and provided with an impervious cleansable surface laid to a suitable fall to prevent ponding, but need not comply fully with conditions 6.1 above.

7. CEILINGS

- 7.1 Ceilings must be capable of being easily cleansed and disinfected.

8. DOORS

- 8.1 Kennel doors must be strong enough to resist impact and scratching and must be fitted to be capable of being effectively secured.
- 8.2 Where metal bars and frames are used, they must be of suitable gauge (approximately 10-14) with spacing adequate to prevent dogs escaping or becoming entrapped. Where metal edging is used, this must not present a risk of injury to the dog.
- 8.3 Door openings must be constructed such that the passage of water/waste is not impeded, or allowed to gather due to inaccessibility.

9. WINDOWS

- 9.1 All windows which pose a security risk must be escape proof at all times.

10. DRAINAGE

- 10.1 The establishment must be connected to mains drainage or an approved, localised sewage disposal system.

11. LIGHTING

- 11.1 During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible. Where practicable this must be natural light.
- 11.2 Adequate supplementary lighting must be provided throughout the establishment.

12. VENTILATION

- 12.1 Ventilation must be provided to all interior areas without the creation of excessive, localised draughts.

13. MAINTENANCE

13.1 The premises must be maintained in good repair.

14. NUMBER OF ANIMALS

14.1 Number of Dogs Permitted

The maximum number of dogs to be kept at any one time is to be determined by the local authority.

14.2 Each dog must be provided with a separate kennel/compartment except that dogs from the same household may share a kennel/compartment of adequate size with the written consent of the dogs' owner.

14.3 No animals other than dogs are to be boarded within the licensed facilities without the written approval of the local authority.

14.4 Where stray dogs are accepted by the kennels they must be kept in a separate area away from boarded dogs.

14.5 Unit Size, Layout and Exercise Facilities

Dogs must be in dog kennels/compartments appropriate to their size and weight as specified by the manufacturer. Each new kennel must be provided with a sleeping area of at least 1.9 sq.m. (20 sq.ft)

14.6 Suitable bedding equipment must be provided which allows the dog to be comfortable and which is capable of being easily and adequately cleaned and sanitised. Such equipment must be sited out of draughts. All bedding material must be maintained in a clean, parasite free and dry condition.

14.7 New kennels/compartments must be provided with an exercise area which is separate from the bedding area and exclusive to the kennel, for free use by the dog at all times (except at night). The exercise area must be appropriate to the size and weight of the dog. For dogs up to 24 inches high at the shoulder the said area should be a minimum of 2.46 sq.m. (26 sq. ft) and 36 sq.ft for larger dogs.

14.8 Kennels/compartments must have a minimum height of 1.8m (6ft) to facilitate adequate access by kennel staff for cleaning.

14.9 Kennel compartments and exercise areas must open onto the secure corridors or other secure areas so that dogs are not able to escape from the premises.

14.10 Dogs must be exercised according to their needs.

14.11 The restriction of activities solely to the kennelling compartment or outside areas shall be at the written consent of the owner.

14.12 The number of dogs being exercised at any one time shall not exceed the maximum specified by public liability insurance and shall be reduced accordingly to ensure full control, care and custody of the animal by handlers.

14.13 All dogs exercised on a highway or footpath must be kept on a lead.

14.14 Exercise areas must not be used as bedding areas.

15. SECURITY

15.1 The premises must have adequate arrangements and be adequately secure to prevent the escape of the dogs.

15.2 All dogs boarded at the premises must be fitted with a tag identifying the licence holder and their address on their arrival at the premises.

15.3 Dogs must never be left outside, unattended and in inclement weather.

16. MANAGEMENT

16.1 Training

A written training policy must be provided. Systematic training of staff must be demonstrated to have been carried out.

16.2 Temperature in Kennels

Heating facilities must be available to the kennel compartments and used according to the requirements of the individual dog.

16.3 There must be some part of the dog's sleeping area where the dog is able to enjoy a temperature of at least 10 °C (50 °F).

16.4 In isolation kennels there should be a means of maintaining the temperature at a level suitable for the conditions of the dog and dependent on veterinary advice.

16.5 Cleanliness

All kennels, corridors, common areas, kitchens etc. must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

16.6 All excreta and soiled material must be removed from all areas used by dogs as soon as practicable and transferred to a suitable hygienic container, lined with a plastic sack, prior to disposal in accordance with current regulations and good waste management practice.

16.7 All bedding areas must be kept clean and dry.

16.8 Each kennel must be thoroughly cleansed, disinfected using a parvocidal disinfectant and dried upon vacation. All fittings and bedding must also be thoroughly cleansed and disinfected at that time.

16.9 Facilities must be provided for the proper reception, storage and disposal of all waste. Measures must be taken to minimise the risk of rodent, insects and other pests within the premises.

16.10 Food and Water Supplies

All dogs must be supplied with adequate and suitable food as necessary. Wholesome water must be available at all times and changed regularly.

16.11 Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition.

16.12 The separate feeding of dogs shall take place to minimise the likelihood of dispute and aggression.

16.13 Kitchen Facilities

16.14 Exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.

16.15 Where fresh and cooked meats are stored, refrigeration facilities must be provided, and potential food contamination must be avoided.

16.16 A sink with hot and cold running water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash-hand basin with hot and cold running water must also be provided for staff use.

16.17 Containers must be provided for the storage of foods and shall be so constructed and kept in such good order, repair and condition as to be proof against insects and other pests.

16.18 Disease Control and Vaccination

Adequate precautions must be taken to prevent and control the spread of infectious and contagious diseases and parasites amongst dogs, staff and visitors.

16.19 Proof must be provided and maintained that dogs boarded have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagiae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturers' instructions. A record that this proof has been supplied must be kept on site throughout the period that the dog is boarded. All dogs must have been treated.

16.20 If a dog develops an infectious disease during its stay at the establishment, the premises must undergo a reasonable quarantine period, as specified by an authorised veterinary surgeon, before any new boarders are accepted at the premises.

16.21 All dogs must have been treated for fleas by their owners, external parasites and worms. All dogs should be treated regularly and in all cases the information recorded.

16.22 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured any instructions for its treatment which have been given by a veterinary surgeon must be strictly followed.

16.23 A well-stocked, in date first-aid kit suitable for use on dogs must be available and accessible on site.

16.24 A suitable range of muzzles of varying sizes and a suitable dog catching device must be kept on site.

16.25 Isolation

Isolation facilities must be provided and must be in compliance with the other boarding requirements but must be separate and physically isolated from the main kennels. This must be approximately 5m (15ft). (See also temperature control.)

16.26 Adequate facilities to prevent the spread of infectious disease between the isolation and other kennels, must be provided.

16.27 Hands must be washed after leaving the isolation facilities before handling other dogs.

16.28 Register

A register must be kept of all dogs boarded. The information kept must include the following:

- name of dog, any identification system such as microchip, number or tattoo;
- description, breed, age and gender of dog;
- name, address and telephone number of owner or keeper;
- name, address and telephone number of person to contact in emergency;
- name, address and telephone number of dog's veterinary surgeon;
- health, welfare and nutrition requirements;
- details of vaccination and worming and flea treatments;
- date of last season for bitches.

16.29 The register must be kept available for a minimum of 24 months and kept in such a manner as to allow an authorised officer ready access to such information.

16.30 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

16.31 Identification of Kennelling Compartments

Each compartment must be clearly marked (e.g. numbered), and a system in place which ensures that relevant information about the dog in that kennel is readily available.

16.32 Supervision

The Licence-holder or another competent, fit and proper person must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises.

16.33 The Licence-holder must ensure that all staff receive training to a competent level.

16.34 No children under 16 shall be left unsupervised with boarded dogs.

16.35 Dogs must not be left unattended on the premises for their health, safety and welfare.

16.36 The licensing officer and/or dog warden at the Council must be informed immediately if a dog is lost whilst boarded at the premises.

16.37 Fire Precautions

Appropriate arrangements must be prepared for the protection of the dogs in case of fire or other emergencies.

16.38 A fire warning procedure and emergency evacuation plan – including an audible alarm facility and details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the boarding arrangements and/or displayed in a prominent place on the premises.

16.39 Firefighting equipment must be provided in accordance with advice given by the Fire Prevention Officer. An all-purpose fire extinguisher must be provided.

16.40 All electrical installations and appliances must be maintained in a safe condition. There must be a suitable residual current circuit breaker system.

16.41 Heating appliances must not be sited in a location or manner where they may present a risk of fire, or risk to dogs.

16.42 Precautions must be taken to prevent any accumulation which may present a risk of fire.

16.43 The Licence-holder must have access to a veterinary practice that can provide an emergency service if required when the dog's normal vet is unavailable.

16.44 Any boarded dog that has died on the premises must be referred to a veterinary surgeon and the licensing officer of the local authority must be informed.

16.45 Transportation

16.46 All vehicles used to transport dogs must be designed and maintained so that they are easily cleansable and not cause injury to the dogs transported.

16.47 There shall be no projections liable to cause injury.

16.48 Any fouling or urination which occurs in the vehicle must be removed as soon as possible and the vehicle thoroughly cleaned and disinfected at the earliest opportunity.

17. **AMENDMENTS TO THESE CONDITIONS**

These conditions may be revised or amended at any time by the Head of Regulatory Services; a copy of the conditions as revised or amended will be supplied to the Licence- holder.

LICENSING AND APPEALS COMMITTEE
10 MARCH 2016

Report of the Head of Regulatory Services

REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY – UPDATE REPORT

SUMMARY

This report provides the Committee with an update on the review of the District Council's Taxi and Private Hire Licensing Policy.

Approval is sought to carry out a new consultation exercise on proposed revisions to the Policy, which has been in force now since February 2009 and subject to interim changes.

RECOMMENDATIONS

- 1) That a consultation exercise is carried out with the Taxi and Private Hire Trade and other stakeholders on the draft Taxi Licensing Policy produced in **Appendix 1** of the report.
- 2) That any comments received during the consultation exercise will be taken into account and a final draft of the District Council's Taxi and Private Hire Licensing Policy be prepared for submission to a future committee meeting for consideration.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime supports the District Council's corporate priorities, in particular to maintain safe and healthy communities; and the aim to provide excellent services.

1 REPORT

- 1.1 Members may recall that at the November 2013 meeting of this Committee, a decision was first made to review the District Council's Taxi and Private Hire Licensing Policy. The Policy had been in force since February 2009, and during the 4 years several changes had been necessary to make the Policy workable.
- 1.2 These changes had been reported to Committee for approval on a case-by-case basis, and included removing the limitation on the number of hackney carriages (taxis) that would be licensed; allowing the restrictions on a vehicle's seating capacity to be in line with the manufacturer's type approval; permitting different methods for dealing with punctured tyres, other than having to carry a standard spare wheel; revised standards for fire extinguisher provision; and revision to the condition relating to use of mobile telephones.

- 1.3 The Committee was informed that the Law Commission was going to report to Government on its proposals for a national reform of the laws governing taxi and private hire services. The Commission had produced an interim report to Government at the end of 2012, and a final report was expected to be available by April 2014.
- 1.4 Members were concerned that the unknown outcomes of the national reform might impact on any local proposals for changes brought about as a result of consultation with the local trade, public and other stakeholders. The proposed consultation on the local policy was started with meetings being held with the trade, but on the understanding that major changes to the local policy would not be undertaken while confirmation of the national proposals was still awaited.
- 1.5 At the March 2014 meeting of this Committee it was reported that as part of the local consultation the Trade had raised some issues with our existing policy and administration processes, and early indications had shown these could also be national issues and subject to change as a result of the Law Commission's recommendations. Particular concerns raised by the trade had included the Council's renewal period for taxi driver licences (badges), along with the need for all new drivers to undertake a knowledge test, even if they were only going to drive private hire vehicles.
- 1.6 One year later, in March 2015 a report was considered by this Committee which provided an update on the proposed national changes to taxi licensing laws, and highlighted measures that had been added to the Deregulation Bill –
- Allowing private hire operators to sub-contract bookings to operators licensed in a different district.
 - Allowing anyone with a DVLA driver's licence to drive a private hire vehicle when it is "off duty" and
 - Making the duration of all taxi and private hire vehicle driver's licences renewable every 3 years and private hire vehicle operator licences renewable every 5 years, and only allowing licences to be issued for a shorter period where it can be justified. The aim being to reduce the financial and administrative burden of having to make more frequent renewals.
- 1.7 The second of these proposals was later deleted from the Bill, but the other 2 were introduced with the implementation of the Deregulation Act 2015, and took effect from October 2015.
- 1.8 In September 2015 a report was submitted to the Governance and Resources Committee to set new application fees to take account of the longer renewal periods for Driver and Operator Licences with effect from 1st October 2015. Previously in Derbyshire Dales, Driver licences were renewable annually and Operator licences every 3 years.
- 1.9 The Next Steps
- 1.9.1 It is suggested that the draft policy document presented to Members at the November 2013 meeting is now considerably out of date, and is in need of further review before an informed consultation can be completed. The comments received to date from the Trade have been taken into consideration and a new draft policy is produced in Appendix 1 for the Committee's consideration. The proposed changes are highlighted in grey.

1.9.2 An initial Impact Assessment was carried out in 2013 and will require updating. It is recommended that a final draft Policy is presented to the next appropriate meeting of this Committee for consideration.

2 RISK ASSESSMENT

2.1 Legal

The Council's Policy in this matter underpins the decision making process and ensures that our administration of this function has a robust basis. Ensuring that the Policy is up to date enables the Council to manage the risks of delivering this service for the Communities served, for those involved in the trade and for the Council as an organisation. Therefore the legal risk is low.

The Council also has a statutory duty under Section 149 of the Equality Act 2010 to ensure that in exercising its function it seeks to, eliminate discrimination, advance equality and foster good relations.

2.2 Financial

There are no financial risks directly arising from this report at this time, other than officer time.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager
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Email: eileen.tierney@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

Date	Description
March 2015	Deregulation Act 2015

6 ATTACHMENTS

Appendix 1 – Draft Taxi Licensing Policy document for consultation.



**HACKNEY CARRIAGE AND
PRIVATE HIRE VEHICLE
LICENSING POLICY**

**DRAFT FOR
CONSULTATION**

**Approved by Derbyshire Dales District Council
on**

XXXXXXXXXXXXXXXXXXXX

**Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN**

01629 761313

[Version x updated: xxxxx 2016]

THIS DOCUMENT WILL SUPERSEDE ALL PREVIOUS VERSIONS OF THIS POLICY

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APPENDIX L – PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS	

DEFINITIONS

Throughout this document:

- ‘The Council’ means the Derbyshire Dales District Council
- ‘Vehicle’ or ‘Licensed Vehicle’ means both a Hackney Carriage and Private Hire Vehicle
- ‘Taxi’ or ‘taxi’ means a Hackney Carriage
- ‘PHV’ means a Private Hire Vehicle
- ‘The Guidance’ means The Department for Transport - Taxi and Private Hire Vehicle Licensing Best Practice Guidance

1. BACKGROUND

1.1 Role of Taxis and Private Hire Vehicles (PHVs)

1.1.1 Taxis and PHVs have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.2 Aims and Objectives of Licensing Policy

1.2.1 The aim of licensing of the hackney carriage (taxi) and private hire vehicle (PHV) trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to taxi and private hire vehicle services because of the part they play in local transport provision. It is important that the Council’s taxi and licensing powers are used to ensure that taxis and PHVs in the district are safe, comfortable, properly insured and available where and when required.

1.3 Licensing Profile

1.3.1 Derbyshire Dales District Council currently licences 62 hackney carriages, 34 private hire vehicles and 110 drivers. (These numbers fluctuate as licences are surrendered and new applications are received).

2. INTRODUCTION

2.1 Powers and Duties

2.1.1 This statement of licensing policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Derbyshire Dales District Council (the “Authority”) the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

2.2 Objectives

2.2.1 In setting out its policy, the Derbyshire Dales District Council seeks to promote the following objectives:

- The protection of public health and safety;
- The establishment of a professional and respected hackney carriage and private hire vehicle trade;
- Access to an efficient and effective public transport service;
- The protection of the environment.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire vehicle trade in order to promote the above objectives. It is the Council's wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.

2.3 Status

2.3.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this document and the objectives set out above.

~~2.3.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, clear and compelling reasons will be given. for so doing.~~

2.4 Implementation

2.4.1 This Policy will take effect from XXXXX 2016 unless otherwise specified and shall be kept under review and revised as appropriate by the Head of Democratic Services- Head of Service.

Proposal: The following highlighted paragraphs to be deleted as they refer specifically to the implementation of the 2009 Policy.

~~2.4.2 Upon implementation of this policy, the Council expects licence holders to comply with the terms of this document immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period, (as detailed in the table below) during which, necessary changes must be made. Accordingly, the full weight of this document shall not take effect until the end of that period.~~

~~2.4.3 Set out below are the provisions of this policy for which implementation will be deferred (subject to 2.4.4 overleaf). The first column details the relevant provision and the second the implementation or arrangements for that provision.~~

TABLE OF IMPLEMENTATION

Paragraph/Section of Policy	Implementation Date/Arrangements
New Hackney Carriage and Private Hire Vehicle Licensing Fees	1 April 2009
New Style Hackney Carriage and Private Hire Vehicle Plates	1 April 2009 (to be changed at either renewal or change of vehicle)
LPG vehicle requirements	1 April 2009
Tinted windows – trailers	1 April 2009
Advertising and Signage on vehicles	1 April 2009
Knowledge Tests for New Drivers	1 April 2009
Vehicle Testing	1 April 2009
Setting of Fares and Meters	1 April 2009

~~The above implementation dates are subject to change with reasonable notice given to licensees.~~

~~2.4.4 All requirements in respect of Vehicle Specifications apply from 1st April 2009 in respect of any vehicle submitted for licensing for the first time or any vehicle, which has not been previously licensed, which is substituted for an existing licensed vehicle. This means that grandfather rights apply to vehicles for which an application is received before April 1st 2009 or vehicles licensed before 1st April 2009. However, all applicants should note the rule in respect of age at paragraph 4.3.~~

3. ARRANGEMENT OF SECTIONS

3.1 In order to provide clarity for potential applicants for licences or for existing licence holders, this document is split into sections. In particular, sections 4, 5 and 6 set out the Council's expectations, intentions and guiding principles. In section 10 the application procedures and conditions to be attached to any licence granted are explained in more detail.

4. VEHICLES – (Hackney Carriage & Private Hire Vehicles)

4.1 Limitation of Numbers

~~4.1.1 The Council has carried out a survey of unmet demand and this has shown that there is an over provision of taxis in the Derbyshire Dales District with the optimum number being 30.~~

~~4.1.2 The Council will no longer issue any new hackney carriage plates until the number of hackney carriages in operation falls below this level.~~

~~4.1.3 In the event of a plate being returned when the level is below that advised in the survey, the plate availability will be advertised and the Council's Partnership & Regeneration Committee will decide who should be issued with that plate.~~

~~With effect Since 1st April 2012, the Council hasn't restricted the number of Hackney Carriage Vehicle licences it will issue. (~~Condition revised by Partnership and Regeneration Committee July 2011~~).~~

~~This issue will be kept under close review throughout the duration of this Policy. Any future changes requiring consideration as a result of national proposals or local demand will require further consultation with the Trade and other stakeholders.~~

4.2 Specifications and Conditions

4.2.1 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Taxis and private hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous.

4.2.2 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Purpose-built vehicles are amongst those, which we will licence as hackney carriages.

4.2.3 Vehicles that accommodate over eight passengers must be licensed through the PSV (Public Service Vehicle) Office. However, vehicles that have been modified and now accommodate eight passengers, may be ~~looked at~~ considered by the Council provided they comply with the following:

- The vehicle has been professionally changed e.g. by the manufacturer and certificated at time of application.
- The seat mounting holes of those seats removed have been welded up.
- The vehicle passes the Council's Vehicle Inspection Test.

4.3 Maximum Age of Vehicles

4.3.1 The Council feels that due to the high mileage of taxis and private hire vehicles and the associated wear and stress on these vehicles, an age limit will be put on the vehicles that will be licensed.

~~4.3.2 From 19th February 2009 vehicles will not be licensed as Taxis or PHVs if they are more than three years old and they will no longer be re-licensed once they are more than seven years of age. One exception to this will be purpose built London style taxis, which will be allowed up until eleven years of age.~~

~~(The age of the vehicle will be determined by the period of registration). For example a "06" plate vehicle may be licensed until 31 August 2009 and a "56" plate vehicle until 28th February 2010).~~

~~Any applications requesting exceptions to this age limit will be considered on a case-by-case basis. Comprehensive supporting evidence will be required.~~

~~purpose built London style taxis, which will be allowed up until eleven years of age.~~

~~4.3.3 (The age of the vehicle will be determined by the period of registration. For example a "06" plate vehicle may be licensed until August 31st 2009 and a "56" plate vehicle until 28th February 2010).~~

~~4.3.4 This provision will not apply to non-motorised vehicles.~~

Proposal: To amend the above text to reflect a change made on 26 March 2014 at the meeting of the District Council's Licensing & Appeals Committee where it was resolved that the age of a vehicle to be licensed for the first time from 1st April 2014 would be under 10 years of age. Owners/drivers of existing licensed vehicles which are 9 years old or older at 31 March 2014 will have until 31 August 2015 to replace them. From 1st September 2015 the District Council will only licence vehicles that are under 10 years old.

4.4 Vehicle Testing

4.4.1 The testing of all vehicles will take place at the Council's testing station (Depot).

- 4.4.2 Hackney Carriage and Private Hire Vehicles must be tested twice per year. These requirements are in addition to an MOT, which for Hackney Carriages is required at 3 years old and thereafter annually.

Proposal: Views are welcomed on the current vehicle testing arrangements.

4.5 Signage/Advertising

- 4.5.1 Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot legally be hailed in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.
- 4.5.2 Roof-mounted signs on PHVs are not seen as best practice even if they indicate 'pre-booked only', as any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi.
- 4.5.3 The Council also recognises that there is a case for allowing any taxi operators, who wish to do so, to make it clear by advertising on their vehicle that they charge less than the maximum fare.
- 4.5.4 Within the Derbyshire Dales District Council area, both hackney carriage and private hire vehicles are required to display a plate on the rear of the vehicle (these are of different colours, hackney carriages being yellow and PHVs green, to distinguish one from the other). This is a key feature in helping to identify vehicles that are properly licensed.
- 4.5.5 All hackney carriage vehicles, except for minibuses, transits, people carrier type vehicles and those with built-in roof signs, should carry illuminated roof-mounted signs indicating that they are a taxi. Similarly and in order to differentiate between the two types of licensed vehicle, private hire vehicles will not be able to carry roof-mounted signs of any kind or any references to the words "Taxi" or "Hackney". Minibuses, transits and people carrier type vehicles which do not have roof signs, will have to display the single word "Taxi" on the front and rear of the vehicle.
- 4.5.6 Some advertising, generally limited to the proprietor's company name, logo and telephone number along with details of fare scales or discounts charged by the owner/proprietor, shall be allowed on vehicles but the size and position of such information will be strictly controlled with such advertising being kept to a minimum on vehicles.
- 4.5.7 The cost of required signage/advertising to be met by the proprietor.

4.6 Security/CCTV

- 4.6.1 The Department of Transport Best Practice Guidance recommends licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

Proposal: The consultation will seek views on the issue of CCTV in vehicles. There is case law to prevent this being made a compulsory requirement.

Could be required by condition in cases where problems could be evidenced. Draw attention of Operators and Drivers' to need to comply with Information Commissioner's Office (ICO) Code of Practice.

4.7 Application Procedures

- 4.7.1 The application procedure for a hackney carriage or private hire vehicle licence is not prescribed by Government. Applications must be made on the Council's specified application form, in accordance with the Council's application procedures.
- 4.7.2 The procedures are included in this policy and will be revised, updated and re-published periodically. (See Appendix C). The forms will be made available electronically where possible, and in various formats to prevent exclusion.

4.8 Consideration of Applications

- 4.8.1 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria has been met and the application form and supporting documents are complete.

4.9 Grant and Renewal of Licences

- 4.9.1 Hackney carriage or private hire vehicle licences will continue to be granted for a one-year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.
- 4.9.2 The Council will continue to endeavour to send renewal reminders to holders of existing hackney carriage or private hire vehicle licences at least **8 weeks** before the expiry date. Application forms, the appropriate fees, and supporting documentation, must be submitted at least 4 weeks before the expiry of the vehicle licence, and in any event **no less than 10 working days before** that date. The responsibility for renewing the licence remains with the licence holder and not having received a reminder will not be accepted as a reason for not applying to renew.

4.10 Environmental Considerations

- 4.10.1 The Department of Transport guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.
- 4.10.2 Taxis and PHVs are an essential form of transport in the Derbyshire Dales District Council area. Many people depend on taxis for trips that buses are incapable of making. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the district. It is, however, clearly important that emissions from taxis and PHVs are reduced as far as possible.
- 4.10.3 The licensing policy seeks to improve, as far as possible, the efficiency of vehicles licensed in the district by, in particular, reducing the levels of CO² emitted. LPG conversions to vehicles are perfectly acceptable. The change to the policy at

paragraph 4.3. above will assist in this respect by ensuring that older and therefore less efficient vehicles will no longer be licensed.

4.11 Stretched Limousines

4.11.1 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as a motor vehicle constructed or adapted to carry eight passengers or less, other than a hackney carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Council must be satisfied that the vehicle is:

- suitable in type, size and design for the use as a private hire vehicle;
- not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- in a suitable mechanical condition;
- safe;
- comfortable.

4.11.2 Stretched limousines can be licensed for private hire vehicle work providing they may carry no more than eight passengers and meet the requirements of the Act. Possible exemptions under the 1976 Act provide that nothing should:

- apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
- apply to a vehicle used only for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than seven days;
- apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;
- apply to a vehicle being used in connection with a wedding.

4.11.3 In accordance with the guidance, all applications to licence stretched limousines as PHVs will be treated on their merits. It is, however, proposed that imported stretched limousine type vehicles:

- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
- be authorised as prestige type private hire vehicles; and
- be approved for licensing as private hire vehicles subject to additional conditions.

4.11.4 There are obviously concerns regarding the use of darkened glass in stretched limousines. It is, accordingly, considered that the glass in any windows should allow at least 50% of light to pass through.

4.12 Contract Vehicles

~~4.12.1 At this time there is no requirement for a vehicle to be licensed where it is used for a contract with an organisation/firm for a period more than seven days for carrying passengers for hire or reward under a contract for the hire of the vehicle. However this exemption only applies to the vehicle and driver subject to the contract and then only during the period of the contract. Furthermore, such contracts must be in writing and there must be a minimum seven day period for the termination of the~~

~~contract. It is not, therefore, possible to have one vehicle undertaking several contracts or to have one contract carried out by a variety of different vehicles. In such instances a licence would be required. The provision of the Road Safety Act 2006 should be noted. When in effect this Act will repeal Section 75 (1) (b) Local Government (Miscellaneous Provisions) Act 1976 which allowed the exemption from PHV licensing for contracts lasting not less than 7 days ("the contract exemption"). The new legislation came into effect on 28 January 2008.~~

Proposal: delete the above section as this exemption to contracts no longer applies to taxi/PHV vehicles.

4.13 Funeral Vehicles

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

4.14 Wedding Vehicles

4.14.1 A vehicle does not need to be licensed while it is being used in connection with a wedding.

4.14.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

Proposal: No change to above 2 paragraphs as the national proposals indicate that these exemptions will remain.

4.15 Courtesy Cars

4.15.1 All vehicles with no more than 8 passenger seats that carry passengers for hire and reward must be licensed with the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as "courtesy cars", i.e. for transporting customers to and from hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed with the local Council as should their "operator".

4.16 Livery

4.16.1 It is proposed that the visual distinction between hackney carriage and private hire vehicles can, over time, be achieved broadly by allowing a reasonable amount of signage on hackney carriages and private hire vehicles.

4.17 Dual Plating

4.17.1 The proprietor of a hackney carriage may make a request that a vehicle be licensed in another Local Authority area. This could mean that the hackney carriage would be required to display the plate issued by each Council. This is an unusual practice, causing enforcement problems, and will not be permitted by this Council.

5. DRIVERS

5.1 Parallel Procedures

5.1.1 The statutory and practical criteria and qualifications for a private hire vehicle driver are broadly identical to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire vehicle and hackney carriage drivers.

5.2 Dual Licences

5.2.1 The Council does not require that separate driver's licences be held in respect of hackney carriage and private hire vehicles. The granting of dual licences serves as a licence to drive both types of vehicle.

Proposal: The consultation will seek views on the issue of separate drivers' badges, with a view to separate conditions being attached to each type of licence, allowing the distinction between taxis and private hire driver requirements to be more specific. Enforcement would be an issue. The national proposals indicate that there should be a clear distinction.

5.3 Age and Experience

5.3.1 A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who has not held a full driving licence for at least a period of one year.

5.4 Topographical Knowledge (Driver Knowledge Tests)

5.4.1 In order to maintain the high standards that the Council expects of its drivers, a licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper person. In this context a driver's ability to find destinations is part of this requirement.

5.4.2 In order to determine such fitness, it is proposed that applicants be required to undertake a written test (Known as a "Drivers Knowledge Test") as to their knowledge of:

- Local geography;
- The Highway Code;
- The Hackney Carriage and Private Hire Vehicle licensing law;
- Basic English.

5.4.3 A fee will be charged for each Driver Knowledge Test undertaken or re-taken. This will fund the cost of setting up and operating the tests.

5.4.4 Currently an applicant is permitted to take up to 3 separate tests if a PASS mark is not achieved in each of the 3 sections of the same test. The matter is then referred to a meeting of the Licensing and Appeals Committee to determine whether the applicant is a fit and proper person, and the next course of action.

Proposal: The consultation will seek views on the Council's knowledge test currently in place for drivers applying for combined hackney carriage/private hire badges. Give consideration to applicants only having to re-sit the part of the test failed rather than all 3 sections each time.

National proposals indicate that there should be a distinction between requirements for taxi and private hire vehicle drivers as the former pick up from anywhere and the latter only take pre-bookings. Improved technology with the use of satNav and other electronic methods of journey-planning should be taken into consideration.

Consider including mandatory training on safeguarding issues and disability awareness.

5.5 Medical Examination

- 5.5.1 A medical examination by an appropriately qualified doctor, to assess an applicant's fitness to drive a licensed vehicle, is required before a licence may be granted. This will apply in all cases including where the applicant holds a current PSV and/or HGV Licence.
- 5.5.2 A request for a medical examination, which may be presented to the applicant's appropriately qualified doctor, is obtainable from the Licensing Team. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, a confidential report will be submitted to the Licensing Team. The applicant may, on request, have a copy of the report.
- 5.5.3 Existing licence holders must be medically examined every three years, or more frequently if requested, by an appropriately qualified doctor.
- 5.5.4 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities.
- 5.5.5 Where there is any doubt as to the medical fitness of an applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Doctor appointed by the Council.
- 5.5.6 Where there remains any doubt about the fitness of any applicant, the Appeals Committee will review the medical evidence and make any final decision in light of the medical evidence available.

Proposal: Are the highlighted paras above necessary? The introduction of the DVLA Check in 2009 (see paragraph 5.7) requires the licence holder to be checked annually and notification requirements of changes in health are already in place.

~~5.6 Criminal Record Bureau (CRB) Disclosures~~ Disclosure and Barring Service

All references throughout the revised document to CRB will be replaced with DBS (Disclosure and Barring Service) the Organisation for providing enhanced criminal record checks .

- 5.6.1 Before an application for a driver's licence will be considered, the applicant must undertake a current CRB Disclosure of criminal convictions, and a police check, or certificate of good conduct from the relevant embassy in the case of an overseas applicant.
- 5.6.2 The Council is an approved Criminal Records Bureau body; therefore, applicants requiring a check must deal with the Criminal Records Bureau through the Council and will be charged the appropriate fee plus an administration charge. CRB checks will normally be carried out every three years.

- 5.6.3 The Council is bound by rules of confidentiality, and will not divulge information obtained to any third parties. The applicant for a CRB Disclosure will be sent a separate disclosure report to their home address, at the same time the Council receives a copy of the report.
- 5.6.4 The Council has a duty to ensure that the checks it carries out, and consequently the information it holds, are fully relevant and up to date; as a consequence CRB checks from other local authorities will not be accepted.

5.7 Driver Vehicle Licensing Agency (DVLA) Check

- 5.7.1 This check is designed to give the Council an idea of the applicant's individual driving history. This is necessary to determine whether or not the applicant is a safe driver and capable of driving a vehicle in the manner expected of a Hackney Carriage or Private Hire Vehicle driver. It is also used to confirm that an applicant has held a full driving licence for a period of at least twelve months.
- 5.7.2 New drivers will be checked at the application stage of the licensing process and all drivers will be checked annually. The Council can also request another check at any time if it is considered necessary. Licensed drivers are obliged to notify the Council without delay of any criminal convictions relating to driving offences. Where criminal records are not being checked every 12 months, it is clearly more important that this requirement is strictly adhered to and accordingly any breaches of this requirement will immediately become the subject of a Hearing before the Council's Licensing and Appeals Committee, to determine whether the driver continues to be a fit and proper person.

5.8 Relevance of Convictions and Cautions

- 5.8.1 In relation to the consideration of convictions and cautions recorded against persons, the Council adopts the policy set out under Relevance of Convictions (See Appendix F).
- 5.8.2 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merit. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the Criminal Records Bureau, the Licensing Manager will assess whether any or all of the spent convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.
- 5.8.3 In relation to cautions, the Council will have regard to the class and age of the offence, when considering their relevance to an application. Cautions given more than one year before the date of application will generally be treated as irrelevant. Applicants/existing licence holders should be aware that Anti-Social Behaviour Orders will also be considered and these should be declared on the application form or renewal application form in addition to convictions and/or cautions.
- 5.8.4 In relation to previous convictions, the Council will have regard to the following:
- The class of the offences;
 - The age of the offences;
 - The apparent seriousness, as gauged by the penalty.

5.8.5 In particular, applications will be referred to the Licensing and Appeals Committee where the applicant's record includes one or more of the following:

- Any term of imprisonment or custody;
- Any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature;
- Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;
- Where more than six points have been acquired on their DVLA Driving Licence.

5.9 Application Procedure

5.9.1 An application for a hackney carriage/private hire driver's licence must be made on the Council's application form. The Council's prescribed application procedure must be followed. (See Appendix D).

5.10 The Consideration of Applications

5.10.1 The Council will consider each application on its own merit once the appropriate tests have been undertaken, and the application form and supporting documents are complete. The relevant elements of the procedure to consider the merits of the application, based on the guidance set out in the circulars, are now set out more formally.

5.11 Grant and Renewal of Licences

5.11.1 The licensing of hackney carriage and private hire vehicle drivers is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for three years from the date of such licence or for such lesser period as may be determined. This Council has approved that licences will be issued for one year only and will be renewable annually.

NOTE: The law changed in October 2015. Driver licences will be renewable every 3 years.

5.11.2 Holders of an existing hackney carriage/private hire vehicle driver's licence will be sent reminders, **8 weeks** before the expiry date of their licence. Application forms, appropriate fees, and supporting documentation, should be submitted to the Council **6 weeks** prior to the expiry date of the licence.

5.11.3 Applicants for renewal of a hackney carriage/private hire driver's licence are required to provide a current enhanced criminal record check from the Criminal Records Bureau every third year.

5.12 Convictions

5.12.1 Where offences, leading to conviction, are committed by licensed drivers, it is important, in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their hackney carriage/private hire vehicle driver's licence.

5.12.2 Drivers, who are convicted of any criminal or motoring offence whilst licensed, must disclose the conviction and the penalty involved to the Council within **7 days**. For these purposes, a fixed penalty motoring offence amounts to a conviction.

5.12.3 Breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences, which may come to light following complaints, enforcement action or investigations, should be dealt with and reported to the Council's Licensing and Appeals Committee.

5.13 Code of Good Conduct

5.13.1 The Council considers that a professional driver should not charge above the maximum fare, should adopt safe and passive driving techniques and set a good example to other road users. The standards expected of licensed drivers are set out in the Code of Good Conduct, included in this policy and should be read in conjunction with the other statutory and policy requirements set out in this document. (See Appendix I).

5.14 Driver's Dress Code

5.14.1 It is considered that, in order to raise the profile of the licensed trade, drivers should operate, at all times, in a professional manner and conform to a minimum standard of dress. The Council will not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times. (See Appendix J).

6 PRIVATE HIRE VEHICLE OPERATORS

6.1 Requirements and Obligations

6.1.1 Any person who operates a private hire vehicle must apply to the Council for a Private Hire Vehicle Operator's Licence. The objective in licensing PHV Operators is the safety of the public, who will be using operator's premises and vehicles and drivers arranged through them. But again, best practice, in respect of the controls required over PHV Operators, is to ensure that the costs of any licence requirements are commensurate with benefits that they seek to achieve.

6.1.2 A private hire vehicle may only be despatched to a customer by a private hire vehicle 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 private hire vehicle. A private hire vehicle operator must ensure that every private hire vehicle is driven by a person who holds a hackney carriage/private hire vehicle driver's licence.

6.1.3 Applications for private hire vehicle operator's licences must be made on the Council's prescribed form, and submitted with the appropriate fee and supporting documents. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence.

6.2 Criminal Record Checks

6.2.1 Before an application for a PHV operator's licence will be considered, the applicant must provide a current Basic Disclosure of criminal convictions or a police check, or a certificate of good conduct from the relevant embassy in the case of an overseas applicant. [A Basic Disclosure is currently available from Disclosure Scotland, Tel: 0870 6096006; www.disclosurescotland.co.uk/basic]

Where the applicant is already a licensed driver with the Council, it will not be necessary to provide a separate Disclosure.

6.2.2 The Council has a duty to ensure that the checks it carries out, and consequently the information it holds, is fully relevant and up to date. As a consequence CRB checks from other local authorities will not be accepted.

6.3 Conditions

6.3.1 The Council has power to impose such conditions on a private hire vehicle operator's licence, as it considers reasonably necessary.

6.3.2 The standard conditions considered to be reasonably necessary are detailed in Appendix L.

6.4 Record Keeping

6.4.1 The conditions include a requirement that comprehensive records are kept in respect of all bookings, vehicles and drivers.

6.5 Insurance

6.5.1 Applicants should be aware that they should have the appropriate public liability insurance in place for the premises to be licensed.

6.5.2 The conditions for Private Hire Vehicle Operator's Licences, require that the operator produces an appropriate certificate of motor insurance, which covers every private hire vehicle they operate, as well as appropriate public liability insurance for their premises if used by the public.

6.6 Licence Duration

6.6.1 A PHV operator's licence, will be granted for a 3-year period from the date of issue, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

NOTE: Law changed in October 2015 – licences now granted for 5 year period.

6.6.2 Applicants for renewal of PHV operator's licences are required to provide a current basic criminal record disclosure every third year.

6.6.3 Holders of existing PHV operator's licences will be sent renewal reminders **8 weeks** before the expiry date of their licence. Application forms, appropriate fees, and supporting documentation, should be submitted to the Council **4 weeks** prior to the expiry date of the licence.

6.7 Address from which a PHV Operator may operate

6.7.1 Upon the grant of a PHV operator's licence, the Council will specify the address from which the operator may operate. The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from which he/she operates) during the period of the licence. In the case of a change of home address, notification is required **within 7 days** of any such change taking place, and in the case of a change of operating address notification is required **at least 7 days before** this change takes place.

6.8 Bases outside the Derbyshire Dales District Council Area

- 6.8.1 The Council will not grant a PHV operator's licence for an operator with an operating base that is outside the Derbyshire Dales District Council area. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

Proposal: Consider if base outside district should be allowed – insert 'usually' in first sentence.

6.9 Application Procedure

- 6.9.1 An application for a private hire vehicle operator's licence must be made on the Council's application form in accordance with the prescribed procedure. (See Appendix K).
- 6.9.2 Applicants should note that this licensing procedure does not exempt them from the requirement to ensure that the property they are operating from has appropriate permissions under other legislation, including Planning Consent.

7. FARES

7.1 General

- 7.1.1 Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. Such negotiations are, however, to be discouraged at ranks or for on-street hailing as they could lead to confusion and security problems. Local licensing authorities are, nevertheless, advised that they can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition.
- 7.1.2 There is more likely to be a choice of taxi operators for telephone bookings and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

7.2 Prescribed rates

- 7.2.1 The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council. The driver/operator of a private hire vehicle (on the other hand) may make their own agreement with the hirer as to the fare for a particular journey.
- 7.2.2 There are, however, no provisions in the relevant legislation or this policy, which prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

7.3 Table of Fares

- 7.3.1 A table of authorised 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.

7.4 Review

- 7.4.1 Fare rates will normally only be reviewed by the Council following representations from the trade or from a particular sector of the trade. (**Note:** An increase to the Table of Maximum Fares was agreed by the Council's Partnership and Regeneration Committee on 7 July 2011).

Proposal: Consultation will seek views on whether the tariff should be reviewed more regularly, rather than on demand.

7.5 Receipts

- 7.5.1 A hackney carriage/private hire vehicle driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

8. FEES

8.1 Fee Structure

- 8.1.2 The application fee structure will be reviewed annually as part of the budgetary process to ensure that the full cost of providing the service is recovered from the Trade. Licence holders will be notified of any changes. Notice of the current scale of fees will be supplied to new applicants at the time of application.

Proposal: Change in above wording to clarify that the taxi/phv licensing service is cost-neutral

8.2 Payments

- 8.2.1 Fees for licences should be made by debit card/credit card, or cheque (payable to Derbyshire Dales District Council). Please note the District Council does not accept American Express Cards, and will make an additional charge if a credit card, rather than debit card, is used to make payment.

8.3 Payment Refunds and Other Fees

- 8.3.1 The appropriate fee must be paid when the application is submitted.
- 8.3.2 In the case of vehicle licences, where licence holders surrender their licence prior to their expiry date, it is confirmed that the Council will not make any refund in respect of the unexpired portions of the licence fees.

9. SMOKING AND THE LAW

- 9.1 On 1 July 2007 England and Wales, under the Health Act 2006, went smoke free - meaning it is now an offence under that Act to smoke in virtually all enclosed public places, workplaces and in public and work vehicles.
- 9.2 What this means for Hackney Carriage and Private Hire Vehicle Drivers, Hackney Carriage Vehicles, Private Hire Vehicles and Private Hire Vehicle Operators is shown below.

9.3 How this affects you and your licensed vehicle

- A licensed taxi or PHV driver and any passengers (whether fare paying or not), may no longer smoke in a licensed vehicle. This applies to all licensed vehicles for hackney carriage, private hire vehicle and stretched limousines.
- All licensed vehicles will be 'No-Smoking' at all times.
- Smoking in any licensed vehicle even if a driver is not carrying a fare, or when off duty, or in driver's own leisure time, is not permitted.
- 'No-Smoking' Signs must be displayed in each compartment of the licensed vehicle. For saloons, estates and hatchbacks this will be in the front and back; and for MPV's (Multiple Purpose Vehicles), Transporters etc in the front, middle and back.
- All signs must be visible from the outside and be clearly visible by any passenger you are transporting.
- As a taxi/PHV driver you must take reasonable steps to stop someone smoking in your vehicle.
- If a taxi/PHV driver has an awkward passenger who insists on smoking, the passenger should be dropped off and a note taken of the date, time, place and name of the person (if known).

9.4 How this affects your premises as a proprietor or operator

- All places of work including taxi offices **must** be 'Smoke-Free'
- All premises **must** display 'No-Smoking' Signs
- The owner/manager/proprietor or operator must take reasonable steps to meet the requirements under the above Act such as:
 - Removing all ashtrays;
 - Training employees and drivers so they understand the law and what their responsibilities are;
 - Implement a Smoke Free Policy.

9.5 How the Smoke Free Law Is Enforced

At Derbyshire Dales District Council the responsibility sits with the Environmental Health Section who are responsible for enforcing the law.

9.6 What are the Penalties?

Anyone who does not comply with the new smoke free law will be committing a criminal offence. The fixed penalty notices and maximum fine for each offence are set out below.

The fixed penalty notice includes information on the details of the offence and how payment is to be made. Anyone who receives a fixed penalty notice can choose to

have the matter dealt with by a court. If a person does not pay a fixed penalty notice, the matter may also be referred to a court to be dealt with.

Offence	Who is liable?	Fixed Penalty Notice (if paid in 15 days)	Fixed Penalty Notice (if paid in 29 days)	Court awarded fine
Smoking in a smoke free place	Anyone who smokes in a smoke free place	£30	£50	Up to £200
Failing to display required no-smoking signs	Anyone who manages or occupies the smoke free premises or vehicle	£150	£200	Up to £1000
Failing to prevent smoking in a smoke free place	Anyone who manages or occupies the smoke free premises or vehicle	N/A	N/A	Up to £2500

Proposal: Introduce wording to make clear the consequences for smoking or allowing customers to smoke in vehicles – what action will we take.

10. TERMS AND CONDITIONS APPLYING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

10.1 In these terms and conditions the following “**Interpretation**” provisions shall apply:

1. Words importing masculine gender only shall include the feminine and vice versa.
2. Words importing the singular shall include the plural and vice versa.
3. Words importing persons shall include companies and corporations and vice versa.
4. Reference to an Act of Parliament or any Order, Regulation, Statutory Instrument or the like shall include reference to any amendment or re-enactment of the same.
5. These Terms and Conditions shall be governed by and construed in accordance with English Law.
6. References to any person, body, title or position shall include any successor discharging that function unless the context otherwise provides.
7. With these Terms and Conditions reference to “the Council” or “the Local Authority” shall be references to Derbyshire Dales District Council unless the context otherwise provides.

8. Derbyshire Dales District Council shall be entitled to amend or vary any or all of these Terms and Conditions as deemed appropriate at any time after giving reasonable notice to licensees.

NOTE: ANY RECOMMENDED CHANGES TO THE POLICY PARAGRAPHS ABOVE WILL NEED TO BE REFLECTED IN THE FOLLOWING PAGES OF CONDITIONS BEFORE THE DOCUMENT IS RELEASED FOR CONSULTATION.

APPENDIX A

VEHICLES - SPECIFICATION AND CONDITIONS OF LICENCE

1. GENERAL

- 1.1 All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (Hackney carriage or private hire vehicles including stretched limousines). This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.
- 1.2 All vehicles shall have an appropriate "type approval" which is either a:
- European Whole Vehicle Type approval;
 - British National Type approval; or
 - British Single Vehicle Approval.

It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.

- 1.3 All vehicles shall be capable of carrying not less than 4 passengers, be fitted with a right hand drive (an exception regarding right hand drive may be made in the case of a stretched limousine) and shall have an engine size not less than 1298cc.
- 1.4 All vehicles shall comply with all construction and use/type approval requirements applicable to it.
- 1.5 All vehicles shall be either a purpose built taxi, or a 4-door saloon or 5-door hatchback/estate/multi-passenger vehicle except that a private hire vehicle shall not be of the London Taxi type.
- 1.6 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.
- 1.7 Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.
- 1.8 All vehicles shall at all times be maintained in a sound and roadworthy condition and serviced according to the manufacturer's recommendations.
- 1.9 No vehicle must be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users.

2 DOORS

- 2.1 All saloons, estates or purpose built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.
- 2.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

- 2.3 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

3 INTERIOR DIMENSIONS

- 3.1 Height Inside: There must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- 3.2 Knee Space: There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

4 SEATS

- 4.1 Multiple Purpose Vehicles (MPVs) which can carry between 5 and 8 passengers shall be licensed for the full seating capacity of the vehicle in accordance with the manufacturer's type approval.
- 4.2 Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
- 4.3 In relation to the carriage of child passengers under 3 years of age in the front seat, an appropriate child restraint **MUST** be worn. Where a child passenger is between 3-11 years old an adult seat belt must be worn if an appropriate child restraint is not available.
- 4.4 When a child seat or booster seat is used in the front seat where there is an active front airbag, the vehicles handbook must be consulted to see what is stated about children in seats with frontal airbags. This can vary from car to car. We strongly recommend that advice should be followed because airbags are powerful safety devices that must be treated with respect. Children, and adults for that matter, should not sit close to an active frontal airbag. It is suggested by the UK Department for Transport that the car seat should be as far back as possible from an airbag.

5 TYRES

- 5.1 The minimum tyre tread allowed on a vehicle will be 2mm in the interests of public safety.
- 5.2 Tyres must conform to the current EC or BS Standard for tyres.
- 5.3 The manufacturer's original design of equipment for dealing with punctured tyres must be kept on the vehicle and/or be maintained in a usable condition; (this type of equipment includes space saver wheels, run-flat tyres and tyre-filling foam kits).

6 SEAT BELTS

- 6.1 All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

7 PASSENGER CAPACITY

- 7.1 The carrying capacity of all vehicles shall be at the discretion of the Council having regard to manufacturer's specifications and compliance with dimensions referred to previously.

8 FIRE EXTINGUISHERS

- 8.1 Those licence holders who bought fire extinguishers in line with the Council's original Licensing Policy will be given a dispensation for a period of 36 months, to carry the 2kg powder/2 litre foam extinguishers in the boot of their vehicle.

- 8.2 All vehicles shall carry as a minimum a 1kg drypowder **multi-purpose** extinguisher or a 0.8 litre (minimum size) AFFF foam extinguisher to conform to BSEN 3, showing the appropriate kite mark. The extinguisher should be securely fixed inside the vehicle and be easily accessible in the main compartment of the vehicle. If this is not practicable, storage of the extinguisher in the boot of the vehicle will be permitted provided that it is securely fixed.

- 8.3 All vehicles owners are encouraged to check that the extinguisher that they carry conforms with the requirement placed upon them by their insurance policy.

- 8.4 Applicants/licence holders are required to ensure that the fire extinguishers have been checked in accordance with the manufacturers' recommended testing frequency, by a registered competent company. Proof of this should be retained for inspection. The date of the test and the vehicle registration number should be detailed (using permanent ink) on a sticker attached to the extinguisher.
(Condition revised by Partnership and Regeneration Committee July 2011)

9 FIRST AID KIT

- 9.1 There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable first aid kit containing appropriate dressings and appliances for immediate use in an emergency. **As a minimum** this kit must contain the following:

- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- sterile eye pads
- individually wrapped sterile triangular bandages
- safety pins
- medium sized (approximately 12cm x 12cm) individually wrapped sterile wound dressings
- large (approximately 18cm x 18cm) individually wrapped sterile wound dressings
- pair of disposable gloves.

10 VENTILATION

- 10.1 Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.
- 10.2 Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available.

11 LUGGAGE

- 11.1 Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.

12 MAINTENANCE AND CONDITION OF THE VEHICLE

- 12.1 The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner to the reasonable satisfaction of the Council and without prejudice to the foregoing. In particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits, tears to the same and the seats shall be required to function in accordance with the original manufacturer's specification.
- 12.2 Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

13 MODIFICATIONS

- 13.1 No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the Licensing Team, at any time while the licence is in force.

14 LICENCE PLATES AND STICKERS

- 14.1 At all times while the vehicle is being used as a hackney carriage or private hire vehicle there shall be securely fixed to the rear of the vehicle the appropriate Vehicle Licence Plate supplied by the Council.
- 14.2 An exception may be made in the case of a Private Hire Limousines.
- 14.3 The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children are counted as one person).

- 14.4 At all times while the vehicle is being used as either a hackney carriage or private hire vehicle there shall be displayed at the top left hand of the windscreen of such vehicle, the Council's small licence disc/sticker which identifies the vehicle as either a private hire vehicle or hackney carriage vehicle. On this disc/sticker will be displayed the licence number of the vehicle, the maximum number of passengers permitted to be carried, the expiry date, the vehicle type (including the colour) and the registration number.
- 14.5 Provided that express written consent has been granted from the Council, limousines and other professionally chauffeured vehicles may, in certain circumstances, be permitted not to display the external vehicle licence plate. However the other requirements must be complied with.
- 14.6 Where written consent has been granted by the Council subject to the requirements above, the external vehicle licence plate must be carried within the vehicle at all times and shown to an authorised officer of the Council or Police Officer upon request.

15 SIGNAGE

15.1 Hackney Vehicle Markings

- 15.1.1 Hackney carriage vehicles, other than minibuses, transits, people carrier type vehicles and those with built-in roof signs, must be fitted with an illuminated external sign on and above the roof of the vehicle showing the word "TAXI" on the side facing the front and the name of the company, or its telephone number, or "TAXI", or any combination of the three on the side facing towards the rear of the vehicle. The roof sign and lettering shall be of an appropriate size to enable it to be read clearly from a distance of 14 metres.
- 15.1.2 The roof sign must be centrally mounted on the vehicle roof and be adequately secured either directly to the roof by suitable magnets or mounted on a single roof bar and secured by bolts, straps, or clamps. Suction fittings alone are not considered suitable without additional means of fixing.
- 15.1.3 On purpose built vehicles, with built-in roof signs, the roof light must be extinguished when the fare meter is in use.
- 15.1.4 Self adhesive identification signs, displaying the Council's Insignia, must be displayed on the front doors of the vehicle at all times. (These are yellow in colour). These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has a current vehicle licence plate affixed.
- 15.1.5 Minibuses, transits and people carrier type vehicles which are not fitted with an appropriate roof sign, as indicated above, shall have the word "Taxi" in letters of between 25cm and 30 cm in height displayed on the front and rear of the vehicles so that they can be clearly identified as a hackney carriage vehicle.

15.2 Private Hire Vehicle markings

- 15.2.1 The self adhesive identification signs displaying the Council's Insignia must be displayed on the front doors of the vehicle at all times. (These are green in colour and indicate "ADVANCED BOOKINGS ONLY"). These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has a current vehicle licence plate affixed.
- 15.2.2 A Private Hire Vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage.
- 15.2.3 Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab", "hackney carriage" or "hire" the use of which is not permitted.
- 15.2.4 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. The Council's decision as to the interpretation shall be final.

15.3 Smoking Signage

- 15.3.1 All smoking signage must comply with the section on Smoking and the Law.
- 'No-Smoking' Signs must be displayed in each compartment of the licensed vehicle. For saloons, estates and hatchbacks this will be in the front and back; and for MPV's, Transporters etc in the front, middle and back.
 - All signs must be visible from the outside and be clearly visible by any passenger you are transporting.

16 ADVERTISING ETC

- 16.1 Any advertising on the vehicle must be restricted to the name, logo or insignia, telephone number, free-phone number, fax number, E-mail address or Web site of the owner or operator of the vehicle. Advertising of other businesses or products or services is not permitted and no art works, slogans or other displays of any kind are permitted.
- 16.2 No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
- 16.3 Limited advertising, in line with the requirements as detailed above may be displayed on a vehicle subject to the following conditions:

16.3.1 Hackney Carriages

- I. For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 7.5 cm and may be displayed in the rear window;

and/or

- II. Additional advertising may be placed on the **rear doors only** of the vehicle. The lettering of all advertising/graphics etc must be a maximum height of 12.5cm.

16.3.2 Private Hire Vehicles

- I. For saloons and estate cars the lettering of all advertising/graphics etc must not exceed a height of 7.5 cm and may be displayed in the rear-window;

and/or
- II. Additional advertising may be on the **rear doors only** of the vehicle. The lettering of all advertising/graphics etc must not exceed a height of 12.5cm
- III. For minibuses, transits and similar people carrier type vehicles, the lettering of all advertising/graphics etc must not exceed a height of 12.5cm and must be confined to the **rear doors**.
- IV. No signs, **other than those of the Council as detailed in paragraphs 15.1.4 and 15.2.1** of this Policy, shall be affixed to the **drivers' door** and **front passenger door** panels of any vehicle.

17 COMMUNICATIONS DEVICES

- 17.1 All two-way radio equipment must be of a type currently approved by Ofcom (Office of Communications).
- 17.2 All radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with guidelines for the time being published by Ofcom.
- 17.3 Only one two-way radio with a single operator frequency may be operational in the vehicle at any one time and this shall be an approved radio used exclusively for the hackney carriage/private hire trade and licensed with an effective radio power (ERP) not exceeding 25 watts.
- 17.4 The use of a Citizen Band (CB) transmitter or receiver is prohibited.

18 METERS

18.1 Hackney carriages

- 18.1.1 A taximeter must be fitted and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure and be easily visible to passengers.
- 18.1.2 The taximeter and all the fittings shall be so affixed to the vehicle 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.
- 18.1.3 If the meter seal is broken then the operator or driver must report this to the Council and have the meter resealed. A fee will be charged for re-sealing. Any proprietor/driver of a vehicle found continuing to operate with a broken meter seal, shall be reported to the Council's Licensing and Appeals Committee.

- 18.1.4 The taximeter 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 taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Licensing Act 1957 and also at any time at the request of the hirer.
- 18.1.5 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 a journey.
- 18.1.6 If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall immediately report the alteration to the Licensing Officer so that arrangements for resetting and resealing may be made.
- 18.1.7 An official copy of the Council's fare chart shall be clearly displayed in the vehicle so as to be plainly visible to passengers.
- 18.1.8 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that 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 Derbyshire Dales 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.

18.2 Private Hire Vehicle

- 18.2.1 Private Hire Vehicles may be fitted with a taximeter, but are not required to be fitted with meters. Any taximeter fitted to a private hire vehicle must comply with those conditions and requirements set out at 18.1 above, which apply to meters when fitted in hackney carriage vehicles.
- 18.2.2 The current fare chart shall be clearly displayed in the vehicle or there shall be exhibited within the vehicle, so as to be plainly visible to passengers carried therein, a notice indicating that the hire charges for the vehicle are not prescribed by the Council but are a matter of negotiation with the hirer.

19 TRAILERS AND TOP BOXES

- 19.1 Trailers may only be used with the prior approval of the Council and subject to the following requirements:
- Trailers can only be used in connection with private hire vehicle bookings and cannot be used for plying for hire on a rank;
 - The trailer must at all times comply with all requirements of road traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
 - The vehicle insurance must include cover for towing a trailer;
 - Trailers must not be left unattended anywhere on the highway;
 - The speed restrictions applicable to trailers must be observed at all times;
 - A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;

- Trailers must have been manufactured by a recognised manufacturer and not have been structurally altered since manufacture;
 - Un-braked trailers shall be less than 750 KGs gross weight;
 - Trailers over 750 KGs gross weight shall be braked, acting on at least two roads wheels.
 - The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer;
 - The maximum permissible length of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres;
 - The maximum length for braked twin axle trailers is 5.54 metres;
 - All trailers are subject to testing and must be presented for testing twice per year;
 - All trailers must have lights and braking lights;
 - The fee for testing a trailer must be paid prior to the test.
- 19.2 Top boxes can only be used by Private Hire Vehicles. They must also be tested to a standard that is agreed by the Council.

20 DISABILITY ACCESS

- 20.1 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:
- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
 - Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
 - A suitable restraint must be available for the occupant of a wheelchair;
 - 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.
- 20.2 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.
- 20.3 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.
- 20.4 Subject to the provisions of section 15 above, a sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided that the vehicle has been manufactured or properly adapted for that purpose.

21 VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

21.1 Specific Conditions

- 21.1.1 Installations/conversions must be carried out by an approved dealer.
- 21.1.2 A certificate certifying that the LPG System has been installed, examined and tested must be obtained from the approved installer, and presented with every new and renewal licence application.
- 21.1.3 A follow up inspection must be carried out in accordance with the certificate obtained and a new certificate obtained and provided to the Council within 7 days of expiry of the original test certificate.
- 21.1.4 A fully serviceable fire extinguisher and fire blanket must be carried inside the vehicle, fitted in such a position to be readily available for use. The fire extinguisher must be a capacity of not less than 2.0Kg foam.
- 21.1.5 The installation of an LPG tank or spare wheel must not reduce the minimum luggage capacity of 0.31cu.m /11 cu.ft.min.
- 21.1.6 A “No Smoking” sticker must be displayed inside the vehicle.
- 21.1.7 A disc/sticker must be displayed on the front windscreen of the vehicle indicating that the vehicle operates on dual fuel petrol/LPG.

22 TINTED WINDOWS

- 22.1 The front side windows and windscreen of any vehicle shall comply with the current Construction and Use Regulations with regard to the level of tint. A minimum visible light transmission value (VLT) of 70% shall be maintained in the front side windows of the vehicle and the windscreen shall have a minimum visible light transmission value (VLT) of 75%. Except for stretched limousines (see Appendix B paragraph 2.3) the remaining windows may have a minimum VLT of 50%. No self-adhesive material (tinted or clear) shall be affixed to any part of the glass. Vehicles currently licensed by this Council fitted with factory tinted glass by the vehicle manufacturer when new will not be required to satisfy this condition.

23 INSURANCE

- 23.1 There shall be a policy of insurance or such security as complies with the requirements of Part IV of the Road Traffic Act 1972 during the currency of the vehicle licence. A valid copy must be with the Council at all times. Failure to produce a valid insurance document before the expiry of the previous certificate will result in the vehicle being suspended.

24 CHANGES

- 24.1 Any change affecting this vehicle licence must be notified within **7 days** of such change, to the Licensing Section. (With the exception of accident reporting, see below).
- 24.2 When the holder of a vehicle licence wishes to transfer the licence to another person, an application must be made, in writing, before such change takes place. Failure to do so is likely to result in the refusal to renew the licence.

25 INSPECTION

- 25.1 The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.

26 UNAUTHORISED USE

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

27 ACCIDENT REPORTING

- 27.1 If any licensed vehicle is involved in an accident, this must be reported to the Licensing Officer **within 48 hours** of the incident.
- 27.2 Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. The Council may suspend the use of a licensed vehicle until it is suitably repaired to the Council's satisfaction.
- 27.3 A licensed vehicle, which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
- The damage to, or defect in, the vehicle has been reported;
 - Application is made in the usual way for a change of vehicle (albeit temporarily);
 - The replacement vehicle meets the Council's licensing criteria and is suitable to be used for hire purposes;
 - The hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.
 - The fee for testing the vehicle is paid.

28 MISCELLANEOUS

- 28.1 The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose whatsoever.

29 DISPENSATION/VARIATION

- 29.1 The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out in this Policy.

APPENDIX B

ADDITIONAL CONDITIONS FOR PRIVATE HIRE VEHICLE LIMOUSINES

Stretched limousines and similar vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles (Appendix A of this Policy) in so far as they are not superseded by these additional conditions and the local private hire vehicle licence fee shall be the same.

1 TYPES OF VEHICLES

1.1 The vehicle must have one of the following:

- A UK Single Vehicle Approval Certificate;
- A European Whole Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate;
- Limousine Declaration of Condition of Use.

2 VEHICLE AND SAFETY EQUIPMENT

2.1 The proprietor of a vehicle shall :

- Provide one efficient fire extinguisher in addition to the extinguisher required to comply with the standard Vehicle Conditions of Licence applicable to all licensed private hire vehicles. One fire extinguisher should be mounted on brackets, in a convenient position in the driver's compartment, if practical. The other should be similarly mounted within the boot of the vehicle, so as to be readily available at all times;
- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor vehicles (Construction and Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance have been remedied.
- Ensure that loose luggage is not carried within the passenger compartment of the vehicle;
- Ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council; and
- Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.

2.2 Vehicles may be left or right hand drive providing that they have proof of full Department of Transport vehicle type approval.

2.3 The passenger compartment of the vehicle may be fitted with tinted glass to the vehicle specification.

2.4 Vehicles must be supplied with a safety hammer, capable of being used to break the glass of the vehicle, which is securely located in the driver's compartment.

- 2.5 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.
- 2.6 The use of fog machines, lasers, fibre optics, disco balls and Jacuzzis should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.
- 2.7 Where strobe lights are to be used, those hiring the vehicle should be verbally notified in advance and the person making the booking notified, both verbally and in writing. Strobe lighting should not be used/be turned off if so requested. Use should comply with relevant Health and Safety regulations and should not be used in a manner, which is likely to distract the private hire vehicle driver or other road users.

3 USE OF VEHICLE

- 3.1 The vehicle shall not be used for every day Private Hire Vehicle use.
- 3.2 The proprietor of the vehicle shall:-
 - Ensure that the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by Derbyshire Dales District Council;
 - Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
 - Not convey any passengers in the front compartment of the vehicle;
 - Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence under the Licensing Act 2003, permitting the sale or supply of the same;
 - Provide sufficient means by which any person in the private hire vehicle may communicate with the driver during the course of hiring;
 - Cause the interior of the vehicle to be kept wind and watertight;
 - Provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
 - Provide at least two doors for the use of persons conveyed in such private hire vehicle and separate means of ingress and egress for the driver;
 - Cause the seats in the passenger compartment to be properly cushioned and covered; and
 - Seat belts must be provided;
 - Cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering.
- 3.3 Where occupants in the vehicle are under the age of 16, a responsible adult other than the driver must accompany them.

4 VEHICLE IDENTIFICATION DISCS

4.1 The private hire vehicle limousine vehicles will not be required to display on the rear, of the vehicle the external private hire vehicle licence plate which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, with a licence disc/sticker and the external private hire vehicle licence plate, which identify the vehicle as a private hire vehicle on which will be displayed the registration number of the vehicle and the number of passengers permitted to be carried (Known as Private Hire Limousine Vehicle Disc). The proprietor shall ensure that:-

- The Private Hire Limousine Vehicle Disc must be displayed on the top left-hand corner of the front windscreen in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon read.
- The external private hire vehicle licence plate shall be fixed inside the vehicle in such a position as to be clearly visible to persons conveyed therein and either an authorised officer of the Council or a Police Officer;
- No Private Hire Limousine Vehicle Disc/Plate shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle disc/plate shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle disc/plate and licence to the Council within seven days.

5 SIGNS, NOTICES, ETC

5.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council. Failure to obtain such express consent may render the vehicle's licence liable to immediate suspension.

5.2 No media shall be supplied that, given its age classification or content is unsuitable for the age of passengers in the vehicle.

6 INSURANCE/MOT TEST CERTIFICATE

6.1 The vehicle must not be used to carry passengers for private hire special events unless there is in force for the vehicle:

- A current MOT Certificate;
- A policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Private Hire Limousine Vehicle Drivers who drive the vehicle are covered.

These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

- 6.2 The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.
- 6.3 If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Licensing Officer shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained.

7 DEPOSIT OF LICENCES

- 7.1 If the proprietor permits or employs any other person to drive his Private Hire Vehicle Limousine, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.
- 7.2 The proprietor of the vehicle will deposit within five working days, a copy of the Private Hire Limousine Vehicle licence with the Operator before any bookings are accepted.
- 7.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

8 VEHICLE TESTING

- 8.1 A Private Hire Vehicle Limousine will be subject to twice-yearly mechanical examination at intervals to be specified by the Council, at its authorised testing station.

9 GENERAL CONDITIONS

- 9.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.
- 9.2 The Licensee must produce a copy of the SVA (Single Vehicle Approval) certificate at time of licensing.

APPENDIX C

VEHICLE LICENCES: APPLICATION PROCEDURES – (Hackney Carriage and Private Hire Vehicle)

The following processes/procedures are of how to licence a Hackney Carriage or Private Hire Vehicle and vehicle licence renewal.

To licence a vehicle with Derbyshire Dales District Council you must first decide whether the vehicle that you are going to drive is to be a Hackney Carriage or Private Hire Vehicle. These licences are issued under an Act of Parliament called the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (for Hackney Carriages), and are referred to as a vehicle licence. To obtain a vehicle licence the vehicle must comply with the Council's Policy and undergo tests and checks so that the Council can determine your application fairly and consistently.

The following checks/testing will apply:

Vehicle testing, Vehicle registration documents, Insurance certificate and MOT certificate.

Vehicle Application Procedures

Please note the Application process is similar for new, renewal, replacement and transfer of a vehicle.

Applications for Hackney Carriage and Private Hire Vehicle Licences may be made at any time of the year. To drive either a Hackney Carriage or Private Hire Vehicle licensed by Derbyshire Dales District Council the driver must hold an appropriate driver's licence issued by Derbyshire Dales District Council.

1. Applications are to be made on the Council's prescribed application forms and submitted with the appropriate fees and the following documentation.
2. Documentation, which **MUST** accompany the application form.
 - **REGISTRATION BOOK** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);
 - **INSURANCE CERTIFICATE** (if a cover note, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note), this is also to include Insurers Policy book and details of Third Party Liability Cover;
 - **MOT CERTIFICATE (if applicable)**
3. For new vehicles sight will be required of the vehicle's 'Vehicle Registration Document' (Vehicle Registration Document will also be required at renewal) or a Bill of Sale (Full Vehicle Registration Documents will be required once issued by DVLA in applicant's name).
4. In every application, the first name and surname and place of abode shall be given of:
 - The person applying for a licence; and

- Every proprietor or part proprietor of such carriage; or
- Any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such carriage; and
- Any person who, on applying for a licence, states in such application the name of any person who is not a proprietor or part proprietor of such carriage or who is not concerned as aforesaid in the keeping, employing or letting to hire of such carriage.

5. Proprietor Requisition Declaration

Before a hackney carriage/private hire vehicle licence is granted, information shall be provided as to the ownership of the hackney carriage/private hire vehicle and signed by the proprietor or one of the proprietors of the hackney carriage/private hire vehicle in respect of which such licence is applied for.

6. The names that appear in the information provided on ownership will be entered on to the hackney carriage/private hire vehicle licence and in every such licence shall be specified the first name and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage/private hire vehicle in respect of which such licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of any such carriage.

7. Vehicle Testing

- Vehicles will be required to undertake an inspection before a licence is granted. Appointments can be arranged for a vehicle to be tested by contacting the Licensing Department.
- Prior to submitting the vehicle for testing owners must ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork in a satisfactory condition and the engine and full chassis steam cleaned.
- Owners of vehicles will be subject to a re-charge fee in respect of vehicles that have to be re-submitted for a second inspection test on the grounds of mechanical/MOT related re-inspections pertaining to the specified requirements for hackney/private hire vehicles.
- When a vehicle is successfully tested it should be licensed with the Council as soon as practical.

8. To renew your licence you will need to make an appointment. We will endeavour to send a reminder approximately **8 weeks** before your licence is due to expire.

9. You are reminded that this is a courtesy service only, and that ultimately the responsibility for ensuring your licence does not expire remains with you, the licence holder. **If you let your licence expire you will need to begin the process again with a New Application.**

In the event of a licence not being granted all requests for refund of the application fees should be made in writing to the Licensing Manager, for consideration.

APPENDIX D

DRIVERS' LICENCES: APPLICATION PROCEDURES – (Hackney Carriage and Private Hire Vehicle)

The following processes/procedures are of how to become a Hackney Carriage or Private Hire Vehicle licensed driver and driver licence renewal.

To become a Hackney Carriage or Private Hire Vehicle driver you will need to get a licence from the Council. These licences are issued under an Act of Parliament called the Local Government (Miscellaneous Provisions) Act 1976, and are referred to as a driver's licence. To obtain a driver's licence the Council must determine whether or not you are a "fit and proper person" under the terms of the Act. This involves a series of tests and checks being carried out with various organisations so that the Council can determine your application fairly and consistently.

The following checks, tests and training will apply:

CRB disclosure, DVLA Check, Medical Examination, Driver's Knowledge Test, Local Authority Check.

NEW APPLICANTS WILL NEED TO PASS THE COUNCIL'S DRIVER'S KNOWLEDGE TEST BEFORE MAKING AN APPLICATION FOR A LICENCE

The Test came into effect on 1st April 2009.

In order to become a licensed Hackney Carriage and Private Hire Vehicle driver it is important that you have a good knowledge of the area in which you are going to work. The knowledge test is designed to test your knowledge of the area and conditions that apply to licensed drivers.

New Driver's Application Procedures

Applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences are not limited and may be made at any time of the year. This is subject to the provisos that the Applicant must have held a full driving licence (which may be a European driving licence) for more than one year. Consequently anyone who has a driving ban will not be able to apply until one year after the ban was lifted. Driving licences from outside the EU will not be accepted.

Applications are to be made on the Council's prescribed application form - this will be supplied once the Applicant has passed the Driver's Knowledge Test.

1. New Applicants will be required to undertake a CRB check.

Criminal Records Bureau (CRB) Check:

This involves a search of your individual criminal record to establish whether or not you are a fit and proper person to drive members of the public, some of whom may be vulnerable, elderly, or infirm. The CRB provides a centralised disclosure service that deals with all checks of criminal records for the Council. Please refer to Appendix F of the policy relating to the relevance of convictions.

2. **Whilst undertaking a CRB check the applicant will also be required to undertake a DVLA check.**

Driver and Vehicle Licensing Agency (DVLA) Check:

This check can sometimes be referred to as a 'Swansea' check (the DVLA is based in Swansea). It is designed to give the Council an idea of your individual driving history.

This is necessary to determine whether or not you are a safe driver and capable of driving a vehicle in the manner expected of a Hackney Carriage or Private Hire Vehicle driver. It is also used to confirm that an applicant has held a full driving licence for a period of at least 12 months.

3. **Local Authority Check**

Whether you have previously had a licence revoked with another local authority or not, or had your driver's licence suspended then you must declare this on the application form. Checks will be made.

4. **Application Appointment**

You will need to make an appointment with the Licensing Team to submit your application with the appropriate fee. You will need to bring the following documentation to your appointment:

- Your completed application form
- Two recent colour photographs;
- CRB Form – completed
- DVLA Mandate - completed
- More than one form of identification – must include your DVLA driving licence and birth certificate.
- A medical certificate (See section 5.5 on page 12 of this Policy)

How long will it take to become a Hackney Carriage or Private Hire Vehicle Driver?

The Licensing Team will always aim to deal with your application, as quickly as possible but it is reliant on other organisations to provide information, so the process can sometimes take longer than expected. An application will not be accepted as complete, however, until all the relevant paperwork and full fees have been received.

When you become a Hackney Carriage or Private Hire Vehicle Driver

Once you receive your Hackney Carriage/Private Hire Vehicle driver's badge you are licensed to drive both a Hackney Carriage and Private Hire Vehicle. The vehicles you can drive under your driver's badge must be licensed by Derbyshire Dales District Council, although the vehicle that you drive does not necessarily have to be owned by you. It is important that you read and fully understand the content of this policy. If you are found to be in breach of any part of the policy it may result in your licence being suspended or even in some cases revoked. The driver's licence lasts for one year.

In the event of a licence not being granted, all requests for refund of any part of the application fees should be made in writing to the Licensing Manager, for consideration.

Driver's Renewal Application Procedures

Applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences are not limited and may be made at any time of the year. This is subject to the provisos that the Applicant must have held a full driving licence (which may be a European driving licence) for more than one year.

To renew your licence you will need to make an appointment, which can be done by contacting the Licensing Team.

We will endeavour to send a reminder approximately **8 weeks** before your licence is due to expire (You are reminded that this is a courtesy service only, and that it is ultimately your responsibility for ensuring your licence does not expire).

Should you let your licence expire you will need to begin the process again as a New Applicant. (NB: New applicants have to pass a Driver's Knowledge Test).

- 1. The renewal Applicant will be required to undertake a CRB check every third year, or as required.**

Criminal Records Bureau (CRB) Check:

When you are due or required to undergo a standard CRB check we will write to you. Any conviction found on the CRB check, which hasn't been notified to the Council will result in a Hearing before members of the Council's Appeals Committee.

The CRB Check involves a search of your individual criminal record to establish whether or not you are a fit and proper person to drive members of the public, some of which may be vulnerable, elderly, or infirm. The CRB provides a centralised disclosure service that deals with all checks of criminal records for the Council. Please refer to Appendix F of the policy relating to the relevance of convictions.

- 2. At your appointment you will need to bring with you the following documentation and appropriate fee:**
 - a. The Council's prescribed application form – fully completed;
 - b. A current full driving licence; (plus other forms of identity (see renewal procedure above);
 - c. A medical certificate if applicable (required at least every 3rd year);
 - d. 2 recent colour photographs;
 - e. DVLA Check form – completed;
 - f. CRB form – completed (if due for renewal).

3 When your Driver's Licence has been renewed

Once your renewal has been granted, you are licensed to drive both a Hackney Carriage and Private Hire Vehicle. The vehicles you can drive under your driver's badge must be licensed by Derbyshire Dales District Council, although the vehicle that you drive does not necessarily have to be owned by you. It is important that you read and fully understand the content of this policy. If you are found to be in breach of any part of the policy it may result in your licence being suspended or even in some cases revoked. **The driver's licence will last for one year.**

From 1st October 2015 a Driver's licence will be issued for a 3-year period.

Application Procedures for Foreign Nationals/Overseas Applicants

All applications made by foreign nationals/overseas applicants will need to go through the above process to obtain their licence. To enable the Council to determine whether or not you are a "fit and proper person" under the terms of the above Act. This involves a further series of tests and checks being carried out with various organisations so that the Council can determine your application fairly and consistently.

1. Criminal Records Bureau (CRB) Check:

Applicants will be required to undertake a CRB check as above. In addition to this, the Council will require a police check and/or certificate of good conduct from the relevant embassy. If you are a foreign national/overseas applicant and have also lived in the UK for a substantial period of time the Council may also ask for additional overseas information.

2. Home Office Check (Subject to Home Office guidelines on working within the UK)

A check will need to be made with the Home Office Evidence and Enquiry Unit on your right to work within the UK. The Council will need to check all your papers and passport.

In the event of a licence not being granted all requests for refund of the application fees should be made in writing to the Licensing Manager, for consideration.

APPENDIX E

THE CONSIDERATION OF APPLICATIONS

- 1) Upon receipt of a completed application form, an officer of the Licensing Team shall consider the application, unless there is information missing from the application form, or the supporting documents are incomplete. Where the application is incomplete, it shall not be considered until all the missing details or documents are supplied.
- 2) If satisfied, from the information available, that the applicant is a fit and proper person to hold a hackney carriage and private hire vehicle licence, the application will be granted under delegated powers.
- 3) Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted drivers' licences shall be issued with a Driver's Badge, which shall remain the property of the Council and must be surrendered when the driver ceases employment as a driver.
- 4) Where the Licensing Manager is not satisfied, on the information before him/her, that the applicant should be granted a licence, the matter must be referred to the Licensing and Appeals Committee. The applicant will be advised of the date, time and venue of the Committee at which the application will be considered.
- 5) At the Committee meeting, the Council members present will receive a report from the Licensing Officer, and shall then hear representations from the applicant and may ask any questions of the applicant, before deciding upon whether a licence should be granted. The applicant will be told of the outcome immediately and this will be confirmed in writing within 7 days.
- 6) Unsuccessful applicants will be informed of their right to appeal against the decision to the Magistrates' Court within 21 days of receipt of the formal notice of refusal of the application.

APPENDIX F

RELEVANCE OF CONVICTIONS TO APPLICATIONS

The following guidelines will be used to determine the relevance of criminal convictions in relation to applications for hackney carriage and private hire vehicle driver's licences. In so stating, this Council has adopted the guidelines set out in the Department of Transport Circular 2/92 and Home Office Circular 13/92, subject to certain limited modifications.

General Policy

1. Each application will be determined on its own merits.
2. A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for 3 to 5 years, according to the circumstances of the offence, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be the protection of the public.
3. Listed below are some general principles relating to the determination of applications for drivers and operators of hackney carriages and private hire vehicles, which will generally be followed where convictions are admitted.

3.1 Minor Traffic Offences

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc will not prevent a person from proceeding with an application. Multiple occurrences of similar current offences, however, merit the issue of a warning as to future driving standards. If sufficient penalty points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence, but only after a period of 12 months has elapsed since the expiry of the disqualification or from the date of any subsequent conviction. A warning will, however, be given about future driving standards.

In circumstances where a driver acquires 12 or more penalty points on his DVLA driving licence but is not disqualified from driving because of the mitigating circumstances put before the Magistrates' Court, the driver's hackney carriage/private hire vehicle licence may still be revoked or suspended. Such a matter will always be dealt with by way of an appeals panel.

3.2 Major Motoring Offences

An isolated conviction for reckless driving or driving without due care and attention etc will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence within the last 2 years will normally merit refusal with no further application then being considered until a period of 1 to 3 years free from convictions has elapsed. A single conviction for causing death by careless driving or by dangerous driving will be reported to the Panel for determination on the merits of the case.

3.3 Applications where Minor Traffic Offences are not Declared

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the delegated Officer may, if he/she thinks fit, still issue the licence subject to a warning regarding future conduct. If, however, he/she considers that there was a premeditated intent to deceive, he/she will normally refer the matter to the Panel to be dealt with by way of a disciplinary hearing.

3.4 Drunkenness

3.4.1 With a motor vehicle

A serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of drink. An isolated incident may not necessarily debar an applicant but strict warnings will be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should have elapsed (after the restoration of the driving licence) before such an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination will be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is complete before a further licence application is considered.

3.4.2 Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

3.5 Drugs

An applicant with a conviction for a drug related offence is required to show a period of at least 3 years free of convictions before an application is entertained or 5 years after detoxification treatment if he/she was an addict.

3.6 Sexual or Indecency Offences

Hackney carriage and private hire vehicle drivers often carry passengers who are alone or may be vulnerable. Consequently applicants, who have convictions for rape, indecent assault, any sexual offence involving children or other vulnerable victims or any conviction for an offence under the Sexual Offences Act 2003, will, therefore normally be refused a Licence.

No application will be considered from a person currently on the Sex Offender's Register. Where an applicant has a conviction for a lesser sexual offence, such as indecent exposure, they will normally be refused a licence until they can show a substantial period, usually at least 5 years, free of any such convictions from the date of conviction or the date of release from custody where a custodial sentence has been imposed.

More than one conviction of this kind will raise grave doubts as to the applicant's fitness to hold a licence and will normally require at least a 10 year clear period from conviction before an application is likely to be considered favourably. In all cases, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence. When considering applications, the Council may take into account any information of a sexual nature, which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

3.7 Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for offences involving violence. Applicants with a conviction or caution for grievous bodily harm, wounding serious assault, possession of a dangerous weapon or other serious offence will normally be refused a licence. At least 5 years free of such conviction or caution, from either the date of conviction or caution, or from completion of any custodial sentence imposed, which ever is the latter must be shown before an application is entertained and even then careful consideration will be given to circumstances of the offence and a strict warning will be administered. Convictions for minor violence related offences, e.g. threatening, abusive or insulting behaviour will not necessarily prevent a person from proceeding with an application. In deciding whether to grant such an application the Council will consider the nature of the offence, how long ago it was and what age the applicant was when it was committed and any other factors which may be relevant.

3.8 Dishonesty

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view will be taken of any convictions involving dishonesty. In general, a period of 3 to 5 years free of convictions will be required before an application is entertained.

3.9 Persistent Criminality

Due to potential risks to the public, applications from persons with a persistent record of criminality, where the record suggests a persistent lack of regard for the well being of others or for their property, would normally be refused. Other offences and special circumstances: If the applicant has declared any other offences not listed above or the circumstances of the case justify it, the Licensing Officer will refer the application to the Licensing and Appeals Committee for determination.

PRINCIPLES OF THE REHABILITATION OF OFFENDERS ACT 1974

1. Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.
2. The possibility of rehabilitation and the length of time before rehabilitation occurs, depends on the sentence imposed, and not the offence committed.
3. Where a person is sentenced to imprisonment for a period exceeding 30 months, the conviction can never become spent.
4. Despite the above, **the principles of the Act do not apply to applicants for hackney carriage and private hire vehicle drivers' licences.** This is because the driving of taxis is listed as a "Regulated Occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
5. Although the Act does not prevent judicial authorities (inclusive of the Licensing Authority) from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a fit and proper person to hold a licence.
6. The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.
7. The rehabilitation periods to which reference is most commonly made are set out below. For a detailed commentary on the periods of rehabilitation applicable to all sentencing options, reference will need to be made to a specialist textbook on the Act.

Sentence	Rehabilitation Period
Sentence of imprisonment or detention exceeding 6 months but not exceeding 30 months	10 years
Sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service	10 years
Sentence of imprisonment not exceeding 6 months	7 years
Sentence of dismissal from Her Majesty's Service	7 years
Sentence of detention in respect of a conviction in service disciplinary proceedings	5 years
A fine	5 years
Absolute discharge	6 months
Conditional discharge	1 year or date of expiry of order
Probation Order	5 years

APPENDIX G

THE TESTING OF APPLICANTS FOR DRIVER'S LICENCE

New Driver Knowledge Tests

1. Introduction

- 1.1 In order to maintain the high standards that the Council expects of its drivers operating within the District a review may take place of how the suitability of new drivers' knowledge of locations and conditions is assessed.
- 1.2 Complaints are received from time to time by the Council, from members of the public regarding the driver's ability to find destinations and read A to Z maps.
- 1.3 From 1st April 2009, applicants for a new hackney carriage and private hire vehicle driver's licence will be required to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence. The written test which must be taken before a Driver's Licence is issued will consist of:

Local Geography

Applicants will be tested on their knowledge of the Derbyshire Dales District Council area's geography. Identifying street names of given premises/locations.

Highway Code

Applicants will be asked to answer a number of questions on driving skills, road information and etiquette as set out in the Highway Code.

The Hackney Carriage and Private Hire Vehicle licensing law and Council Rules and Policy

Applicants will be tested on their knowledge and understanding of the law in respect of Hackney Carriage and Private Hire Vehicle Licensing.

Basic English Test

Applicants will be tested on their English Language Skills; (this will be done through the above testing process).

2. Driver Test Failure

- 2.1 Applicants who fail to achieve an 80% pass rate in any part of the tests shall be invited to take a different test on another occasion. They shall not be considered fit and proper to hold a licence unless or until they have achieved the required pass rate.

APPENDIX H

DRIVER'S LICENCE CONDITIONS

Conduct of Driver

1. The holder of a hackney carriage/private hire vehicle driver's licence (driver) shall comply with the following conditions, which should be read in conjunction with the Code of Good Conduct.
2. The driver shall be respectably dressed and clean and tidy in appearance, in line with the Council's Dress Code. (See Appendix J).
3. The driver shall at all times, when acting in accordance with the driver's licence granted to him/her, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times. He/she shall not lend the badge to any other person or cause or permit any other person to wear it and on termination or surrender of a Driver's licence, he/she shall return the badge to the Council immediately.
4. The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
5. The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view or allow the licence plate to be so defaced as to make any figure or information illegible.
6. The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
7. The driver when hired to drive to a particular destination shall proceed to that destination by the shortest route.
8. The driver shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.
9. The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
10. If in a Private Hire Vehicle the driver must not solicit, by calling out or otherwise importune, any person to hire or be carried for hire, and must not accept an offer for the hire of the vehicle except where that is first communicated to the driver by telephone.
11. The vehicle shall be presented in a clean and tidy condition for each journey.
12. The Private Hire Vehicle must only be driven with the consent of the proprietor of the vehicle.
13. The driver must comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the business.

14. The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
15. The driver shall not operate the horn as a means of signalling that the vehicle has arrived.
16. The driver must not cause or permit the vehicle to stand on a road or in a public place as to suggest that it is plying for hire, or use any hackney carriage stand within the area of Derbyshire Dales District Council.
17. Drivers must not use a mobile 'phone (or similar device) whilst driving except to call 999 (or 112) in a genuine emergency and it is unsafe or impractical to stop. (See 2008 edition of Highway Code, rule number 149). (**Condition 17 revised July 2011**)
18. All drivers must comply with the law relating to Smoking under the Health Act 2006.
19. The Drivers shall ensure all vehicles that carry out a journey in another district must return to within the district boundaries of the licensing Council on the termination of that journey, unless they have already received another booked fare for that district.

FITNESS OF DRIVER

20. The driver of a vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council by a Registered Medical Practitioner to the effect that he/she is, or continues to be, physically fit to be a driver of a hackney carriage/private hire vehicle.
21. Whether or not such a Certificate is produced, the driver must, if required by the Council at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council.
22. The driver is asked to cease driving any vehicle and contact the Council immediately if they know of any medical condition, which may affect their driving ability and the health and safety of themselves and any passengers.

FARES AND JOURNEYS

23. The driver/operator of a Private Hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.
24. The driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.
25. If the Private Hire Vehicle is fitted with a taximeter, then the driver of a Private Hire vehicle shall:
 - unless the hirer expresses at the commencement of the journey his desire to engage by time, bring the meter into operation at the commencement of the journey; and

- bring the machinery of the taxi meter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter before beginning a journey for which a fare is charged for distance and time, and keep the machinery of the taximeter in action until the termination of the hiring;
 - when waiting for hire, keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter;
 - cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer;
 - not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter.
26. In the event of a journey commencing in but ending outside the Derbyshire Dales District Council area there may be charged, for the journey, such fare or rate if any as was agreed before the hiring was affected. 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.

DUTIES OF LICENCE HOLDER

27. Any change affecting this licence must be notified within **7 days** of such to the Licensing Officer.
28. The hackney carriage/private hire vehicle driver's licence must be made available for inspection, on request, by any authorised officer of the Council or any Police Officer.
29. The driver must notify the Council, within **7 days** of starting or terminating employment, as to the name and address of the proprietor concerned, and the date when the employment either started or ended.
30. The hackney carriage/private hire vehicle driver's licence must be presented to the proprietor concerned, at the beginning of an employment.
31. All licences, badges and plates issued remain the property of the Council at all times. They must be returned when employment as a licensed driver ceases, the Licence expires and is not renewed or where the Licence is suspended or revoked.
32. The driver must notify the Council, within **7 days**, of any change of address.
33. The driver must notify the Council, within a period of **7 days**, of any conviction for an offence, or of any receipt of a fixed penalty, imposed on him/her whilst the licence is in force.

LOST PROPERTY

34. A driver of a hackney carriage/private hire Vehicle shall immediately, after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein, carry it as soon as possible and in any event within **48 hours** to the offices of Derbyshire Dales District Council or the nearest Police Station and leave it in the custody of an authorised officer on his giving a receipt for it.

ACCIDENT REPORTING

35. A Proprietor or Driver of a vehicle shall report to the Council as soon as is reasonably practicable and in any case within **48 hours** of the occurrence, any accident to a vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle.

THE CARRIAGE OF ANIMALS

36. A driver must not carry in a hackney carriage/private hire vehicle any animal, which belongs to, or is being looked after by, themselves, the owner or operator of the vehicle while it is being used as a Private Hire vehicle.
37. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
38. A driver must, however, carry assistance dogs when necessary. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment.
39. Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption will be supplied on production of suitable and appropriate medical evidence.

WHEELCHAIR ACCESSIBLE VEHICLES

40. 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;
 - Must, 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;
 - Must 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 regulations, S.100 of the Road Vehicles Construction and Use Regulations 1986;

- Shall, in the event of a passenger who requires to be carried seated in a wheelchair, presenting themselves at a taxi rank or hailing a hackney carriage on the street and the hackney carriage which the passenger has presented themselves to or hailed is not wheelchair accessible either:
 - divert the passenger to a wheelchair accessible vehicle on the rank if one is available; or
 - use their phone or radio to contact an operator of a wheelchair accessible hackney carriage to arrange to collect the passenger as soon as possible.

APPENDIX I

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

In order to promote its licensing objectives as regards hackney carriage and private hire vehicle licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

1. Responsibility to the Trade

Licence holders shall endeavour to promote the image of the Hackney Carriage and Private hire vehicle trade by:

- a. complying with this Code of Good Conduct;
- b. complying with all the Conditions of their Licence and the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy;
- c. behaving in a civil, orderly and responsible manner at all times.

2. Responsibility to Clients

Licence holders shall:

- a. maintain their vehicles in a safe and satisfactory condition at all times;
- b. keep their vehicles clean and suitable for hire to the public at all times;
- c. attend punctually when undertaking pre-booked hiring;
- d. assist, where necessary, passengers into and out of vehicles;
- e. offer passengers reasonable assistance with luggage.

3. Responsibility to Residents

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

- a. not sound the vehicle's horn illegally;
- b. keep the volume of radio/cassette/cd player and VHF/digital radios to a minimum;
- c. switch off the engine if required to wait;
- d. take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- a. rank in an orderly manner and proceed along the rank in order and promptly;
- b. remain in the vehicle.

At private hire vehicle offices a licence holder shall:

- a. not undertake servicing or repairs of vehicles;
- b. not allow their radio/cassette/cd players or VHF/digital radios to cause disturbance to residents of the neighbourhood;
- c. take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

4. General

Drivers shall:

- a. pay attention to personal hygiene and dress so as to present a professional image to the public;
- b. be polite, helpful and fair to passengers;
- c. drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile 'phone (or similar device) whilst driving except to call 999 (or 112) in a genuine emergency and it is unsafe or impractical to stop. (See 2008 edition of Highway Code, rule number 149);
- d. obey all Traffic Regulation Orders and directions at all times;
- e. not smoke at anytime in the vehicle in accordance with Smoking and the Law;
- f. not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- g. not drive while having misused legal or illegal drugs;
- h. fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.

5. Disciplinary Hearings

Drivers should be aware of the powers the Council has to take action, by way of suspension, revocation or refusal to renew a driver's licences where:

- a. the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence;
- b. the driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire Vehicle Licensing Policy relating to taxi regulation;
- c. there is a breach of condition of this code.

Please note:

Any amount of alcohol or drugs can affect a driver's judgement

The District Council will take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

APPENDIX J

DRESS CODE FOR LICENSED DRIVERS

Derbyshire Dales District Council is committed to encouraging the professional image of the hackney carriage and private hire vehicle trade, and considers that drivers of licensed vehicles are vocational drivers. The Council considers, therefore, that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade.

The Council does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

Unacceptable Standards of Dress within this Code

The following are deemed to be unacceptable:

- Clothing or footwear, which is unclean or damaged
- Clothing printed with words, logos or graphics, which might offend
- Studs or sharp-edged clothing
- Beach-type footwear (e.g. flip-flops or mules)
- Footwear with pronounced heels
- Any clothing likely to obscure the face

APPENDIX K

PRIVATE HIRE VEHICLE OPERATOR'S LICENCE: APPLICATION PROCEDURES

The Council will not grant a private hire vehicle operator's licence for an operator with an operating base that is outside the Derbyshire Dales District Council area. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

The following processes/procedures are of how to licence a Private Hire Vehicle Operator and Operator's licence renewal.

To become a Private Hire Operator within the District of Derbyshire Dales you will need to get a licence from the Council. The licence is issued under an Act of Parliament called the Local Government (Miscellaneous Provisions) Act 1976, and is referred to as an operators licence.

To obtain a licence the Council has to determine whether or not you are a 'fit and proper person' and whether the location you intend to use as the base is suitable. This involves a series of checks being carried out with various organisations so that the Council can determine your application fairly and consistently.

New Private Hire Vehicle Operator's Application Procedures

Applications for Private Hire Vehicle Operator's Licences are not limited and may be made at any time of the year.

- 1. The Applicant will be required to provide the Council with a CRB check (for non driver Operators a basic check will be required see Section 6 of this Policy – page 15) and complete the Council's prescribed application form.**

Criminal Records Basic Check:

This involves a search of your individual criminal record to establish whether or not you are safe person to drive members of the public, some of which may be vulnerable, elderly, or infirm. The CRB provides a centralised disclosure service that deals with all checks of criminal records for the Council, but an operator who is not going to be a driver, a basic disclosure is permitted and this should be obtained by the applicant to be submitted with his/her application.

Basic Disclosures are available from Disclosure Scotland –
Telephone 0870 6096006, email www.disclosurescotland.co.uk/basic.

Please refer to Appendix F of this Policy relating to the relevance of convictions.

2. Application Appointment

You will need to **make an appointment** to have your application checked. At your appointment a member of the Licensing team will go through your responsibilities as an Operator, you will need to bring with you the completed application form, the fee and the following documentation:

- Written confirmation that the Operation will be solely as one Operation. (Only one operating name is allowed).
- Details of all telephone numbers intended to be used to invite bookings and addresses to which one relates i.e. the first point of reception for each call.
- In the absence of the Operator, the Name(s) and Address(es) of the Managers who will assume control of the booking of Private Hire Vehicle Drivers and Vehicles.
- A copy of the Company Policy in relation to the carriage of passengers accompanied by Guide or Hearing Dogs, those with Disabilities and Safeguarding of Children and vulnerable persons.
- Operators' Public Liability Insurance, where applicable. (See Conditions in Appendix L).

Once a licence has been granted, we will endeavour to remind you 8 weeks before it is due to expire, although ultimately it remains your responsibility to ensure that the licence does not expire. **(See renewal application procedures below).**

Private Hire Vehicle Operator's Renewal Application Procedures

Applications for Private Hire Vehicle Operator's Licences are not limited and may be made at any time of the year.

To renew your licence you will need to make an appointment, preferably at least **4 weeks** before it expires. We will endeavour to send a reminder approximately **6 weeks** before the expiry date, but you are reminded that this is a courtesy service only, and that it is ultimately your responsibility for ensuring your licence does not expire.

- 1. The renewal Applicant will be required to provide the Council with a basic criminal records check (every three years or as required) and to complete the Council's prescribed application form.**

Criminal Records Basic Check:

When you are required to provide a CRB check we will write to you. Any conviction found on the CRB check, which hasn't been notified, to the Council will result in a Hearing. (Licensing and Appeals Committee)

Please refer to the section above for new applications for Operator's Licences regarding information for these checks.

- 2. At your appointment you will need to bring with you the completed application form, appropriate fee and the following documentation:**
 - Written confirmation that the Operation will be solely as one Operation. (Only one operating name is allowed).
 - Details of all telephone numbers intended to be used to invite bookings and addresses to which one relates i.e. the first point of reception for each call.

- In the absence of the Operator, the Name(s) and Address(es) of the Managers who will assume control of the booking of Private Hire Vehicle Drivers and Vehicles.
- A copy of the Company Policy in relation to the carriage of passengers accompanied by Guide or Hearing Dogs, those with Disabilities and Safeguarding of Children and vulnerable persons.
- Operators' Public Liability Insurance. (Where applicable – see Conditions in Appendix L).

If you let your licence expire you will need to begin the process again as a new applicant.

In the event of a licence not being granted all requests for refund of the application fees should be made in writing to the Licensing Manager, for consideration.

Please note

Due to a change in legislation, from 1st October 2015 the District Council will be issuing private hire operator licences for a 5-year period instead of 3 years.

APPENDIX L

PRIVATE HIRE OPERATOR'S LICENCE

CONDITIONS OF LICENCE

These conditions are additional to the requirements of Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of the conduct of operators of private hire vehicles, and all operators will be expected to be familiar with these conditions as well as the relevant provisions of the Act.

1. Definitions

In these conditions, unless the subject or context otherwise requires:

“the Council” means the Council of the District of Derbyshire.

“Operator” means the holder of a Private Hire Vehicle Operator’s Licence granted by the Council.

“Vehicle” means a private hire vehicle licensed by the Council.

“Driver” means a person holding and acting in accordance with a private hire driver’s licence issued by the Council.

2. Prohibition on the Transfer of Licence

The Operator shall not assign or in any way part with the benefit of this licence.

3. Hiring Records

The Operator shall keep a record of particulars of every hiring, invited or accepted by them, and shall enter therein before any hiring is commenced the following details:

- a. The date and time of the hiring.
- b. The date and time of the journey.
- c. The place at which the hire commences and the destination.
- d. The name of the hirer.
- e. The name and licence number of the driver.
- f. The licence number of the vehicle.
- g. Whether the request for the hiring was made by the hirer or another operator.
- h. Keep records of hirings for a period of no more than 7 years.

4. Vehicle Records

The Operator shall keep a record of any private hire vehicle operated by them showing the following details in book form:

- a. Make and model of the vehicle.
- b. Registration number of the vehicle.
- c. Private hire vehicle licence number.
- d. The age of the vehicle.
- e. The name of the licensing authority.
- f. The date of expiry of the vehicle licence.
- g. The name and address of the proprietor of every vehicle operated by him/her.
- h. The date upon which the vehicle commenced to be operated by them.

5. **Prohibition on the use of the terms “Cab” or “Taxi”**

An operator shall not include in the name of his/her business or in advertising material, letter headings or other stationery, the words “Cab”, “Taxi Cab” or “Taxi” whether in the singular or plural or whether they form part of another word or not.

6. **Repairs**

The Operators shall at all times during the licence period make proper and adequate provision for the repair and maintenance of Private Hire Vehicles and make such provision available for inspection by an Authorised Officer of the Council and comply with such reasonable requirements as he/she may make.

7. **Insurance**

The Council may check that appropriate public liability insurance has been taken out for premises that are open the public.

Before an application for a Private Hire Vehicle Operators Licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

The conditions for Private Hire Vehicle Operator’s Licences require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate as well as appropriate public liability insurance for their premises, before the expiry of that certificate a **new policy must be deposited with the Council.**

The Operators must also produce a valid MOT if applicable. **An up to date copy must be deposited with the Council before the expiry of the old certificate.**

8. **Quality of Service**

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

9. **Compliance with Licence Conditions**

The Operator shall ensure that the licence conditions in respect of any vehicles used by them and drivers employed or contracted to them are complied with at all times.

10. **Disclosure of Convictions**

The Operator shall within **7 days** disclose to the Council in writing details of any conviction imposed on them (or if the operator is a company or partnership, on any other directors or partners) during the period of the licence.

11. **Criminal Record Checks**

Private hire vehicle operators (as opposed to private hire vehicle drivers) are not exceptions in respect of the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. A Basic Disclosure from Disclosure Scotland or a police check/certificate of good conduct from the relevant embassy for overseas applicants is seen as appropriate. A reference, covering for example the applicant's financial record, as well as or instead of the checks outlined above is also seen as useful.

Before an application for a private hire vehicle operator's licence will be considered, the applicant must provide a current (no more than one month old) basic CRB Disclosure of criminal convictions or a police check/certificate of good conduct from the relevant embassy in the case of an overseas applicant.

12. **Bases outside the Derbyshire Dales Council Area**

The Council **will not grant** a private hire vehicle operator's licence for an operator with an operating base that is outside the Derbyshire Dales District Council area. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is no way intended to be a restraint of trade. On the termination of a journey the vehicle must return to within the boundaries of Derbyshire Dales, unless it has another booking in that area within 15 minutes.

13. **Address from which a Private Hire Vehicle Operator may operate**

Upon grant of a private hire vehicle operator's licence, the Council will specify the address from which the operator may operate. The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence. **Prior** to the change of operating base address, written confirmation of the change must be obtained from the Council.

14. **The Operator**

The operator shall:

- Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- Ensure that office staff, employed by operator, act in a civil and orderly manner at all times.
- Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
- Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.
- Ensure that any waiting area provided has adequate seating facilities and telephone facilities are in good working order.

- Fulfil his/her responsibilities to ensure compliance with legislation regarding the length of working hours.

15. **Drivers**

The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him/her, pursuant to section 56(3) of the 1976 Act such as details to include the following particulars, namely:-

- Details as to the drivers of the vehicles, and their call signs
- Details of when any new driver begins service
- Details of when any driver's service ceases
- Details of any change of address of any driver in service
- If he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties, details of that information
- Expiry dates of driver's badges and vehicle licences

All records maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer of the Council or any Police Officer

16. **Complaints**

The private hire vehicle operator shall immediately, upon receipt, notify the Licensing Officer in writing of any complaints concerning a contract for hire arising from his/her business, such notification to include the action taken or proposed as a result of the complaint.

17. **Change of Address, Drivers and Vehicles, etc**

The operator shall notify the Council in writing of any change affecting the licence including change of drivers, vehicles and address (including any address from which he/she operates or otherwise conducts his/her business), which takes place during the currency of the Licence. Such notice shall be given within **7 days** of the change to the Licensing Officer.

18. **Private Hire Vehicle Driver's Licences**

The operator shall satisfy himself/herself that every driver engaged by him/her has acquired a private hire driver's licence and has a badge issued by the Licensing Authority.

19. **Display of Terms and Conditions**

The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire business and shall make the same available for inspection by fare-paying passengers.

20. **Inspection of Licence**

The Operator's Licence shall be made available for inspection on request by any authorised officer of the Council or any Police Officer.

21. **Dress Code**

The operator shall have in place a dress code policy for his/her drivers, which must be regularly reviewed and be in addition to the minimum standard contained within Appendix J, which shall be made available to any authorised officer of the Council or any Police Officer.

22. **Carriage of passengers accompanied by guide or hearing dog, those with disabilities and safeguarding children and vulnerable persons**

The operator shall have in place a company policy relating to the carriage of passengers accompanied by guide or hearing dogs and those with Disabilities and Safeguarding children and vulnerable persons, for his/her drivers, which **must** be regularly reviewed and be in addition to the conditions contained within this policy, which shall be made available to fare-paying passengers, any authorised officer of the Council or any Police Officer.

23. **Smoking Policy**

The operator shall have regard to the above section on Smoking and the Law. Operators must provide training to staff and drivers on the law and what their responsibilities are, remove all ashtrays from smoke free premises, and introduce a smoke free policy which **must** be kept up to date; a copy shall be available to fare-paying passengers, any authorised officer of the Council or any Police Officer. An up-to-date copy must be filed with the Licensing Team.

[V4a. Revised Aug 2015 – legislative changes]

THIS DOCUMENT SUPERSEDES ALL PREVIOUS VERSIONS OF THIS POLICY

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For general enquiries, please telephone 01629 761100 or visit our web site

www.derbyshiredales.gov.uk

Information communicated to the District Council may be disclosed to the public under the Freedom of Information Act 2000