



Licensing Committee

Mon 6 Mar
2017
7.00 pm

Committee Room 2
Town Hall
Redditch

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Licensing Committee

Monday, 6th March, 2017

7.00 pm

Committee Room 2 Town Hall

Agenda

Membership:

Cllrs:	Pat Witherspoon (Chair)	Gay Hopkins Gareth Prosser
	Andrew Fry (Vice-Chair)	Antonia Pulsford
	Roger Bennett	Rachael Smith
	Natalie Brookes	Jennifer Wheeler
	Anita Clayton	
	Pattie Hill	

1. Apologies	To receive the apologies of any Member who is unable to attend this meeting.
2. Declarations of Interest	To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. Minutes (Pages 1 - 8)	To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 7 th November 2016 (Minutes attached)
4. Legislative Update (Pages 9 - 60)	To receive a report informing Members of the changes in legislation that have taken place and that are proposed to take place that relate to the Council's licensing functions which are carried out by Worcestershire Regulatory Services on behalf of the Council.
5. Wheelchair Accessible Vehicles - Consultation Results (Pages 61 - 96)	To consider the results of the consultation exercise undertaken in relation to a number of proposed amendments to the Council's Hackney Carriage and Private Hire Vehicle and Driver Policies that were recommended to the Licensing Committee following the Overview and Scrutiny Committee's "Improving Access for People with Disabilities to Redditch Taxi Fleets" Short, Sharp Review.

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6. Penalty Points Scheme for Hackney Carriage and Private Hire Drivers (Pages 97 - 108)	To further consider implementing a penalty points scheme for hackney carriage and private hire licence holders to help deal with minor offences and acts of non-compliance with licensing requirements.
7. Verbal Update on the concerns raised at the Taxi Forum held on 23rd August 2016	Verbal update on the issues raised with regard to the taxi rank in the Kingfisher Centre.
8. Licensing Committee Work Programme 2016/2017 (Pages 109 - 110)	To consider the Committee's Work Programme for the current municipal year 2016/2017.

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MINUTES

Present:

Councillor Pat Witherspoon (Chair), Councillor Andrew Fry (Vice-Chair) and Councillors Roger Bennett, Natalie Brookes, Anita Clayton, Gareth Prosser, Antonia Pulsford and Rachael Smith

Officers:

Timothy Bishop and Dave Etheridge

Democratic Services Officer:

Pauline Ross

8. APOLOGIES

Apologies for absence were received on behalf of Councillor Jennifer Wheeler.

9. DECLARATIONS OF INTEREST

No declarations of interest were received.

10. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 18th July 2016 be confirmed as a correct record and signed by the Chair.

11. UPDATE ON THE CONSULTATION ON "IMPROVING DISABLED PEOPLE'S ACCESS TO REDDITCH TAXI FLEETS"

Following on from the Licensing Committee meeting held on 18th July 2016. Members received an update report on the consultation exercise being undertaken; following on from the findings of the Overview and Scrutiny Committee, Improving Access for People with Disabilities to Redditch Taxi Fleets, Task Group.

.....
Chair

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The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing so drew Members' attention to the recommendations from the Overview and Scrutiny Committee, Improving Access for People with Disabilities to Redditch Taxi Fleets, Task Group, as detailed at paragraph 3.6 in the report. The recommendations were approved by Licensing Committee Members during the meeting held on 18th July 2016.

The Senior Practitioner (Licensing), WRS, reminded Members that the recommendations as agreed by the Licensing Committee, were subject to further consultation. A consultation document was produced by WRS, as detailed at Appendix 1 to the report. At the beginning of October 2016, the consultation document was distributed to all drivers and operators licensed by Redditch Borough Council. Details of the consultation document were also included on the Council's website, for those wishing to respond to an online version. The consultation document was also sent to relevant stakeholders that represented the hackney carriage and private hire trade, the police and groups within the borough that represented people with disabilities.

The Senior Practitioner (Licensing), WRS, informed the Committee that the consultation would run until 31st December 2016. The results of the consultation would then be presented to Licensing Committee Members at the meeting on 6th March 2017. Members were further informed that thirteen responses had been received to date.

The Senior Practitioner (Licensing), WRS, responded to questions from Members and clarified that in respect of the recommendation with regard to the displaying of stickers in licensed vehicles, which detailed information for passengers on how to report any complaints or compliments, WRS intended to include the relevant information on the 'mini plates' issued to all licensed drivers. It was also the intention of WRS to roll this initiative out across the County. A media campaign would also be launched to inform residents of the initiative.

The Senior Practitioner (Licensing), WRS, further responded and informed the Committee that the consultation period followed the Code of Practice on Consultation, which states that consultations should last for a minimum of twelve weeks. By allowing at least twelve weeks this should enhance the quality of responses and avoid any possible legal challenge.

The Senior Practitioner (Licensing), WRS, clarified that he had contacted the Chair, Redditch Taxi Association with regard to attending their next meeting. He had not received a response but would contact the Chair, Redditch Taxi Association again with a

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view to attending their next meeting to further discuss the consultation document.

Further discussion followed whereby Members stated that they welcomed the consultation document. The recommendations as detailed, at paragraph 3.6 in the report, had raised a number of issues, the role of the Licensing Committee was to ensure that the borough continued to have a taxi service to be proud of. Regular refresher training, especially training that helped drivers when assisting passengers with complex disabilities, was a good way forward as it would ensure that passengers were continually given the best level of service possible.

RESOLVED that

The update on the consultation on 'Improving Disabled People's Access to Redditch Taxi Fleets', be noted.

12. PRIVATE HIRE OPERATOR LICENCE DURATIONS

Members received a report which provided details to enable private hire operator licences to be granted for a period of three years, in addition to the current option of licences granted for a period of one and five years.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing so reminded Members that following the Deregulation Act 2015, and as a result of section 10 of the Deregulation Act 2015, the standard duration of private hire operator licences was five years.

Sections 53 and 55 (as amended) of the Deregulation Act 2015 still allowed Council's to grant a licence for a lesser period if appropriate to do so. In November 2015, Licensing Committee Members resolved that private hire operator licences could be granted for a period of one or five years.

The Senior Practitioner (Licensing), WRS, highlighted that, as Members were aware, the duration of private hire operator licences had been raised and discussed at the recent private hire Taxi Liaison Forum. Private hire operators felt that to go straight from a one year licence to a five year licence was quite costly and had suggested would the Council consider granting private hire operator licences for an additional three year period.

The Senior Practitioner (Licensing), WRS, responded to several questions from Members with regard to safeguarding. The Senior Practitioner (Licensing), WRS, reassured Members that best practice required that a Disclosure and Barring Service Enhanced

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Disclosure Certificate was provided every three years. WRS were encouraging both drivers and operators to sign up to the Disclosure and Barring Service Update Service and quite a few had signed up.

Members were informed that all licensed hackney carriage and private hire drivers had an obligation to inform WRS within seven days of any conviction or caution imposed. Also the new Home Office Guidance, Common Law Police Disclosure (CLPD), which had replaced the Notifiable Occupations Scheme; was a system that existed in order to ensure that, where there was a potential risk to the public, the police would pass information to the licensing authority to allow them to act swiftly to put in measures to mitigate any danger. The new CLPD scheme provided robust safeguarding arrangements.

RESOLVED that

- (a) the policy on the duration of private hire operator licences to be granted for a period of three years, be approved; and**
- (b) the Senior Practitioner (Licensing), Worcestershire Regulatory Services be tasked to ensure that an explanation and the appropriate Fees and Charges are included in the Fees and Charges report due to be presented to the next Executive meeting in December 2016.**

13. CONSIDERATION OF A REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE AGE LIMITS

Members were asked to consider a report with regard to conducting a review of the Council's Hackney Carriage and Private Hire vehicle licencing policies in respect of vehicles that fall outside of the policy.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), presented the report and in doing so drew Members' attention to Appendix 1 to the report, which detailed the Council's current age requirements for hackney carriage and private hire vehicles.

The Senior Practitioner (Licensing), WRS, highlighted that officers had noticed an increase in the number of age exemption applications received by WRS for consideration at Redditch Borough Council's, Licensing Sub-Committee. The Committee were provided with detailed information on the number of age exemption applications for vehicles that did not meet the age requirements, as set out in the Council's Hackney Carriage and Private Hire vehicle licencing policies.

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During the period January to October 2016, WRS, received thirteen age exemption applications for consideration by Licensing Sub-Committee Members. Ten were granted, two were refused and one application was withdrawn by the applicant. Members were further informed that WRS had received a further four age exemption applications which would be presented to Licensing Sub-Committee Members in November 2016. Officers recognised that it was both costly and time consuming for both the Council and the applicants for applications to be considered at Licensing Sub-Committee meetings.

Therefore, taking into consideration the number of occasions that Sub-Committee Members have granted licences, to vehicles that fall outside of the Council's Hackney Carriage and Private Hire vehicle licencing policies, he would ask Members to consider if the Council's current policies should be reviewed. More specifically, if Members required officers to look at the potential options for amending the Council's policies, as currently set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies.

Members discussed in detail the number of age exemption applications received and stated that they had been aware and concerned with the significant increase in the number of age exemption vehicle applications being brought before the Licensing Sub-Committee.

Members were in agreement and reiterated that the Council had specific policies for hackney carriage and private hire vehicles regarding age criteria requirements. The policies were in place to ensure the continued safety of the travelling public. The onus was on the applicant to present their vehicle in such a condition that the vehicle could be regarded as 'exceptional', in order for Licensing Sub-Committee Members to depart from the Council's Hackney Carriage and Private Hire vehicle licencing policies.

Members expressed their concerns with regard to vehicles being presented at Licensing Sub-Committee Hearings with a significant number of advisories detailed on MOT Certificates; and that some applicants had failed to rectify some or all of the advisories before presenting their vehicle for inspection to Licensing Sub-Committee Members. Members were also concerned that on some occasions, those applicants who had confirmed that they had had the advisories rectified had failed to provide any evidence to reassure Members that the advisories had been attended to.

The Council's Legal Advisor clarified to Members that the role of Licensing Sub-Committee Members was to inspect the condition of the vehicles as presented and not the mechanical road worthiness of vehicles.

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Age exemption vehicles were brought before Sub-Committee Members as they fell outside of the Council's Hackney Carriage and Private Hire vehicle licencing policies. Therefore, Members should determine if the vehicles, as presented, were of such an 'exceptional' condition, that it was appropriate for them to depart from the Council's Hackney Carriage and Private Hire vehicle licencing policies. Members should also be mindful to disregard any financial implications when considering age exemption applications.

Further discussion followed on the physical inspection of age exemption vehicles by Licensing Sub-Committee Members. Members felt that it would be extremely useful if a checklist or relevant guidance could be provided for Licensing Sub-Committee Members in order to ensure that a consistent approach was taken when physically inspecting the condition of age exemption vehicles.

Members strongly agreed that they had welcomed the report. The report had enabled a strong discussion to take place and had clarified and answered the concerns raised by those Members who sat at Licensing Sub-Committee meetings to consider and determine age exemption applications.

Members were of the opinion, as highlighted earlier, that in order to ensure the continued safety of the travelling public, age exemption applications should continue to be considered and determined on their own merits by the Licensing Sub-Committee.

RESOLVED that

Currently there was not a requirement for a report to be presented to a future meeting of the Licensing Committee setting out options for amending the existing applicable age limit for vehicles, as set out in the Council's Hackney Carriage and Private Hire vehicle licencing policies.

14. VERBAL UPDATE FOLLOWING ON FROM THE TAXI LIAISON FORUM HELD ON 23RD AUGUST 2016

It was noted that this item was included on the Licensing Committee Work Programme 2016/2017.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) provided Members with an update following the actions noted at the Taxi Liaison Forum held on 23rd August 2016.

The Senior Practitioner (Licensing), WRS, informed that Committee that he would continue to pursue and discuss the issues raised by

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the taxi trade during the Taxi Liaison Forum; in respect of the taxi rank at the Kingfisher Shopping Centre, with the Kingfisher Shopping Centre Manager and Worcestershire County Council, Highways Team.

The Senior Practitioner (Licensing), WRS, further informed Members that he had received a response from the Traffic Management Team, Worcestershire County Council (WCC), regards the question raised by the taxi trade about the potential use of bus lanes in Redditch by taxi and private hire drivers.

The Senior Practitioner (Licensing) WRS, was also keen to gain a better understanding of the current position and how a review might be instigated.

The Traffic Management Team, WCC, had responded that the permitted use of bus lanes would be detailed in the relevant Traffic Regulation Order (TRO). The bus lane gateway signs would show which vehicles were permitted in the bus lanes. The issue was raised in Worcester in 2015 and due to concerns about the increased risk of collision should extra traffic be allowed to use the bus lanes and possible greater risk of injury to vulnerable user groups, it was resolved to not permit access to bus lanes.

The Senior Practitioner (Licensing) WRS, highlighted that the parking wardens and officers from WRS were proactively monitoring and would continue to monitor the taxi rank on Unicorn Hill, Redditch, due to the issues raised by the taxi trade with delivery drivers parking on the taxi rank. Warning notices from WRS had recently been issued to vehicles illegally parked on the taxi rank.

The Chair suggested that the issues, as yet still unresolved, at the taxi rank in the Kingfisher Shopping Centre, also be pursued by County Council Members. In response, Councillor A. Fry agreed to pursue the relevant issues raised by the taxi trade with Worcestershire County Council.

15. LICENSING COMMITTEE WORK PROGRAMME

The Committee considered the Licensing Committee Work Programme for the remainder of the 2016/17 Municipal Year.

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RESOLVED that

**the Licensing Committee Work Programme 2016/17 be updated
as discussed and agreed during the course of the meeting.**

The Meeting commenced at 7.00 pm
and closed at 8.32 pm

**LICENSING
COMMITTEE**6th March 2017**LEGISLATIVE UPDATE REPORT**

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report aims to highlight to Members changes in legislation that have taken place and that are proposed to take place that relate to the Council's licensing functions which are carried out by Worcestershire Regulatory Services on behalf of the Council.

2. RECOMMENDATIONS

That Members **NOTE** the contents of the report.

3. KEY ISSUES**Financial Implications**

- 3.1 There are no direct financial implications arising from this report.

Legal Implications

- 3.2 The legal implications can be found in the main body of the report.

Service / Operational Implications

- 3.3 This report aims to highlight to Members changes in legislation that have taken place and that are proposed to take place that relate to the Council's licensing functions which are carried out by Worcestershire Regulatory Services on behalf of the Council.

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Immigration Act 2016

- 3.4 The Immigration Act 2016 received Royal Assent on 12th May 2016. The Act includes provisions aimed at making it more difficult for people to live and work illegally in the United Kingdom.
- 3.5 Schedule 5 of the Immigration Act 2016 came into effect on 1st December 2016 and impact on the Council's taxi and private hire licensing functions. These new provisions mean that hackney carriage and private hire driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.
- 3.6 The provisions also add immigration offences and penalties to the list of grounds on which operator and private hire and taxi driver licences may be suspended or revoked by licensing authorities. In circumstances where the operator or driver licence expires, is revoked or suspended on immigration grounds, it must be returned to the issuing licence authority. Failure to return the licence will be a criminal offence, punishable on conviction in a Magistrates' Court by a fine.
- 3.7 The Home Office has published detailed guidance on the new provisions which can be seen at **Appendix 1**.
- 3.8 Licensing Officers have received training from the Home Office Immigration Enforcement team on the new provisions and on document fraud awareness and are taking steps to ensure compliance with the new provisions introduced as a result of Schedule 5 coming into force.

Policing and Crime Act 2017

- 3.9 The Policing and Crime Act 2017 received Royal Assent on 31st January 2017. The Act contains provisions that will impact on both taxi licensing and the licensing of alcohol and late night refreshment under the Licensing Act 2003.
- 3.10 A summary of the provisions that affect the licensing regimes carried out by Worcestershire Regulatory Services on behalf of the Council is shown at **Appendix 2**.
- 3.11 Officers will be monitoring progress towards the commencement of the licensing related provisions in the Act carefully and Members will be provided with further information and reports as and when necessary.

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**Section 165 – 167 of the Equality Act 2010
Taxi and Private Hire Passengers in Wheelchairs**

- 3.12 On 7th February 2017 the Department for Transport (DfT) announced their intention to implement sections 165 – 167 of the Equality Act 2010 with effect from 6th April 2017.
- 3.13 From 6th April 2017 drivers of designated wheelchair accessible taxi and private hire vehicles will be obliged by law to:
- transport wheelchair users in their wheelchair
 - provide passengers in wheelchairs with appropriate assistance
 - charge wheelchair users the same as non-wheelchair users
- 3.14 The new rules will apply in England, Wales and Scotland affecting vehicles that are designated as wheelchair accessible and will apply to both taxis and private hire vehicles.
- 3.15 Drivers found to be discriminating against wheelchair users face fines of up to £1,000. Drivers may also face having their taxi or private hire vehicle (PHV) licence suspended or revoked by their licencing authority. Drivers unable to provide assistance for medical reasons will be able to apply to the Council for an exemption from the new requirements.
- 3.16 Further updates and reports in relation to this change in the law will be brought before Members later this year. Efforts will also be made to raise awareness amongst licensed drivers about the new law and how it affects them.

Animal Licensing Proposals (DEFRA)

- 3.17 Between December 2015 and March 2016, DEFRA carried out consultation with stakeholders as part of a review of animal establishment licensing in England.
- 3.18 DEFRA has considered the responses to this consultation exercise and has now published a document entitled *“The review of animal establishments licensing in England – Next steps.”* This document is attached to the report as **Appendix 3**.

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- 3.19 DEFRA is proposing to update and combine the current licensing regimes that regulate the sale of pet animals, dog and cat boarding, dog breeding and riding schools. These licensing functions are carried out by Worcestershire Regulatory Services on behalf of the Council.
- 3.20 Officers will continue to monitor the progress of the review of animal establishment licensing in England and will provide further information and reports to update Members on progress in due course.

4. RISK MANAGEMENT

- 4.1 Officers will closely monitor the progress towards implementation of the various legislative measures and proposals to ensure the Council is fully prepared for the changes these will make to the licensing functions carried out by Worcestershire Regulatory Services on behalf of the Council.

5. APPENDICES

- Appendix 1 – Immigration Act 2016 Guidance
- Appendix 2 – Summary of Policing and Crime Act 2017 Provisions affecting licensing.
- Appendix 3 – DEFRA “Next Steps” Publication

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Home Office

GUIDANCE FOR LICENSING AUTHORITIES TO PREVENT ILLEGAL WORKING IN THE TAXI AND PRIVATE HIRE SECTOR IN ENGLAND AND WALES

1 December 2016

Produced by the Home Office

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1. Introduction

The [Immigration Act 2016](#) (the 2016 Act) amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle (PHV) and taxi sector¹. With effect from 1 December 2016, the provisions in the 2016 Act prohibit all licensing authorities² across the UK from issuing to anyone who is disqualified by reason of their immigration status and they discharge this duty by conducting immigration checks. The 2016 Act also embeds other immigration safeguards into the existing licensing regimes across the UK.

1.1 What does this measure do?

The provisions in the 2016 Act amend existing licensing regimes to prevent people without lawful immigration status and the right to work from holding an operator or a PHV or taxi driver licence³. This has been achieved by adapting the following existing licensing legislation across the UK: London Hackney Carriages Act 1843; the London Cab Order 1934; Private Hire Vehicles (London) Act 1998; Metropolitan Public Carriage Act 1869; Local Government (Miscellaneous Provisions) Act 1976; Plymouth City Council Act 1975; Road Traffic Offenders (Northern Ireland) Order 1996 and the Taxi Act (Northern Ireland) 2008. The Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 will also be amended in due course in respect of booking offices in Scotland.

The new provisions mean that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

Licensing authorities must discharge this duty by requiring the applicant to submit one of a number of prescribed documents which show that the applicant has permission to be in the UK and undertake work as an operator or a private hire or taxi driver. The check must be performed when the applicant first applies for a licence or first applies to renew or extend their licence whether for the full statutory term or a lesser period on or after 1 December 2016. For those who have limited permission to be in the UK, the licensing authority must repeat the check at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK.

Where a person's immigration permission to be in the UK is time-limited to less than the statutory length for a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work. In the event that the Home Office cuts short or ends a person's immigration permission (referred to as curtailment or revocation), any licence issued as a consequence of an

¹ Outside London, these provisions also apply to pedi-cabs by virtue of being 'hackney carriages'.

² The exceptions are London taxis, for which Transport for London will make equivalent provision by amending the London Cab Order 1934 and booking offices in Scotland, where the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 will be amended by a consequential amendment.

³ The provisions do not prevent people without lawful immigration status who already hold a licence from continuing to doing so.

application which was made on or after 1 December 2016, that the person holds will automatically lapse.

The provisions also add immigration offences and penalties to the list of grounds on which operator and private hire and taxi driver licences may be suspended or revoked by licensing authorities. In circumstances where the operator or driver licence expires, is revoked or suspended on immigration grounds, it must be returned to the issuing licence authority. Failure to return the licence will be a criminal offence, punishable on conviction in a Magistrates' Court by a fine ([see chapter 5](#)).

1.2 Purpose of this guidance

This guidance is issued for use by licensing authorities in England and Wales. Equivalent guidance will be issued for the relevant licence issuing bodies in Scotland and Northern Ireland.

Licensing authorities are under a duty not to issue licences to people who are disqualified by their immigration status from holding them. In determining whether someone is disqualified, licensing authorities are under a statutory duty to have regard to this guidance.

The requirement to check the immigration status of licence applicants does not amend or replace the existing 'fit and proper' person test that licensing authorities must perform; this includes the obtaining of a Certificate of Good Conduct for applicants who have resided abroad for a period of time.

1.3 Who is disqualified from holding a licence?

A person is disqualified from holding an operator or a PHV or taxi driver licence by reason of their immigration status if:

- the person requires leave to enter or remain in the UK and has not been granted it; or
- the person's leave to enter or remain in the UK
 - is invalid,
 - has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise), or
 - is subject to a condition preventing the person from doing work of that kind.

A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding licence, for example, they are subject to an immigration restriction that does not permit them to work.

1.4 For whom is this guidance relevant?

This guidance applies to applications and requests to renew or extend a current licence sent to licensing authorities on or after 1 December 2016.

It should be used by licensing authority staff responsible for the issue, renewal, suspension and revocation of operator or PHV or taxi driver licences.

These provisions only apply to the applicant and do not apply to the MOT or other vehicle check. They also do not apply to a DVLA or DVA driver's licence, although the [Immigration Act 2014](#) and the 2016 Act introduced provisions regarding the issue and revocation of such licences in respect of illegal migrants and, upon commencement, will provide, through [section 44](#) of the 2016 Act, a new criminal offence of driving illegally in the UK.

1.5 When will this guidance be relevant?

The checking requirements are not retrospective. Licensing authorities do not have to check the immigration status of those people who already hold a licence which was issued before 1 December 2016, or who sent their licence application to the licensing authority before this date. The check must be performed when the applicant first applies i.e. sends the application for a licence to the licensing authority or first applies to renew their licence or extend their licence on or after 1 December 2016. A postmark may be acceptable evidence of date of application.

For those who have time-limited permission to be in the UK, the check must be repeated at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK, and as a result, there are no restrictions on their ability to work. The documents referred to in the list of acceptable documents in [Annex A](#) will indicate whether the individual has temporary permission to be in the UK or is entitled to remain indefinitely and work in the UK. The list of acceptable documents is explained further in [section 3](#).

1.5 How should this guidance be used?

This guidance sets out what licensing authorities need to know about their legal duty not to issue a licence to a person who is disqualified from holding one because of that person's immigration status. It sets out how licensing authorities should discharge this duty by conducting document checks. It explains on whom a licensing authority needs to make checks, when, and how to do the checks correctly.

1.6 References in this guidance

References to 'we' or 'us' in this guide are to the Home Office. References to 'you' and 'your' are to the licensing authority.

'Days' means calendar days, i.e. including Saturdays, Sundays and bank holidays.

'A current document' means a document that has not expired.

2. Right to a licence check

2.1 What does 'right to a licence' mean?

For the purposes of this guidance, 'a right to a licence' means that someone is not disqualified by their immigration status from holding an operator or a PHV or taxi driver licence. There may be other reasons why you may be prohibited from issuing a licence, which still stand. This guidance does not relate to these other reasons, for example, the fit and proper person test.

For all operator and PHV and taxi driver licence applications made (sent) on or after 1 December 2016, you must comply with the legal requirement not to issue a licence to someone who is disqualified from holding the licence by reason of their immigration status. You must discharge this duty by requiring the applicant to submit one of a number of prescribed documents which show that the applicant has permission to be in the UK and undertake work as an operator or PHV or taxi driver. The check must be performed when the applicant first applies for a licence or first applies to renew or extend their licence, whether for the full statutory term or for a lesser period, on or after 1 December 2016. For those who have time-limited permission to be in the UK, you must repeat the check at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK. The documents referred to in the list of acceptable documents in [Annex A](#) will indicate whether the individual has temporary permission to be in the UK or is entitled to remain indefinitely in the UK. The list of acceptable documents is explained in [section 3](#).

You must be satisfied that the person is not disqualified from holding a licence **before** you issue a licence to that person.

Checking a person's documents to determine if they can hold the licence comprises **three key steps**:

1. **Obtain** the person's original document(s);
2. **Check** the document(s) in the presence of the applicant; and
3. Make and retain a clear **copy** of the document(s).

You can find detailed information on how to correctly conduct right to a licence checks and a list of acceptable documents later in this guidance. You are responsible for conducting the visual inspection of the document(s) presented to you.

2.2 Why do you need to do checks?

Licensing authorities have a legal duty not to issue operator or PHV or taxi driver licences to people disqualified by their immigration status from holding them, in order to prevent illegal working in the private hire vehicle and taxi sector. In order to discharge this duty, this guidance requires you to conduct document checks as part of the licence application process.

The checks should establish whether or not an applicant has a lawful immigration status in the UK, or is prohibited from working because they are in the UK illegally, or is subject to a condition that prevents them from holding a licence.

2.3 Who do you conduct checks on?

You should conduct 'right to a licence' checks in accordance with [section 3](#) of this guidance on **all** applicants for operator or PHV or taxi driver licences. This means you should ask all applicants for such licences to provide you with one of the original documents/combination of documents set out at [Annex A](#) to this guidance.

To ensure that you do not discriminate against anyone, you should treat all licence applicants in the same way when they first apply on or after 1 December 2016 during the licence application process. This will also demonstrate a fair, transparent and consistent application process. You should not make assumptions about a person's right to work in the UK or their immigration status on the basis of their nationality, ethnic or national origin, accent, the colour of their skin, or the length of time they have been resident in the UK.

2.4 When do you conduct checks?

The immigration checks have been developed to fit within the existing licensing regimes and to keep the additional requirements and burdens to a minimum. Accordingly, you should incorporate the right to a licence check into your existing application process at any point before a decision is made on the application. The check could be carried out, for example, when the applicant first lodges their application, or at a subsequent interview. Your guidance to applicants should make clear when the check will be performed in order that the applicant may submit the necessary documents at the appropriate time.

You may need to amend your application forms to include a declaration stating that the applicant has to have the correct immigration status to apply for the licence, that they must provide to you immigration status documents in line with [Annex A](#) in order for their application to be considered valid and that they understand that the licence will lapse if they are no longer entitled to work in the UK. The application form or supporting guidance should state which document or documents must be submitted by the applicant (as set out in [Annex A](#)) and when and indicate that you may check their immigration status with us. The right to work check will be conducted by you during a face to face meeting with the applicant.

The declaration itself can be a succinct statement, such as:-

'Your right to work in the UK will be checked as part of your licence application, this could include the licensing authority checking your immigration status with the Home Office. We may otherwise share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out at [guidance link]. You must provide the original document(s), such as your passport or biometric residence permit, as indicated in the published guidance, so that the check can take place. The document(s) will be copied and the copy retained by the licensing authority. The original document will be

returned to you. Your application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant paid has been paid.

If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time you apply to renew or extend your licence, If, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will lapse and you must return it to the licensing authority. Failure to do so is a criminal offence.'

If the applicant fails to provide document(s) specified in [Annex A](#) that demonstrate a right to a licence in accordance with your published application process, you should consider whether to offer a further opportunity to provide the documents before rejecting the application, if your usual process allows this.

2.5 When does a migrant's status come to an end?

Migrants who are subject to UK immigration control may be granted permission to enter or remain in the UK, with a condition permitting employment, on a time-limited basis or on an indefinite basis. When the person's stay is time limited, this will be shown in their immigration documentation. It is possible for a migrant to apply to extend their stay, and if they do so before their previous status expires, they continue to have any right to work that they previously had while their application and any associated administrative review or appeal are outstanding. In such cases, a person's status may be confirmed by you contacting the Home Office's Evidence and Enquiry Unit.

3. How do you conduct checks?

3.1 Three-step check

There are three basic steps to conducting a right to work check. Remember three keywords:

1. **Obtain**
2. **Check**
3. **Copy**

Illustration 1: Summary of a right to a licence check



Obtain

Obtain original versions of one or more acceptable documents.



Check

Check the document's validity in the presence of the holder



Copy

make and retain a clear **copy**.

Illustration 2 explains in more detail what you need to do in each of the three steps to correctly conduct a check.

Illustration 2: The Three-Step Check

Step 1 Obtain

You must obtain **original** document(s) from either [List A](#) or [List B](#) of acceptable documents at [Annex A](#).

Step 2 Check

You must **check** that the document(s) are genuine and that the person presenting them is the licence applicant, the rightful holder of the document(s), and not disqualified from obtaining a licence. You must check:

- . photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation;
- . expiry dates for permission to be in the UK have not passed;
- . any work restrictions to determine if the applicant is prohibited from holding a licence;
- . the documents are genuine, have not been tampered with and belong to the holder; and
- . the reasons for any difference in names across documents (e.g. original marriage certificate, divorce decree absolute, deed poll). These supporting documents should also be photocopied and a copy retained.

Guidance on examining and identifying fraudulent identity documents may be found [here](#). A checklist which may assist you is at [Annex B](#) of this guidance.

Step 3 Copy

You must make a **clear copy** of each document checked and retain these copies securely, with other licence application documents. If you do not retain the copy, you will have to repeat the check if someone permitted to remain indefinitely in the UK applies to renew or extend their licence. You should copy:

. **Passports:** any page with the document expiry date, the holder's nationality, date of birth, signature, immigration permission expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK and is not prohibited by their conditions of work from holding the licence.

. **All other documents:** the document in full, including both sides of a Biometric Residence Permit and a Residence Card (biometric format).

Step 1: Obtain acceptable documents

Lists of acceptable documents for checks

You must undertake a document check in respect of every application for a new licence or to renew, or extend an existing licence, which is made on or after 1 December 2016. Once you have done this, you will only be required to undertake a further document check when the applicant subsequently applies to renew or extend their licence if they have time-limited immigration permission to be in the UK and work, unless you did not retain a copy of the document or documents which indicated that they have no restrictions on their right to stay and work in the UK.

The full range of the documents you may accept for checks is set out in two lists – List A and List B. These lists are contained in [Annex A](#) to this guidance. You will note that the lists contain more secure documents such as national passports, [biometric residence permits](#) and [residence cards \(biometric format\)](#) – these documents are preferred because they are more secure. Applicants may not hold these documents, so the list also contains other acceptable evidence of immigration status. Please note that a UK driver's licence **is not** evidence of lawful status and a right to work.

You must obtain an **original** document, or document combination, specified in one of these lists in order to comply with **step 1** of the 3-step check. This is because scanned and photocopied documents make forgeries less easy to identify.

[List A](#) contains the range of documents which you may accept for a person who has a permanent right to remain in the UK. This includes UK passports (which may have expired). Following the correct checks, you may grant a licence for a period of up to the maximum statutory period for that type of licence. This is because there are no limitations on the type of work the applicant can undertake, or for how long. When the applicant provides document(s) from List A and you have retained the copy, a further check will not be necessary when they subsequently apply to renew or extend their licence. If you do not retain the copy, you will have to repeat the check when they next apply to renew or extend their licence.

[List B](#) contains the range of documents which may be accepted for a person who has a temporary right to be in the UK. If you conduct the check correctly you may issue the licence for a period up to the expiry date of the person's leave indicated by the document, although this must not exceed the maximum statutory period for which such a licence may be issued. You will need to request the original document and check these on each occasion that the applicant subsequently applies to renew or extend their licence until such time as the applicant provides document(s) from [List A](#) that demonstrates that they have a permanent right to remain in the UK.

A number of the documents in the list will only demonstrate a right to a licence if the document is current when the check takes place, including passports issued

outside the [European Economic Area](#) which are endorsed to say that the holder has indefinite leave to remain (ILR) in the UK. Provided the passport endorsed with ILR is current when the check takes place, a licence may be granted up to the statutory maximum even though the passport might time-expire before the licence time-expires. If the passport which is endorsed with ILR is not current when the check takes place, you may invite the applicant to apply to the Home Office for a [biometric residence permit](#). Further information on this application is contained [here](#). Once the application has been made, you may verify this check through the Evidence and Enquiry Unit and, once successfully verified, grant the licence for a maximum period of six months from the date of the verification.

Some documents, such as British passports, do not have to be current in order to demonstrate a right to a licence. However, you still need to check carefully that the document relates to the applicant and, if necessary, request further evidence before issuing the licence. [Annex A](#) clearly indicates which documents must be current to demonstrate the right to a licence.

Biometric Residence Permits

For most non-European Economic Area (non-EEA) migrants granted permission to be in the UK, the document you are likely to see to demonstrate a right to work is a Biometric Residence Permit (BRP). The Home Office began issuing BRPs in November 2008. Since July 2015, BRPs have been the only evidence of lawful residence currently issued by the Home Office to most non-EEA nationals and their dependants granted permission to remain in the UK for more than six months.

BRPs are credit-card sized immigration documents that contain a secure embedded chip and incorporate sophisticated security safeguards to combat fraud and tampering. They provide evidence of the holder's immigration status in the UK including the date on which the person's entitlement to work in the UK is due to expire. In most cases, this will be the expiry date of the BRP. However, where the BRP indicates that a person has indefinite leave to enter or remain (ILE or ILR) in the UK, this means that there is no time limit on the holder's ability to live and work in the UK (although the BRP itself is valid for 10 years) after which the holder needs to apply for a replacement). BRPs contain the holder's unique biometric identifiers (fingerprints and digital photo) within the chip, are highly resistant to forgery and counterfeiting, display a photo and biographical information on the face of the document and details of entitlements, such as access to work and/or public funds. BRPs therefore provide you with a secure and simple means to conduct a right to a licence check.

Migrants overseas granted permission to enter the UK for more than six months are issued with a vignette (sticker) in their passport, which will be valid for 30 days, to enable them to travel to the UK. Following their arrival, they will have 10 days or before their vignette expires (whichever is the later) to collect their BRP from the Post Office branch detailed in their decision letter. You should not issue the licence on the basis of the 30 day vignette, but wait until you have seen and checked the related BRP.

found [here](#). This contains a helpful checklist which has been reproduced in [Annex B](#).

You must perform the check carefully. You must make a visual inspection of the original document, and then check the details and any photograph of the holder against the holder to identify reasonably apparent forgeries and imposters.

You are not required to use artificial aids, such as an ultra violet lamp or a magnifying glass, although you will find such aids useful when performing the check. You may also wish to consider using a commercially available document scanner to help check the authenticity of biometric documents presented to you, notably passports and biometric residence permits (BRPs). Guidance about using such technology is available at [this link](#).

If someone gives you a false document or a genuine document that does not belong to them, you may use this link to [report the individual to the Home Office](#). You may also contact [Crimestoppers](#).

You may obtain further assistance on document types from your Local Partnership Manager (LPM) or email I&SDLPMSSupportTeam@homeoffice.gsi.gov.uk. In most cases, your LPM or your local Immigration, Compliance and Enforcement (ICE) team will also be your first point of contact if you suspect that you have encountered a forged or counterfeit document (though they are unable to respond to requests for immigration status checks. Please see [section 3.2](#) below).

Step 3: Retain a copy of document(s)

You should keep a copy of every document you have checked. This could be a hard or an electronic copy. You should keep the copy securely in accordance with data protection principles. Provided the specified document or documents are in [List A](#), if you retained the copy, you will not have to repeat the check when the licence holder subsequently applies to you to renew or extend their licence.

3.2 Home Office verification checks

In most cases, you should be able to make an assessment that the person is not disqualified from holding a licence by making a visual check of the document(s) against the person presenting them. This will include all cases where the applicant is a British citizen.

If you require an immigration status check, you may contact the Home Office's Evidence and Enquiry Unit. Your Local Partnership Manager will have their contact details. The Evidence and Enquiry Unit will aim to respond to your request within 10 working days.

It is only necessary to contact the Home Office's Evidence and Enquiry Unit in the following circumstances to verify that someone has the right to hold a licence:

1. You are presented with a [Certificate of Application](#) which is less than six months old and indicates that work is permitted; or

2. You are satisfied that you have not been provided with any acceptable documents because the person has an outstanding application for permission to remain in the UK with the Home Office which was made before their [previous immigration leave expired](#) or has an appeal or [administrative review](#) pending against a Home Office decision that grants them a right to work and, therefore, cannot provide to you evidence of their right to a licence.

In these two circumstances, the Evidence and Enquiry Unit will confirm the individual's immigration status. You will still have to determine whether the applicant should be granted a licence. A licence issued as a consequence of this check must be limited, as indicated below, to a maximum period of **six months**. Upon any subsequent application to renew the licence, you must carry out a further document check before issuing the licence. You are prohibited by statute from issuing a licence if a person is disqualified by their immigration status.

If you are making a check because the licence applicant has an outstanding immigration application with the Home Office, or a pending appeal or administrative review against a Home Office decision, we suggest that you wait at least **14 days** after the application, appeal or administrative review was made before requesting the Evidence and Enquiry Unit to confirm the status. This is to allow time for that application, appeal or administrative review to be registered with the Home Office.

3.4 Duration of licences

If a person provides you with acceptable documents from [List A](#) at [Annex A](#), there is no restriction on their right to work in the UK so their immigration status does not prevent you from issuing them a licence for up to the statutory maximum period. Provided you retained a copy of the document or documents that were originally checked, you will not be required to repeat the check when the applicant applies to renew or extend their licence with you.

If a person provides you with acceptable document(s) from [List B](#), this means that there are restrictions on their right to live and work in the UK. Their licence must not be issued for a period that exceeds their permission to be in the UK (up to the statutory maximum period for that type of licence).

When the licence has been issued on the basis of a Certificate of Application which states that work is permitted and which has been verified by our Evidence and Enquiry Unit, the licence may only be issued for a maximum period of six months from the date of the Certificate of Application.

When the licence has been issued on the basis that the applicant has an outstanding in-time⁴ Home Office application, appeal or administrative review which has been verified by our Evidence and Enquiry Unit, the licence may be issued for a maximum period of six months from the date of the licence decision.

⁴ An in-time application is one that was submitted before the applicant's earlier immigration permission to be in the UK expired, and so, by operation of statute, extends their permission until a decision has been made on the application.

3.5 When will a licence lapse?

A licence issued in respect of an application made on or after 1 December 2016, will lapse when the holder's permission to be in the UK comes to an end. This could be because their permission to be in the UK has time-expired or because we have brought it to an end (for example, we have curtailed their permission to be in the UK). You are under no duty to carry out on-going immigration checks to see whether a licence holder's permission to be in the UK has been brought to an end. The migrant will be aware when their time limited permission has come to an end and we will inform them if we curtail their permission to be in the UK.

4. Eligibility of certain categories of migrant to hold licences

It is important to determine that an applicant for a licence is not only in the UK lawfully and has permission to work, but that they are not prevented from undertaking work as a taxi operator or driver.

The following section provides clarification on several specific immigration categories. If you require further advice in relation to these or other immigration categories, you may contact your Local Partnership Manager.

4.1 Tier 1: Entrepreneur

A person granted leave to enter or remain in the UK as a Tier 1 (Entrepreneur) migrant, is prohibited from engaging in employment except where they are working for the business which they have established, joined or taken over. They will comply with this restriction if, for example, they are employed as the director of the business in which they have invested, or if they are working in a genuinely self-employed capacity. They may not, however, be considered to be working for their own business if the work they undertake amounts to no more than employment by another business (for example, where their work is no more than the filling of a position or vacancy with, or the hire of their labour to that business, including where it is undertaken through engagement with a recruitment or employment agency). In this capacity, they would have a contract of service. This applies even if it is claimed that such work is undertaken on a self-employed basis.

You must therefore be satisfied that the applicant is genuinely engaged in running their own business as a taxi operator or driver. You should consider requesting evidence of an applicant's appropriate registration of their business or for self employment with HM Revenue and Customs as part of the consideration of any application. If an applicant is deemed to be effectively an employee and the business is not their own, their application should be rejected.

For more information, please see the policy guidance for Tier 1 (Entrepreneur) on [GOV.UK](https://www.gov.uk).

4.2 Tier 2: Skilled workers

A person granted immigration leave under Tier 2 as a Skilled Worker is granted permission to work for a specified employer (a sponsor) in a specified capacity. It is unlikely they would qualify for a licence in this sector. A dependant of a Tier 2 migrant may qualify for a licence, as the same restrictions do not apply.

4.3 Tier 4: Students

A Tier 4 student may have permission to work for a limited number of hours during term time whilst studying in the UK, and full time during holidays. There are restrictions in place as to who is eligible to work and this will be indicated in their BRP or passport vignette. This right to work will be dependent on them continuing to follow their course of study. They cannot be self-employed, but they may, however, qualify for a licence if directly employed. Where a Tier 4 student has completed their course, they are only able to work if they were initially given permission to work as part of their conditions as a student, until that permission expires or otherwise comes to an end.

4.4 Asylum seekers

Asylum seekers do not usually have permission to work and when they do, this is only in a [shortage occupation](#) which will not involve the PHV and taxi sector and therefore they must not be granted a licence if their application is made on or after 1 December 2016.

An Application Registration Card (ARC) is provided to a person who has claimed asylum in the UK, pending consideration of their case. An ARC may exceptionally state that the holder has a right to work, but this will only be in a shortage occupation. You must not grant a PHV or taxi operator or driver licence on the basis of the ARC. However, you should check whether the asylum seeker has alternative evidence of a right to hold a licence.

A person who has been recognised by the UK as a refugee is issued with a BRP and has no restrictions on their right to work in the UK whilst their BRP remains valid.

4.5 Nationals from the European Economic Area (EEA)

[EEA and Swiss nationals](#) have the right to work in the UK. However, you should not issue a licence to any individual simply on the basis that they claim to be an EEA national. You should also be aware that not all EEA nationals are permitted to work in the UK without restrictions (please see separate [guidance](#) in respect of Croatian nationals). You should require any person who claims to be an EEA national to produce a valid EEA passport or EEA national identity card that confirms that they are a national of an EEA country or Switzerland.

4.6 Non-EEA Family Members of EEA nationals

Non-EEA nationals who are the direct family members of an EEA (or Swiss) national who is exercising European Union Treaty rights or has permanent residence, are also entitled to live and work in the UK. You should not grant a licence to any individual simply on the basis that they claim to be the family member of an EEA national. You should also be aware that not all family members of EEA nationals are permitted to work in the UK.

There is no mandatory requirement for non-EEA nationals who are resident in the UK as a family member of an EEA national to register with the Home Office or to obtain documentation issued by the Home Office.

Consequently, it is open to any non-EEA national who has an enforceable EU law right to work in the UK - as a direct family member of an EEA national or by virtue of a derivative right of residence - to demonstrate the existence of that right through means other than those documents in [Annex A](#).

In such cases, you may choose to accept such alternative evidence. You should ask to see the following:

- evidence of the applicant's own identity – such as a passport,
- evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the EEA national has a right of [permanent residence in the UK](#) or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds, or
 - (iv) self-sufficient e.g. bank statements.

For family members of EEA nationals who are studying or financially independent you must also see evidence that the EEA national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

You must only accept original documents as evidence.

In the event that a non-EEA national is found not to qualify to work in the UK you will have issued a licence which is invalid.

4.7 Croatian nationals

Croatian nationals' access to the UK labour market are subject to transitional arrangements set out in the [Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013](#). Under these Regulations, a Croatian national who wishes to work in the UK and who is subject to the worker authorisation requirement will need to obtain an accession worker authorisation document (permission to work) before starting any employment.

This means that since 1 July 2013, a Croatian national will only be able to work in the UK if they hold a valid accession worker authorisation document (such as a purple registration certificate) or if they are exempt from work authorisation. The list of exempt categories is contained in our [guidance](#).

Croatian students who have been issued with a yellow registration certificate are only permitted to work for 20 hours a week during term time and full time during the holidays.

5. Revocation of licences

We may provide you with information, or you may obtain information from other sources, which will cause you to wish to suspend or revoke a licence on the basis that the licence holder's immigration status has changed on or after 1 December 2016, for example their permission to be in the UK has been curtailed, they have been served with a deportation order or they have been convicted of an immigration offence (generally, but not limited to, convictions under the Immigration Act 1971) or subjected to an immigration penalty which has not been cancelled following an objection or appeal. An immigration penalty will have been issued, for example, because they employed an illegal worker or let premises to someone who does not have a right to rent. Please note that civil penalties may be issued to UK citizens as well as migrants who breach the relevant regulations.

On any appeal relating to an operator or driver licence decision whether it is to grant, revoke or suspend the licence, the court is not entitled to consider whether the licence holder should have been convicted of an immigration offence or received an immigration penalty or should have been granted by the Home Office permission to be in the UK. This is because separate rights of immigration appeal, or to have an immigration decision administratively reviewed, exist.

Upon receiving such information, you may also wish to consider whether the licence holder continues to meet the 'fit and proper' test.

5.1 Return of the licence

The licence holder is required to return the licence to you, once that licence has expired, or been suspended or revoked on immigration grounds. This is underpinned by criminal offences of failing to comply with the return requirement under existing taxi licensing legislation.

If the licence holder, without a reasonable excuse, fails within 7 days to return the licence, badge and any other evidence of identification issued by you to you, they commit an offence. The maximum fine is level 3 on the standard scale.

6. Providing information to the Home Office

These new provisions to prevent illegal working in relation to PHV and taxi operator and driver licences, do not specifically mandate licensing authorities to report to the Home Office cases in which you have refused an application for an operator or driver licence or subsequently suspended or revoked a licence on immigration grounds.

However, you are requested to provide the Home Office with this information, in order that other appropriate enforcement action may be taken against a person, including revoking their UK driving licence. This information exchange is supported by [section 55](#) of the Immigration Act 2016 which expands the existing information sharing gateway at [section 20](#) of the Immigration and Asylum Act 1999 (the 1999 Act) and gives public authorities a clear statutory authority to supply information or documents to the Home Office which may be used for immigration purposes. See: [Factsheet](#). Any information should be sent using the template at [Annex C](#) to tphlicensing@homoffice.gsi.gov.uk.

In addition, section 20A of the 1999 Act, as amended by section 55 of the 2016 Act, places a duty on local authorities to provide Home Office immigration officials with nationality documents which are in their possession, but only when specifically requested to do so. See: [Factsheet](#). So you may be asked for copies of nationality documents which you have retained as part of the licensing application if they belong to someone who is liable for removal from the UK.

7. Do you have any questions?

In the first instance, please refer to this guidance. You may also wish to look at the further useful information provided in the existing illegal working guidance.

Employers already have a duty to do checks. However, as most PHV and taxi licence holders are self employed, their right to work and immigration status is not checked, so through these new provisions and this guidance we aim to prevent illegal working in this sector. When dealing with a licence application, you must check the immigration status of all applicants, including those who are not self employed.

The illegal working guidance is available at:

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide> and includes:

- [An employer's guide to the administration of the civil penalty scheme](#);
- [An employer's guide to acceptable right to work documents](#);
- [Frequently asked questions](#);
- [Code of practice on preventing illegal working: Civil penalty scheme for employers](#);
- [Code of practice for employers: Avoiding unlawful discrimination while preventing illegal working](#);
- An employer's '[Right to Work Checklist](#)';
- The online interactive tool '[Employer Checking Service Enquiries](#)'; and
- The online interactive tool '[Check if someone can work in the UK](#)'.

Guidance on examining and identifying fraudulent identity documents may be found [here](#)

If you have questions about a person's immigration status, you may contact the Home Office's Evidence and Enquiry Unit.

Your Local Partnership Manager will be able to assist you if you with question about document types or if you suspect you have been provided with a forged document. They cannot confirm a person's immigration status.

8. Annex A

Lists of acceptable documents for right to a licence checks

The lists of documents are based on those prescribed to show evidence of a right to work.

List A: No immigration restrictions on right to a licence in the UK. Once you have undertaken the necessary check once in respect of an application made on or after 1 December 2016, if you retained the copy, you will not have to repeat the check when they subsequently apply to renew or extend their licence.	
1.	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2.	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6.	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7.	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer. An example of an Immigration Status Document may be found here .
8.	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9.	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B: Immigration restrictions on the right to a licence in the UK. You may issue the licence (subject to statutory limitations) up to the expiry date of the permission to work in the UK. You will need to check immigration status each time they make an application to renew or extend their licence.

1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.

This guidance [link to page 16] provides further information on checking a non-European Economic Area national family member's right to a licence.
4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months old together with Verification** from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.
2. A **Verification** issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

9. Annex B

Checklist on examining and identifying fraudulent identity documents

	Cause for concern?	
	Yes	No
Does the document allow the person to live and work in the UK?		
Is the person presenting the document the same as the image or photograph?		
Is the document genuine or counterfeit? Check for:		
General quality/cover – Is it manufactured to a high standard?		
Watermarks – view the page with a light source, e.g. a torch or lamp		
UV reaction – If a UV light is available, check if the document reacts dull		
Random fibres – Are there random fibres on each of the document's pages?		
Print quality – Is the quality of the print of a high standard (no dots)?		
Intaglio ink on inside cover of passports – Is there raised ink on the document?		
Optically variable ink – Move the document under a light source		
Machine readable zone (font) – If available, use an online MRZ checker		
Holographic devices – Move the document under a light source		
Have any pages been substituted? Check for:		
Construction / page alignment / page numbers / page design		
Counterfeit pages (see above)		
Has the photograph / image been substituted? Check for:		
Damage around the photograph / image		
Any safeguards over photograph / image e.g. ink stamp, emboss, laminate		
Correct image type		
Evidence of a second laminate – move the document under a light source		
Have any details been altered? Check for:		
Damage to paper around details e.g. date of birth		
Is the document a fantasy / pseudo document? – Can you find in on the PRADO or EDISON websites?		

Glossary of terms used in Annex B.

Background print – Areas on secure documents which are printed to a high standard. Using magnification, solid lines and detailed designs should be visible.

Intaglio Ink – A printing process which results in the ink having a raised and rough feel and which is found on the inside of most (not all) passports. It often involves a hidden pattern, revealed when the page is viewed at an oblique angle.

MRZ – A machine readable zone which allows for optical character recognition of characters which match a specific font.

Optically Variable Ink – A clear colour change from one colour to another which should be seen when the document is tilted.

Random Fibres – Security fibres which appear randomly across the paper. They can be visible to the naked eye or react when exposed to UV light.

Watermark – Created during the paper manufacturing process by varying the thickness of paper. It should consist of subtle changes in tone and both lighter and darker areas.

Further guidance on examining identity documents and examples of these techniques may be found [here](#).

10. Annex C

PHV and taxi licence referral form



PHV and taxi driver/operator licence referral form

Please complete the below details and press submit to return to Immigration Enforcement

Licensing Authority Details	
Name	
Email	
Licensing Authority	
Date Referred	

Individual's details	
Home Office Reference (if known)	
Surname	
Forename(s)	
Gender	
Nationality	
Date of birth	
Other known names	
Last known address	
Postcode	
Contact number	
Driving licence number	
NI Number	
Document type presented	
Document number	

Action taken	
Driver or operator licence	
First application or renewal	
Licence denied or revoked	
Date	
If revoked, has the licence been returned?	

If email doesn't open after clicking button - check whether you see "Security Warning, Macros have been disabled." message above .
If yes click options and enable this content.

Email form to the Home Office

Policing and Crime Act 2017**Provisions Affecting Licensing Functions****Taxi and Private Hire Licensing****Statutory Guidance on Protecting Children and Vulnerable Adults**

Section 177 of the Act provides that the Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm.

The Secretary of State is also empowered to revise this guidance and must publish any guidance or revision of it.

Any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.

Before issuing the guidance, the Secretary of State must consult with a range of stakeholders including the police, licensing authorities and representatives of taxi and private hire licence holders.

Section 177 was commenced on Royal Assent and it is anticipated that the Secretary of State will begin consultation on the draft guidance shortly.

Alcohol, Entertainment and Late Night Refreshment Licensing**Meaning of “alcohol”: inclusion of alcohol in any state**

Section 135 amends the definition of “alcohol” provided in the Licensing Act 2003 to include alcohol “in any state.” This will mean powdered and vapourised alcohol will also be regulated under the Licensing Act 2003.

Summary reviews: representations against interim steps

A summary review is a “fast-track” licence review process that can be applied for by the Police in the case where a licensed premises is associated with serious crime and disorder.

Within 48 hours of receipt of a summary review application, the licensing authority must decide what interim steps, if any, to take pending the full review hearing, which must take place within 28 days.

Once the interim steps have been decided, a licence holder can make representations against the interim steps and the licensing authority then has to hold a hearing to consider these representations within 48 hours.

Currently there is no limit on the number of times a licence holder can make representations against the interim steps during the period before the full review hearing takes place.

This means that the licensing authority could have to hold a hearing every 48 hours if a licence holder made repeated representations against the interim steps imposed by the licensing authority.

Section 136 of the Policing and Crime Act 2017 puts in place a restriction so that licence holders will only be able to make further representations after their initial representations have been considered, if there has been a material change in circumstances since the consideration hearing.

Summary reviews of premises licences: review of the interim steps

Following receipt of an application for a summary review, the hearing to review the premises licence must take place within 28 days of receipt of the application. The decision taken at the review hearing only comes into effect once the time limit for appealing (21 days) has expired or any appeal has been disposed of.

There is ambiguity in the 2003 Act about whether the interim steps remain in place during this period. This has resulted in licensed premises, closed due to serious problems, re-opening pending the outcome of an appeal.

There has been confusion for some time about the status of the interim steps imposed by the licensing authority after the full review hearing has taken place.

Section 137 of the Act will amend the Licensing Act 2003 so as to require the licensing authority to determine at the review hearing what interim steps should be in place pending the outcome of any appeal, or the expiry of the time limit for making an appeal. These arrangements will allow licensing authorities and the police to take effective enforcement action, and will be fairer for businesses. Licensees and the police will be able to appeal the interim steps to a magistrates' court.

Personal licences: licensing authority powers in relation to convictions

Currently a personal licence may be suspended or forfeited by a court on conviction of a relevant offence. Relevant offences are listed in Schedule 4 to the 2003 Act and include violent and sexual offences, drugs offences and firearms offences. However, the evidence suggests that the courts are not routinely exercising their powers in this regard, often because they are not aware that an offender holds a personal licence.

Section 138 will allow licensing authorities to suspend or revoke a licence. Courts will retain their existing powers. Where a licensing authority decides to suspend or revoke a licence, the licence holder will have the opportunity to make representations to the licensing committee, and will have a right to appeal to a magistrates' court.

Licensing Act 2003: addition of further relevant offences

Conviction for a relevant offence can be grounds for refusing a new personal licence, or for suspending or revoking an existing licence. Currently, there are some serious offences which are not included in the definition of "relevant offence". The following offences will be added to the definition by section 139:

- the sexual offences listed in Schedule 3 to the Sexual Offences Act 2003;
- the violent offences listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003;
- the manufacture, importation and sale of realistic imitation firearms contrary to section 36 of the Violent Crime Reduction Act 2006;
- using someone to mind a weapon contrary to section 28 of the Violent Crime Reduction Act 2006; and
- the terrorism-related offences listed in section 41 of the Counter-terrorism Act 2008.

Licensing Act 2003: guidance

Section 182 of the 2003 Act requires the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act, and that the guidance be laid before Parliament and be subject to the negative resolution procedure every time it is updated. The licensing framework has been in place for ten years, and in that time changes to the guidance have not been subject to parliamentary debate. The requirement to lay revised guidance before Parliament is therefore considered unnecessary and at odds with many other statutory guidance provisions.

As a result of section 140 of the Policing and Crime Act 2017, the Secretary of State will no longer have to lay the s.182 guidance before Parliament for approval before it comes into effect.

Cumulative Impact Policies

Cumulative Impact Policies (CIPs) allow licensing authorities to limit the number or type of licence applications (e.g. bars or off-licences) granted in areas where they can demonstrate that the number or density of premises in that area is adversely impacting on the statutory licensing objectives under the Licensing Act 2003.

There are currently over 200 CIPs in place but they have no statutory basis. Not all licensing authorities are making effective or consistent use of CIPs and the licensed trade has concerns about the transparency of the process and quality of evidence used to restrict new businesses.

Section 141 of the Policing and Crime Act 2017 will amend the Licensing Act 2003 and put CIPs on a statutory footing while introducing a requirement on licensing authorities to review the evidence on which CIPs are based at least every three years - more frequently than under the current system, where the SOLP review determines that the evidence for CIPs will be examined at least once every five years.

Late night levy requirements

The Late Night Levy (LNL) was introduced under the Police Reform and Social Responsibility Act 2011 to enable licensing authorities to collect a financial contribution from businesses selling alcohol late at night and to put the funds raised towards policing and other costs associated with the management of the night time economy.

Currently the legislation requires that at least 70% of the net revenue from the levy (minus administration costs) must go to the Police and Crime Commissioner (PCC) who then determines how to direct the funds.

The legislation requires that if implemented, the LNL must apply to the entire licensing authority area (subject to exemptions). Licensing authorities have discretion to make exemptions for New Years Eve and for certain categories of premises such as bingo halls, community premises, country village pubs and businesses that already contribute financially as part of a Business Improvement District (BID).

The LNL has not been widely implemented and has been subject to criticism from police, licensing authorities and the licensed trade.

The police and licensed trade have indicated that the LNL in its current form is inflexible and licensing authorities feel that they are not able to target businesses that place demands on the police in the night time economy. This is reported to be one of the major reasons why very few LNLs have been introduced. The licensed trade has also raised concerns around the lack of transparency in how LNL revenue is spent. The PCC working group on alcohol has stated that PCCs do not feel they have a strong enough role in consideration of a levy in their area.

Section 142 and Schedule 18 of the Policing and Crime Act 2017 seek to make the LNL more flexible, allowing authorities to introduce the LNL in for example specific parts of a town rather than having to introduce it for the whole of the local authority area as is the case currently.

There will be greater transparency, however, with licensing authorities being required to publish information on how the funds raised by the LNL are spent.

One of the key changes is that the LNL will be extended to also apply to premises that are permitted to offer late night refreshment, for example takeaways (the LNL currently only applies to premises selling alcohol). Premises only serving hot non-alcoholic drinks are excluded.

PCCs will also be given a statutory right to request that consideration is given by a licensing authority to implementing a LNL in their area. Such a request must be then given consideration by the licensing authority and the response to the request must be published. This published response must include reasons, including an explanation of the outcome of the authority's considerations.



Department
for Environment
Food & Rural Affairs

The review of animal establishments licensing in England

Next steps

February 2017



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Introduction

This document provides a summary of the next steps in the review of animal establishment licensing in England. A public consultation on proposed changes ran for 12 weeks, from the 20th December 2015 until the 12th March 2016, and a summary of the responses was published on 15 September 2016.

The consultation responses have been considered carefully and decisions have been made on the way forward. This document outlines these decisions and the next steps for each of the proposals.

Regulations will be drafted over the next few months. We plan to consult stakeholders through the sector groups on those draft Regulations before they are laid in Parliament.

Background

Local authorities are required by law to issue licences for specific animal-related establishments and activities, with the aim of maintaining good standards of animal welfare. There is a registration requirement for performing animals, and licensing systems for pet shops, animal boarding, riding establishments and dog breeding.

Estimates show that there are approximately 2,300 licensed pet shops, 650 licensed dog breeders, 1,800 licensed riding establishments, and 6,300 licensed animal boarding establishments in England. These comprise the fourth largest group of business licences issued by local authorities, after premises, taxi and gambling licences.

There is a strong public expectation that animal welfare standards will be robustly enforced by local authorities. However 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. Moreover, 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.

The Government is committed to improving the effectiveness of existing regulation whilst lifting the regulatory burdens on businesses to support growth, productivity and innovation. These proposals should 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.

Animal establishments licences

a) Generic licences

Question 1: To what extent do you agree or disagree with the proposal to introduce a single Animal Establishment Licence?

The majority of respondents to the consultation were positive about this proposal, but many highlighted the importance of retaining specific standards for each of the different activities.

We are planning to introduce one 'animal activities' licence which will cover four animal activities; dog breeding, dog/ cat boarding, selling pets and hiring out horses for riding. This will help to streamline the administrative process for local authorities and businesses. There will be separate sets of standards for each activity within the Regulations.

We intend to use the term 'animal activities' rather than 'animal establishment' to make it clear that activities such as the online sale of pets (which may not occur from a particular establishment) are included as licensable activities.

b) Model conditions

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?

The majority of respondents to the consultation were positive about this proposal.

We are currently exploring a mechanism for enshrining the key requirements from the Model Conditions into law and will work with the Canine and Feline Sector Group and the Equine Sector Council on this. We will continue to encourage the use of the full Model Conditions by local authorities.

c) Breeding and sale of dogs

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?

The majority of respondents to the consultation were positive about this proposal.

At present, the Breeding and Sale of Dogs (Welfare) Act 1999 makes it an offence to sell a dog at less than eight weeks of age, "otherwise than to the keeper of a licensed pet shop." We wish the sale of puppies below the age of eight weeks to be prohibited in all cases. The exemption of sale of young puppies by licensed breeders to pet shops is a free standing provision in the Breeding and Sale of Dogs Act 1999, and primary legislation is

needed to make the amendment. Such an amendment might be suitable for a Private Member's Bill. In the meantime, it is proposed that the requirements from the Model Conditions for Pet Vending on not selling pets at too young age will be transposed in the Regulations. For both puppies and kittens this is at less than eight weeks of age.

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?

The majority of respondents to the consultation were positive about this proposal.

This proposal should be seen in the context of the requirement that anyone operating a business selling pets needs a licence irrespective of the number of pets sold. This requirement will apply equally to businesses that: i) breed and also sell pets, ii) are third party sellers of pets (those that sell pets that they did not breed) and iii) operate from home or online. The requirement also applies in the case of business to business sales as well as sales to the public.

Against that background and notwithstanding the recommendations of the EFRA Select Committee in its recent report "Animal welfare in England: domestic pets", we propose to set the statutory licensing threshold for dog breeders at three or more litters per year which is the same level as currently applies in Wales. Specifically, the test will be set as anyone breeding three or more litters per year and selling the puppies. We will retain the existing exemption in the dog breeding legislation for breeders who can show they do not sell any of their puppies as well as the requirement that each breeding bitch should have only one litter per year. Given this, any person with three or more breeding bitches on the premises and selling dogs would need a licence. We consider that three litters or more provides the right balance of being proportionate and reasonable to enforce, and will help target regulatory effort on those breeders producing dogs on a commercial basis. In terms of the impacts, in 2015 the Kennel Club registered 4,443 dog breeders in the UK that had two litters per annum and they estimate that their membership represents around 40% of all breeders. Reducing the threshold to two litters would considerably increase the number of breeders needing a licence. Recent evidence shows there could be around 600 licensed dog breeders in England at the moment. In contrast Kennel Club registered 2,039 breeders breeding either 3 or 4 litters per annum in 2015 in the UK.

There was also a suggestion from consultation respondents that those breeding and selling a puppy should be required to register with their local authority and display their registration number when advertising. This would mean that every household which had just one litter of puppies and sold them would have to register with their local authority. We consider that such a registration requirement would be disproportionate and challenging to enforce by local authorities. Evidence from similar regimes, such as the dog licensing regime which used to exist in the past, suggests that schemes applying to much of the population are difficult to enforce with compliance rates being low. Furthermore such a regime would present a burden on responsible hobby breeders and families who choose to breed from their dog once in its lifetime.

Instead we consider that the focus of enforcement action and regulatory effort should be on repeat breeders and those profiting from the sale of puppies. To encourage better traceability and assurance for those seeking to acquire a dog, we propose to include in the Regulations a requirement for licensed sellers of pets to display their licence number when advertising. This is one of the Pet Advertising Advisory Group's (PAAG's) minimum standards¹ for online classified advertisements. This will allow responsible consumers to check that they are securing a dog from a properly licensed breeder and ties in with the desire of many to see regulation of online sales. In addition we will explore the scope for requiring other elements of the PAAG minimum standards to be applied by licensed pet vendors.

Currently, under the Pet Animals Act 1951, individuals that sell the progeny of their own pets or of pedigree animals are exempt from requiring a licence as a pet vendor. We intend to remove these exemptions, so that anyone selling pets as a business will require a licence. We intend to require local authority officers to have regard to the following non-exhaustive list when deciding whether or not an individual is running a business. A person is likely to be running a business if they are selling regularly to make a profit, earning commission from selling goods for other people, breeding animals regularly to sell for profit or selling online, either through websites or classified adverts, on a regular basis.

d) Pet sales

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?

The majority of respondents to the consultation were positive about this proposal.

We intend to include this requirement as a mandatory licence condition on those selling pets. We will require the information to cover the five freedoms in the Animal Welfare Act 2006. Many pet sellers already supply such information, which is often freely available to download from welfare and industry groups. A number of sector groups have agreed to refine and develop such information where it needs updating or is not available. Overall this should not entail a significant burden on businesses.

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

Consultation respondents made a number of useful suggestions which could be taken forward by the industry. It was suggested, for example, that pet shops could ask prospective buyers what they know about the animal they are trying to purchase, to make sure they are fully aware of the needs of the animal. Many responsible retailers already do

¹ <http://paag.org.uk/about-paag/minimum-standards/>

this and some refuse to sell if there are concerns about the capacity of the buyer to care for the pet.

Consultation respondents also highlighted that local authority inspectors often do not have the specialist knowledge to inspect establishments selling exotic pets. We are currently working with the National Companion Animal Focus Group (NCAFG) to develop guidance and training for local authority inspectors, as well as information on how to select inspectors with specialist knowledge where needed.

Length of licences

a) Removing the calendar-year restriction

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?

The majority of respondents to the consultation were positive about this proposal.

We intend to allow licences to be issued for a fixed term, set at any point in the year. This will reduce the burden on local authorities and businesses by spreading licence applications throughout the year, and by ensuring that all licences last for their full term rather than to the end of the calendar year.

b) Increasing the maximum licence length

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?

Consultation responses to this question were very mixed. Overall, there was considerable support for the proposal as it was felt that this would lead to a reduced burden on local authorities and businesses. The incorporation of earned recognition into the current system was also seen to be beneficial, by awarding longer licences to lower risk establishments with higher welfare standards. It was commented that this may help to drive up standards. However, many respondents added the caveat that this would need to be underpinned by a robust and consistent risk-based system.

We intend to increase the maximum length of a licence that local authorities may issue to up to three years. However, this will be linked to a requirement for local authorities to use a standard risk-based assessment system which is nationally agreed. The National Companion Animal Focus Group is working with us to help to develop a template for this risk-based assessment.

In addition there were comments relating to the competence of local authority inspectors in relation to animal establishments. Whilst in many cases a veterinarian will be involved in inspection of premises, in many cases a local authority inspector may have other duties and areas of expertise other than say on dog breeding or horse riding. We are exploring, therefore, with the National Companion Animal Focus Group and other stakeholders, the scope for setting standards and training needs for local authority inspectors and potentially the development of a list of inspectors that meet such standards. This links to the practice of local authorities pooling inspection resource and developing expertise and is a natural extension of the use of primary authority.

c) Transferring licences

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?

The majority of respondents to the consultation were negative about this proposal, commenting that the person holding the licence has a strong impact on the level of welfare in the establishment.

We do not intend to take this proposal forward.

d) Notification of major changes

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?

The majority of respondents to the consultation were positive about this proposal, as it was felt that any major changes could have an impact on animal welfare.

We intend to require licence holders to notify local authorities of major changes. The responses to the consultation highlighted a concern that 'major changes' would need to be clearly defined. We intend to define 'major changes' as any changes which affect the licence conditions.

Performing animals registration

Question 11: To what extent do you agree or disagree with the proposal to maintain the registration requirement for performing animals?

The majority of respondents to the consultation were positive about this proposal.

We intend to maintain the principles behind registration for these animals and to make improvements, including to clarify that the animals do not have to be 'performing' to be included. Many respondents commented on the need to update the Performing Animals Act 1925 so that it includes modern businesses, such as mobile animal exhibits. The current definition of a 'performing animal' was seen to be restrictive and to be inconsistently applied.

To address this issue, we intend to repeal the requirement to be registered in order to exhibit or train a performing animal in the Performing Animals Act 1925 as it applies to England and replace it with a scheme under the Animal Welfare Act 2006 for animals that are exhibited. We will ensure that the definition is drafted so as not to capture unintended activities and we will work closely with the devolved Governments on these proposals and explore the scope for a shared approach.

Concerns were also raised that the animals kept are often not specified on registration. We intend to require businesses to list the number and species of animals they are exhibiting (including both common names and scientific names). In addition we will work with the sector and other interested organisations to encourage the development of good practice guidelines for these activities.

Question 12: To what extent do you agree or disagree with the proposed changes to the registration system for performing animals

A small majority of respondents were positive about this proposal. Many respondents did not feel qualified to comment.

The specific changes suggested were to update the legal standards to refer explicitly to the welfare needs set out in the Animal Welfare Act 2006, to remove the need for local authorities to send copies of paperwork to Defra and to extend powers of entry to areas where the animals are kept.

We intend to update the legal standards to refer explicitly to the welfare needs set out in the Animal Welfare Act. In addition, we intend to remove the need for local authorities to send copies of paperwork to Defra. Instead, local authorities will be requested to submit annual data (in electronic format) on all licences and registrations.

By bringing the principles behind the registration system into Regulations under the Animal Welfare Act, the scheme will be covered by the powers of entry in the Animal Welfare Act. This will mean that local authorities will have powers of entry to areas where the animals are kept.

Powers of entry

Question 13: To what extent do you agree or disagree with these proposals on powers of entry?

The majority of respondents were supportive of the principle of powers of entry. Some concerns were raised about the need for a warrant and the need to give prior notice of the application for a warrant, as well as limiting powers of entry to four people.

The Regulations will be made under the Animal Welfare Act 2006 and local authorities' powers of entry will be on the same basis as under the Act. This will not include a restriction on the number of people that can make use of the power of entry. It will require a warrant to enter dwelling premises, with reasonable notice given of the application for a warrant unless such notice would defeat the object of the entry.

Accreditation

a) UK Accreditation Service (UKAS) accreditation of independent regulators

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?

Consultation responses to this question were mixed. Whilst there was support for the principle of earned recognition and the potential for this to drive up welfare standards, concerns were raised about the creation of a perceived two-tier system and the loss of local authority control of licensing. In particular, concerns were raised that the proposal would lead to a loss of revenue and expertise for local authorities, and confusion over where complaints should be sent.

We intend to incorporate the concept of earned recognition into the current licensing system, by including a consideration of any affiliation to a body accredited by UKAS in the risk-based assessment process that we are developing with the NCAFG. In the system being developed it is likely businesses affiliated to a body accredited by UKAS will receive a lower risk score, and may receive a longer licence term at lower annual cost. This would ensure a reduced burden on low risk businesses and on local authorities whilst maintaining local authority control over the licensing scheme.

This proposal was suggested by a number of respondents to the consultation, including local authorities, industry stakeholders and animal welfare organisations.

b) Voluntary accreditation

Question 15: To what extent 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?

This was not a proposal and so no changes will be made. Many of the respondents were positive about the potential for sector-led UKAS-accredited certification schemes to improve animal welfare and this is something that we will be encouraging.

Additional proposals

One of the difficulties in developing policy in this area has been a general paucity of data on the number of licences currently issued by local authorities. Some data has been made available through Freedom of Information requests to local authorities. In order to improve the information that is available, Defra proposes to request local authorities to submit annual data (in electronic format) on the number of licences and registrations they hold for the animal activities in the scope of this review which would then be published. This will ensure that there is better information and data on the numbers of such establishments and businesses in England and help to address concerns about consistency between local authorities and a lack of oversight and public scrutiny, which were raised repeatedly in the responses to the consultation.

As noted, local authorities have been subject to recent and regular Freedom of Information requests seeking such data, and the need for those would be reduced if data was more freely available; so the overall burden on local authorities should not change. Furthermore, it is good administrative practice for local authorities to keep records on the number of licences they issue.

The lack of consistency around licence fees was also raised in responses. We intend to maintain the current fee structure, which is based on full cost recovery. However, we are also working with the NCAFG to develop guidance for local authorities on setting reasonable fees and charges, which will help to improve consistency and transparency.

Concerns were raised about difficulties with enforcement. We are looking at the possibility of bringing in fixed penalty notices to aid enforcement.

Next steps

Defra will develop draft Regulations based on these conclusions and will continue to work with stakeholders through the National Companion Animal Focus Group, the Canine and Feline Sector Group and the Equine Sector Council to put in place the necessary supporting policies, guidance and documentation.

REDDITCH BOROUGH COUNCIL**LICENSING
COMMITTEE**6th March 2017**RESULTS OF CONSULTATION ON “IMPROVING DISABLED PEOPLE’S
ACCESS TO REDDITCH TAXI FLEETS”**

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Members are asked to consider the results of the consultation exercise recently undertaken in relation to a number of proposed amendments to the Council’s Hackney Carriage and Private Hire Vehicle and Driver Policies that were recommended to the Licensing Committee following the Overview and Scrutiny Committee’s “Improving Access for People with Disabilities to Redditch Taxi Fleets” Short, Sharp Review.

2. RECOMMENDATIONS

That Members note the responses received during the consultation exercise and RESOLVE which amendments to Policy that they wish to take forwards.

3. KEY ISSUES**Financial Implications**

- 3.1 The costs involved in carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Proper consultation on the proposals to amend the Council’s policies was undertaken to minimise the risk of legal challenge if the proposals are subsequently implemented.

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Service / Operational Implications

- 3.3 On 18th July 2016, the Licensing Committee received a presentation from the Chair of the Overview and Scrutiny Board, Improving Disabled People's Access to Redditch Taxi Fleet Task Group and considered the findings contained in the Task Group's Report.
- 3.4 The Task Group had been established to carry out a review of action that could be taken to improve taxi services delivered to customers with disabilities in the Borough.
- 3.5 The Task Group made a number of recommendations in their report and the Licensing Committee were asked to resolve to implement these recommendations, subject to further consultation where required.
- 3.6 The recommendations from the Task Group were:
- 1) The Hackney Carriage Vehicle Licensing Policy and the Private Hire Vehicle Licensing Policy should be amended:**
 - (a) to allow applications for new hackney carriages to be made for vehicles that are less than six years old, meet European M1 safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle. (*This relates to the Hackney Carriage Vehicle Licensing Policy only*); and**
 - (b) to require drivers to display stickers in their vehicles that provide information about how to report complaints;**
 - 2) The Driver Licence Policy – Application for a Hackney Carriage and / or Private Hire Vehicle Driver's Licence – should be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years;**
 - 3) There should be a media campaign to guide disabled people and taxi drivers when travelling by taxi about their rights and responsibilities;**
 - 4) WRS should publish a list of drivers who currently operate licensed wheelchair accessible vehicles on the WRS and Redditch Borough Council websites in a similar format to Brighton and Hove City Council and Eden District Council;**

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5) WRS should undertake a review of the conditions attached to taxi operators' licences; and

6) The Licensing Committee should review the effectiveness of the disability awareness training provided to taxi drivers.

- 3.7 The Licensing Committee resolved that the recommendations of the Task Group be agreed subject to a small amendment so that the stickers displayed in vehicles provided information on how to report compliments as well as complaints and subject to further consultation where appropriate to be carried out by Worcestershire Regulatory Services with the relevant consultees.
- 3.8 Following discussions with Legal Services, it was concluded that the recommendations that require amendments to be made to the Council's policies or would involve licence holder's details being published on the Council's website, would need to be subject to consultation with relevant stakeholders.
- 3.9 A consultation document was therefore produced to facilitate consultation on these proposals. The consultation document can be seen at **Appendix 1**. The consultation document was sent to all drivers and operators licensed by Redditch Borough Council at the beginning of October 2016.
- 3.10 Details of the consultation were also been posted online on the Council's website at www.redditchbc.gov.uk/consultations. The website offered an online version of the consultation form that people can complete as an alternative to the paper version.
- 3.11 Details of the consultation were forwarded to relevant stakeholders that represent both the hackney carriage and private hire trade, relevant organisations such as the Police and also groups that represent people with disabilities in the Borough.
- 3.12 The consultation was open for responses until 31st December 2016 and the results of the consultation exercise are now being reported back to Members for consideration.
- 3.13 A table setting out a summary of the survey responses received during the consultation exercise is attached at **Appendix 2**.
- 3.14 A total of 22 survey responses were received although not every respondent provided an answer to each of the survey questions.

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- 3.15 The majority of respondents to the survey (68%) agreed with the Council's proposal to relax its policy on the licensing of vehicles as hackney carriages so that instead of additional hackney carriages having to be "brand new" wheelchair accessible vehicles, they can be wheelchair accessible vehicles that are up to six years of age.
- 3.16 A smaller majority of respondents to the survey (59%) agreed with the Council's proposal to amending its policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness every three years.
- 3.17 A substantial majority of respondents to the survey (90%) agreed with the Council's proposal to amend its policy and conditions for the licensing of hackney carriage and private hire vehicles to require vehicle proprietors to display stickers in their vehicles that provide information on how passengers can make complaints or pass on compliments.
- 3.18 Every single respondent to the survey agreed with the Council's proposal to publish a list on their website of all taxi owners / operators who can provide a vehicle that is capable of carrying a passenger who remains seated in their wheelchair.
- 3.19 A number of other comments were received via the survey responses received. These comments can be seen in **Appendix 2**.
- 3.20 In addition to those who completed the consultation survey, a submission in response to the consultation exercise was made by the Redditch Taxi Association (RTA). The RTA submission was accompanied by a list of those drivers that the submission is submitted on behalf of. The RTA submission can be seen at **Appendix 3**.
- 3.21 The RTA disagree with the proposal to relax its policy on the licensing of vehicles as hackney carriages so that instead of additional hackney carriages having to be "brand new" wheelchair accessible vehicles, they can be wheelchair accessible vehicles that are up to six years of age.
- 3.22 The RTA disagree with the Council's proposal to amending its policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness every three years.

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- 3.23 The RTA agree with the Council's proposal to amend its policy and conditions for the licensing of hackney carriage and private hire vehicles to require vehicle proprietors to display stickers in their vehicles that provide information on how passengers can make complaints or pass on compliments. However the RTA suggest that such information should be included on the licence plates rather than on a separate sticker.
- 3.24 The RTA agree with the Council's proposal to publish a list on their website of all taxi owners / operators who can provide a vehicle that is capable of carrying a passenger who remains seated in their wheelchair.
- 3.25 The RTA make a number of other comments and suggestions in their submission, including that an independent inquiry must be carried out before any decision is made to change policies.
- 3.26 Members are asked to consider the responses received during the consultation and resolve which of the proposed amendments to the Council's Hackney Carriage and Private Hire Policies that they wish to take forwards.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 – Consultation Document
Appendix 2 – Summary of Consultation Survey Responses
Appendix 3 – Submission from Redditch Taxi Association

AUTHOR OF REPORT

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Improving Disabled People's Access to Redditch Taxi Fleets



A Consultation

BACKGROUND

Earlier this year a Task Group was established by the Council's Overview and Scrutiny Committee to conduct a short, sharp review with the aim of identifying actions that could be taken to improve taxi services delivered to customers with disabilities in the Borough.

The Task Group produced a report in April 2016, which made a number of recommendations. The overall aims of the Task Group's recommendations are:

- To help prevent the overcharging of disabled passengers for taxi journeys.
- To increase the number of licensed wheelchair accessible vehicles operating in the Borough
- To reduce passenger waiting time for wheelchair accessible vehicles.

The Task Group's report was considered by the Council's Licensing Committee in July 2016 and the recommendations in the report were agreed subject to consultation being carried out where required.

The purpose of this consultation is to seek views on those recommendations that would require the Council to amend its current hackney carriage and private hire licensing policies and conditions.

Responses to this consultation can be emailed to enquiries@worcsregservices.gov.uk using the subject line "Redditch Taxi Consultation."

Responses can also be submitted via the post to:

Redditch Taxi Consultation
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
Kidderminster
Worcestershire
DY11 7WF

The consultation will be open for responses until **31 December 2016**. All responses received during the consultation period will be considered by the Licensing Committee before any decisions are taken about which, if any, of the proposals will be implemented.

CONSULTATION QUESTIONS

Redditch Borough Council is considering relaxing its policy on the licensing of vehicles as hackney carriages so that instead of additional hackney carriages having to be "brand new" wheelchair accessible vehicles, they can be wheelchair accessible vehicles that are up to six years of age.

Please note that in this context a "wheelchair accessible vehicle" means a vehicle capable of carrying a wheelchair user whilst they remain seated in their wheelchair.

Do you agree with this proposal?

YES ☐

NO ☐

Please provide reasons for your answer above.

Redditch Borough Council is considering amending it's policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness every three years.

Do you agree with this proposal?

YES ☐

NO ☐

Please provide reasons for your answer above.

Redditch Borough Council is considering amending it's policy and conditions for the licensing of hackney carriage and private hire vehicles to require vehicle proprietors to display stickers in their vehicles that provide information on how passengers can make complaints or pass on compliments.

Do you agree with this proposal?

YES ☐

NO ☐

Please provide reasons for your answer above.

Redditch Borough Council is considering publishing a list on their website of all taxi owners / operators who can provide a vehicle that is capable of carrying a passenger who remains seated in their wheelchair.

Do you agree with this proposal?

YES ☐

NO ☐

Please provide reasons for your answer above.

Do you have any other proposals that you think the Council should consider to improve access for disabled people to hackney carriage and private hire services? If so, please list them here:

Improving Disabled People's Access to Redditch Taxi Fleets

Survey Responses

Redditch Borough Council is considering relaxing its policy on the licensing of vehicles as hackney carriages so that instead of additional hackney carriages having to be "brand new" wheelchair accessible vehicles, they can be wheelchair accessible vehicles that are up to six years of age.

Please note that in this context a "wheelchair accessible vehicle" means a vehicle capable of carrying a wheelchair user whilst they remain seated in their wheelchair.

Do you agree with this proposal?

Yes - 15 (68%)

No - 7 (32%)

Other Comments Received in Relation to this Question

Although I agree that there should be more wheelchair accessible hackney carriages in the Borough, I don't feel the quality of the vehicles should be compromised by allowing vehicles to be up to six years old.

As long as they are we'll maintained regularly and spot checks done

Yes, as long as it is safe, and has been properly adapted - AND CHECKED/approved etc.

who cares how old it is if its safe clean and usable!?

This will make it more affordable for drivers to purchase and license a wheelchair accessible taxi

Otherwise the situation is restricted - it is necessary to encourage the greatest possible number of taxis available

I believe that the vehicle does not have to be a brand new taxi, as long as it has gone through all the stringent tests that RBC taxi licensing ask of all their taxis. Also buying a wheelchair access vehicle brand new would be too expensive for most of the taxi firms, which is one reason why we do not have many of them.

As long it is maintained and fit for purpose the age should not be restrictive

There is no substantial difference in use or safety of a WAV over the rest of the fleet.

As long as the vehicle has regular services of the vehicle and ramps etc to ensure that the vehicle is safe for use then I feel a taxi can be used up to 6 years old.

Access to services under the Equality Act 2010 should be for everyone and not just for the able bodied.

Disabled people have a very limited social life – the lack of transport extends their social exclusion

Disabled people should be given the same opportunities as their peers without transport this is extremely difficult

With the services at the Alexander Hospital being moved to Worcester disabled people are going to struggle to attend appointments due to mis matched bus services and also the limitation of available positions for wheelchair users

Employment opportunity for disabled people are already limited with accessible transport disabled people would be able to venture out of county

Accessible transport would increase freedom of independence which is often lacking in the majority of disabled peoples lives

It makes good business sense and there is definatly a niche in the market to extend taxi services considering how many disabled people there are within our county

The spending power of disabled people within the county would benefit hundreds of business including the taxi provision themselves, if they had accessible transport.

I agree as it is giving more flexibility to disabled people with wheelchairs.

There are too many old bangers used as taxi/private hire. Many of these vehicles have in excess of 300,000 miles and should not be used for this purpose only new cars and buses should be allowed for this purpose. It would be a good idea to restrict mileage on vehicles also operators should supply service details many of the companies do not even service a vehicle until it breaks down.

Because we can buying cheaper 6 years old hackney taxi is cheaper so all the drivers can buying. I cannot afford a new one.

Because buying a six year old hackney carriage is cheaper so all the drivers can buying hackney taxi. I cannot afford a new one.

I cannot afford a brand new taxi with disabled access.

Because I am a dual badge taxi driver in Redditch but I cannot afford a brand new hackney vehicle. I will buy a hackney vehicle if is 6 years old so it will help the disabled customer to reduce the waiting time to get a disabled access vehicle.

What happened to those vehicles which were given out to people for this very purpose. I think there were at least four licences. I also think that this is a private hire matter unless there is a survey carried out on each taxi rank.

The taxi trade is already overcrowded with licensed hackney and private hire vehicles. How will you accommodate additional hackney carriages i.e. ranks/stands and adaptations to existing ranks so they are wheelchair friendly. Have not seen any evidence to back the Councils claim that more wheelchair access hackney carriages are needed. For example no proof of any independent survey being done. The Council has also not considered the fact that this will open the gateway for drivers easily obtaining a hackney carriage licence in Redditch and using the loophole to go and work in other Boroughs out of Redditch. There is no legislation to restrict this practice to make sure all Redditch hackney carriage licences issued remain in the Redditch Borough.

Refer to Redditch Taxi Association Letter

Too many taxis in Redditch, not enough demand for this type of vehicle. Cross-border loophole will open up

There is no demand for any more. Before any policy change I would like to see a report or an independent survey completed to back such changes. There are already sufficient amount of wheelchair cars in Redditch this will produce more overcrowding on existing ranks that are designed to accommodate such vehicles.

Redditch Borough Council is considering amending it's policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness every three years.

Do you agree with this proposal?

Yes - 13 (59%)

No - 9 (41%)

Other Comments Received in Relation to this Question

I see more and more hackney carriage/private hire licence holders driving to very poor standards and with sub standard vehicles. Refresher training in driving standards every 3 years would, hopefully, raise the standard of driving and impress upon them the importance of having a well maintained and road worthy vehicle.

I have also been advised by wheelchair users that some companies within the Borough do not use the required restraints when fixing their wheelchair in their vehicles. Additional refresher training in disability awareness would promote a great understanding of how to interact with disabled passengers and ensure their wheelchairs are securely restrained.

I am also under the impression that a number of Redditch companies have purchased wheelchair accessible vehicles but do not readily take wheelchair passengers due to the additional time it takes to load and unload them. I believe they have only purchased these specialist vehicles in order to take advantage of the extended period they are allowed to keep the vehicles as licensed hackney carriages, as opposed to standard non-wheelchair accessible vehicles.

Everyone's needs updated training regularly for health & safety reasons

Definitely must be compulsory. The standard of driving should be better, and the driver should end up having a greater degree of empathy. One thing that should also be seriously considered AND PROMOTED is that drivers of taxis who have passed the advanced driving test - set by the Institute of Advanced Motorists - should be officially recognised etc. And if all the registered drivers of a taxi firm have passed the IAM test then that taxi firm must get special recognition.

yes absolutely, most able bodied drivers have no clue about any kind of disability

and some especially council licenced are racist and dangerous, and I have had personal incidents with drivers who should not have been behind the wheel.
Over time everyone forgets what they learned on a course. Refreshers seem a very good idea.
As long as it isn't too onerous
I believe that every taxi driver should have a refresher course as they get into bad habits, and it does not hurt to remind them about the standards that are expected of our drivers. As a disabled person who is ambulant and walks with crutches it is a lot to be desired at the moment.
It is crucial to understand the needs of disabled passengers to complete their journeys safely and securely
All professions require updated training. Training becomes less effective and relevant over time.
Drivers need to be made aware of disabilities and what each disabled person may need in regarding assistance in and onto/off the vehicle.
<p>All clients must feel safe and secure when travelling on public transport. Without training drivers would not know how to approach the disabled person and support their needs.</p> <p>Drivers must be aware of working dogs and the legislation assigned to carrying a working dog such as those for visually impaired people and wheelchair users.</p> <p>It makes good business sense to enhance customer satisfaction</p> <p>Disabled people travel differently to able people i.e taking corners at the correct speed, being helped to fit their seat belts, being clamped in correctly</p> <p>The vulnerability of disabled people can expose them to areas of danger that they themselves may not be aware of.</p>
I agree as the Council is giving training to people to help with assistance to wheelchair people
Many drivers in Redditch do not have full command of the English language this should not be allowed.
All the drivers already pass the taxi test and are well trained.
All the drivers already pass the taxi test and are well trained.
Every driver is very well trained and already undertook the taxi test.
Most of the drivers already know about disability awareness. As I am a taxi driver for more than 5 years.

If the Council is willing to pay then yes, otherwise no. Simply Council Officers don't pay out of their own pockets for any of their training or courses. Charge new drivers only.

I would like to see evidence that supports the need to make such amendments to policy i.e. complaints etc. If anything considering the time a driver spends on the road on a daily basis, driving skills, reflexes, judgement calls etc are much better and natural than an average driver who drives to and from work. However if the Council still considers this amendment, as I feel it is a gimmick to generate yet again more finances from the taxi trade, I would agree only on the basis that there was no costs involved. As for disability awareness the last time we completed such a course we had to pay for it, again generating more revenue but did not receive any documentation that such training was completed.

Refer to Redditch Taxi Association Letter.

Most of the drivers do a great job without extra training. New drivers must do extra tests initially when applying. Where is my certificate from disability test?

No due to the fact drivers who are existing drivers have many years of experience and are some of the best and experienced in the Borough. However they should make more rigid and intense training for any new applicants as some of them should not hold a hackney or private hire licence.

Redditch Borough Council is considering amending its policy and conditions for the licensing of hackney carriage and private hire vehicles to require vehicle proprietors to display stickers in their vehicles that provide information on how passengers can make complaints or pass on compliments.

Do you agree with this proposal?

Yes - 19 (90%)

No - 2 (10%)

Other Comments Received in Relation to this Question

I think this would be very useful. However, I would question whether Redditch Borough Council have sufficient manpower to deal with these due to the ongoing cut-backs to staffing levels.

So the public can view the details clearly.

And ensure the sticker is LARGE and of an approved/standard design - with large font, and it must be put in a prominent position etc.

because they treat you like its your fault when they have been rude or dangerous and you end up injured. and if you ring the office they say they don't know who picked you up.

This will make it easier for the public to report issues to the council.

This is a basic requirement and avoids the person having to ask the driver if it is a complaint.

This would help on both sides as if you have received exceptional treatment from a taxi driver (not normal treatment which they should be doing) you can give a compliment the same way as you can complain about a driver.

If the vehicle is licensed then there should be a complaint process and information where you can make that complaint or compliment.

What is the point of compliments? What would you do with the compliments? If they were used in anyway to influence or effect the outcome of enforcement you would be in breach of existing legislation. The compliments aspect is concerning and sets a negative precedent in taxi licensing law. This aspect is likely to be judicially reviewed and is more about appeasing drivers than improving standards.

Saves the passenger the time and hassle of having to make phone calls to find out who they need to really speak to when there is a problem.

You can not access a service unless you know how to access it.
This allows passengers to understand a driver is following code of conduct set out to him and they have information available to see where they can get in touch which helps the communication between passengers and driver.
As I have said before, many proprietors have old transport cars and buses with very high mileage and due to lack of English do not give a good service to customers.
Already there is a sticker with the taxi number displayed. We don't mind.
Already there is a sticker with the taxi number displayed. We don't mind if this is changed.
Already there is a sticker with the taxi number displayed. We don't mind if this is changed.
Because there is already a vehicle plate number is stick in the inside of the windscreen. And also we taxi driver always should wear badge so everybody can read over identity and badge number.
Depending on size of stickers. Also private hire should have "pre-booked" stickers like other towns and cities.
Because majority of customers if they have complaints or issues will either contact the operator they booked the taxi directly or in serious issues contact the police or Council anyway. However if the Council feel there is a need, why not alter the licence plates and include a contact number like some Boroughs rather than waste more money on stickers. However I strongly feel before actually implementing any changes, the Council should set up an independant complaints line for drivers who have issues with licensing i.e. badge renewals, suspensions, plate renewals and enforcement issues.
Refer to Redditch Taxi Association Letter.
I agree but more staff is required - who will pay? Who will pay for stickers? Recommend do it on red or green plates. Tell customers through newspapers on how to complain.
Rather than display stickers on the dashboard, the information should be included on the rear plates and on the interior licence sticker.

Redditch Borough Council is considering publishing a list on their website of all taxi owners / operators who can provide a vehicle that is capable of carrying a passenger who remains seated in their wheelchair.

Do you agree with this proposal?

Yes - 21 (100%)

No - 0 (0%)

Other Comments Received in Relation to this Question

I would welcome this. However, detail regarding whether they have split ramps and high headroom would also be useful as different wheelchairs have different transportation needs.

It will give people confidence and reassurance to know they can trust the recommendations.

Obvious, and make it easy to find on the RBC website. [The search facility on the RBC website isn't very good.]

helpful as you don't know who you can call unless you personally know a driver who has a suitable car a list of companies who will put a chair in the boot without complaint or extra charge would also help.

This will make it easier to know who to call.

Again this is an obvious thing to do with so much usage of the internet and in the interests of providing a comprehensive service for users.

Yes as otherwise you have to phone round different taxi firms to see if they take wheelchair access vehicles.

Usually you have to call each firm to see if they have a suitable vehicle and if it is available.

It helps people access the appropriate service for them.

I have tried to look on the website for such information now that I have to use an electric wheelchair and there is no information at all so far of which taxi companies do provide wheelchair accessible taxis.

You can not access a service unless you know how to access it.

I agree to helping to work alongside people to be able to achieve a goal and having vehicles available for wheelchair users so they can go shopping, visit family,

appointments, etc at comfort and service.
Good idea.
It will be easier for the customers.
It will be easier for customers to book a disabled vehicle.
It will be easier for customers to book a disabled vehicle.
That will be easy for the disabled people to ring the right operator without wasting their time.
No objections at all.
Good idea to make it fair change P/H policy where operators need to stop discriminating on price. It will be good for customers to know who or how to book.

Do you have any other proposals that you think the Council should consider to improve access for disabled people to hackney carriage and private hire services?

I think the Council should ensure that disabled people are aware of the small number of wheelchair accessible vehicles that are available within the Borough and that many of these vehicles are multi-purpose so can be used as standard hackney carriages/private hire vehicles. This would help them understand that they are not as freely available in Redditch as they are in cities such as Birmingham or London. Unfortunately this results in wheelchair taxis need to be booked, in many cases, in advance, to ensure that the correct vehicle arrives.

General point, like the City of Oxford taxi tariffs, plus many other local authorities, all the taxi tariffs in Worcestershire must be in metric units, not the price per mile, the tariff meter should be set to kilometres. The published price of fares to show £ /km.

list of companies with chair adapted vehicles. list of companies who will put a chair in the boot, or carry service dogs without extra charge or moaning, list of companies whose drivers are willing to help carry goods to the door for you if you really can't, carry it a way to make sure you can complain if something happens and will be listened to drivers and cars more regularly checked for standards set rules about what they can charge so its not different with every driver as often happens. make cars easier to identify AS taxi, the company I use are great they text you telling you what car they sent, but its not always easy to identify car types in the dark at night... or a car type you have never seen before...

The council could make it mandatory for all its taxis to be wheelchair accessible taxis like they have in other towns around the country.

At the moment if a wheelchair disabled person requires a taxi, the taxi firms I have consulted on say that 48 hours notice has to be given. This is not acceptable as I feel that this is discrimination to the disabled person. How do you know if you might need a taxi for an emergency and there is no other way of getting there!

Bring down the price. I have used the only taxi company I could find to go out when I needed to. It cost me £24 for a return to my visit my sister who lives less than 3 miles from me. This is something I can't afford being a single disabled parent on benefits. Outrageous cost. In a normal taxi it would cost me £6 return to visit my sister and as I can no longer use a normal taxi £24 is not what I am willing to pay so I haven't used the service since and now I feel isolated and feel as though I will never be able to visit family and friends again.

I think when it comes to wheelchair users it is very difficult for me to say how I am going to know whats best for them as they are in a wheelchair permanently, working to help towards to achieve that goal and having training as well sounds like it will

help me to improve that service.
I do not understand how some drivers get a private hire licence when they cannot speak English. It says in the manifesto that all drivers should have a good understanding of English. Many do not.
Drivers who get dual badge council can offer to put the vehicle which is at least 6 years old (like Peugeot Partner) so then will be more disabled access vehicle will come on the road which will improve service to provide a disabled access vehicle to disabled people.
My proposal would be based on first hand knowledge of the taxi trade as I have been a driver for over 12 years. Over this period of time I have never experienced an issue with disability because literally all wheelchairs are foldable and customer is able to get into a normal saloon car. I feel to improve wheelchair friendly access the Council should consider making changes to how licences for private hire vehicles are issued. For example make it compulsory for anyone wanting a private hire vehicle licence will only be issued one if the car is a 6 year old wheelchair vehicle. And change policy so they cannot charge extra for this service. As at the moment in the last 24 months a lot of private hire licences have been issued both vehicle and driver that could have potentially been wheelchair friendly. Also there is no policy or enforcement in place to stop operators for charging extra for wheelchairs. Also give the Dial-a-Ride contract to a taxi operator with the vehicles as they would do a better and regular service.
Refer to Redditch Taxi Association Letter.
Restrict what private hire operators charge if wheelchair cars are used. Any other questions please contact Redditch Taxi Association.

Redditch Taxi Association

65 Oakly Road

Redditch

B974EF

Dear Dave,

The RTA over the past few months have been speaking to the members regarding the consultation on Improving Disabled Peoples Access to Redditch Taxi Fleets. The response has been overwhelming from both Hackney and Private Hire Drivers.

The attached letter details on how the drivers feel about this consultation. Many drivers have not received the consultation letter therefore we have included a list of the drivers who have raised their concerns.

Regards

Redditch Taxi Association

In response to the report that was issued by the Task Group on improving disabled people's access to Redditch taxi fleets, the Redditch Taxi Association (RTA) and its members have agreed that changes are required but many taxi drivers have raised concerns on some of the recommendations made in this report.

The following letter will highlight what the concerns are, and are willing to put some recommendations forward to make sure that both the drivers and the disabled customer needs are met in an amicable manner.

The drivers have asked for an independent and more in-depth inquiry into what is being proposed and would be very grateful if this is carried out before any decision is made.

Many taxi drivers in the borough have been working with the public for over three decades, many of those drivers believe the demand for wheelchair accessible vehicles (WAVS) is already being met by private operators. Those customers whom require a WAV generally pre-book their taxi for a return journey at agreed times and price with their provider. Those that would come on to the taxi rank usually have foldable wheelchairs and can easily sit in the car with reasonable assistance from the driver.

Hackney members feel that this consultation is only targeted towards them. Redditch Borough Council (RBC) Licensing has made the private hire licence a free for all. The drivers believe that many of the issues and problems the customer faces are a result of licensing not following their own guidelines in recruitment of drivers. One of the recommendations that operators improve driver standards. From the offset when a driver is being issued a licence, the licensing team should follow the requirements tick list. Rather than passing on the book to operators and drivers the licensing team, employed to do this need to make sure standards are met.

The recommendation made by the Task Group to increase the number of licensed WAVS operating in the borough by relaxing its policy of vehicles as hackney carriages has many implications on the trade as a whole. From the research carried out we have found there are already too many hackney carriages for what the Taxi Ranks can cater for, which has already resulted in over parking. Cross-border working due to legal loopholes.

The ranks are not equipped for certain types of WAVS which will mean that the Ranks will have to be made more user friendly. One problem we have found with the Bus station rank is that if a WAV is parked in the middle of the rank and a customer requires this particular vehicle, there is no way of getting around unless all vehicles are made to leave the rank.

The rank configurations would come at a cost which should be considered especially when the current feeder rank situation is still being questioned and has not been sorted.

The report has not considered that by relaxing or changing the policy on the age may open a gateway for drivers to obtain a hackney carriage licence in the borough and then use a legal loophole to go and work cross- borders. There is no legislation to restrict this practice to make sure all hackney carriage licensed vehicles remain in the borough.

Members have suggested that a change in policy for any new private hire licences should have a compulsory requirement of WAV.

Changing the policy from allowing a brand new WAV to one that can be up to six years of age. This in the report states that considerable savings can be made to the driver. These vehicles usually tend to be high mileage thus requiring more maintenance for wear and tear, giving far less fuel economy and some are adapted only to carry a single occupant alongside the wheelchair user. The side loading black cab style vehicle even at six years of age is an expensive option as these tend to be ex taxis in other counties and also come with high mileage and usually are coming to the end of their life span.

The current WAV operators in the borough have a modern and adequate fleet of vehicles, who cater for all types of wheelchairs. The supply for WAVS surpasses the demand for the borough, as many operators have to rely on regular contracts to make these vehicles financially viable.

The report states that "a disabled customer was unable to get home after their shopping trip" which prompted this short and fast review. A question drivers are asking is how did this customer get there?, why is it when a taxi is required it is expected there and then and if you book a taxi operated and funded by the council you have to wait upto a week?

When the customer did require a WAV they were told one was not available for a period of time due to prior commitments. Yet Dial a Ride which was praised in the report, a service funded by the council will make customers book in advance for the journey required. A service that only operates limited hours and days. Some members have suggested that the dial a ride contract be given to a local operator, at a subsidised cost which may lead to a more regular and cost effective service.

Redditch Borough Councils consideration of requiring hackney carriage drivers to undertake refresher training in driving standards and disability awareness every three years has unanimously been rejected by the drivers. The amount of private hire licences being issued has seen a decrease in driver earnings over the last few years. Who will cover the cost of such training and courses? Our proposal would be, any new drivers joining the taxi trade Hackney Carriage or Private Hire must undertake a DSA test as well as a disability awareness test before their license is issued. Majority of Redditch drivers have been working in the trade helping people from all groups without any problems or major concerns.

The consideration of stickers in taxis for passengers to make complaints and compliments is a good idea. Our recommendation would be to have this information on the plates inside and outside of the car, this will save on the cost of having the stickers made. Drivers are also concerned whether there will be a specialist department with more employees? And if so how will these costs be covered?

When a complaint is made, there must be sufficient and reasonable evidence of any complaints made before the driver has been summoned to the committee.

Drivers are in agreement that a disabled passenger must be charged the same as all customers. Changes to policy are required so that this can be achieved and be fair to all. The drivers have made it clear that any licensed driver, who refuses to carry a passenger with a disability without reasonable exemptions, should be given penalties or even a ban.

The recommendation of advertising WAVS through the internet is a good idea and would make it easier for the user to access this service. It will also save on costs when upgrades are needed, compared to other types of media.

In conclusion the drivers believe some changes are required. An independent inquiry must be carried out before a decision is made. Changes to private hire policy must be looked into, which may include the fairness in price for disabled passengers. The improvements that can be made in initial recruitment of drivers by the licensing team.

We would be very grateful that the council or committee do not issue any WAV a licence on what is being suggested in the report during the consultation period or until a final decision is made regarding this matter.

Any issues in this letter you may want to discuss with the RTA please do not hesitate in contacting us.

Regards

Redditch Taxi Association

RTA

(Redditch Taxi Association)

Representing hackney carriage and private hire drivers for Redditch borough council

Members list:

NAME	BADGE NUM	BADGE TYPE	LICENCE NUM	LICENCE TYPE	CONTACT
M. BASHIR					
AKSALI	265	HACKNEY	57	H.C	
S. AKHTAR	203	HACKNEY	4	H.C	
M. NAWAZ KHAN	59	HACKNEY	197	H.C	
M. T. ZUB	111	HACKNEY	190	H.C	
T. NADEEM	155	HACKNEY	223	H.C	
N. ARIF	35	DUAL	22	H.C	
M. ASHFAQ	54	HACKNEY	54	H.C	
N. AKHTAR	260	HACKNEY	143	H.C	
B. SHAHZAD	456	HACKNEY	159	H.C	
QAMSEL NIKHIL	375	HACKNEY	46	H.C	
M. Jamil	439	HACKNEY	41	H.C	
SABIR	64	HACKNEY	26	H.C	
M. AYAZ	215	HACKNEY	84	H.C	
S. ALFAR	10	HACKNEY	220	H.C	
M. S. Ishaq	265	HACKNEY	120	H.C	
R. NAWAZ	18	HACKNEY	14	H.C	
M. ARBAS	370	PRIVATE		PH	
A. MAHMOOD	365	HACKNEY/PRIVATE		H.C / PH	
A. HUSSAIN	94	P.H	226	P.H	
AAMIR	161	HACK	59	HACK	
M. ALI	21	HACK	19	HACK	
S.H. SHAH	119	HACKNEY	68	HACKNEY	
N. ARIF	259	HACK	8	HACK	
N. TALIB	331	HACK	177	HACK	
M. AKHTAR	168	HACK	149	HACK	
M. Aftab	349	HACK	178	HACK	
S. Noor	209	HACK	33	H.C	
N. HUSSAIN	100	HACK	2	HACK	
A. MAHMOOD	204	HACK/PRIVATE	103	PRIVATE	

Members list:[illegible]

RTA

(Redditch Taxi Association)

Representing hackney carriage and private hire drivers for Redditch borough council

Members list:

[illegible]

RTA

(Redditch Taxi Association)

Representing hackney carriage and private hire drivers for Redditch borough council

Members list:

NAME	BADGE NUM	BADGE TYPE	LICENCE NUM	LICENCE TYPE	CONTACT
M. RIAZ	188	Hackney	123	H.C	
M. Ashfaq	13	Hackney	47	H.C	
R.B. SHARIN	276	Hackney	171	H.C	
ABID R	286	69	69	H.C	
I. HUSSAIN	280	Hackney	158	H.C	
I. MAHMOOD	288	HACKNEY	51	H.C	
M. JAHANGIR	166	HACKNEY	116	H.C	
L. DRUSON	301	Hackney	129	H.C	
Sajidulhaq	5	Hackney	35	H.C	
P. AKHTAR	58	Hackney	17	H.C	
M. JAWED	172	H.C	77	H.C	
M. TIAZ	17	H.C	29	H.C	
N. ASGHAR	38	H.C	213	H.C	
M. TANVEER	171	H.C	144	H.C	
P. AKHTAR	28	H.C	28	H.C	
A. IQBAL	77	H.C	63	H.C	
M. ZAHID	118	H.C	73	H.C	
G. ARAB	195	H.C	113	H.C	
S. AHMED	151	H.C	118	H.C	
Z. IQBAL	114	H.C	116	H.C	
A. KILAN	106	H.C	173	H.C	
TAKHTAR	325	H.C	218	H.C	
I.A.			212	H.C	
N. K. J	132	H.C	107	H.C	
Nasim	228	H.C	11	H	
M. B. MALIK	297	H.C	163	H.C	
K. NAWAZ	307	H.C	137	H.C	
FARRUKH	164	H.C	161	H.C	
Glenzong	251		251		
Imran Akhtar	43	DUAL	12	H/C	

**LICENSING
COMMITTEE**6th March 2017**FURTHER CONSIDERATION OF A PENALTY POINT SCHEME FOR
HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE HOLDERS**

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Licensing Committee are asked to give further consideration to implementing a penalty points scheme for hackney carriage and private hire licence holders to help deal with minor offences and acts of non-compliance with licensing requirements.

2. RECOMMENDATIONS

That Members consider the contents of this report and RESOLVE whether or not to direct officers to take steps to implement the penalty points scheme for hackney carriage and private hire licence holders shown at Appendix 1.

3. KEY ISSUES**Financial Implications**

- 3.1 Any costs associated with implementing a penalty points scheme for hackney carriage and private hire licence holders would be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Many authorities across the UK operate penalty point schemes and there have been a number of legal challenges to same. In order to avoid such challenges being successful it is necessary to have a mechanism in place to allow for appeals against the imposition of penalty points, and to ensure that any decision in respect of whether or not to revoke a licence, once the maximum number of permissible points has been reached, is taken at the appropriate level based on the merits of each individual case.

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Service / Operational Implications

- 3.3 The holders of hackney carriage and private hire licences issued by the Council are subject to a number of legal requirements and licence conditions which govern how they carry out their businesses.
- 3.4 Worcestershire Regulatory Services, acting on behalf of the Council, is responsible for ensuring licence holders comply with these requirements and for taking appropriate action to deal with any licence holders who commit offences or fail to comply with their requirements.
- 3.5 There are currently a number of various options available to officers when dealing with offences or acts of non-compliance, which can be summarised as follows:
- Verbal warnings
 - Written warnings
 - Formal cautions
 - Prosecution
 - Referral to Licensing Sub-Committee
- 3.6 The way in which offences and acts of non-compliance are dealt with by officers will depend on the circumstances of each individual case and appropriate regard is had to the Regulator's Code and relevant enforcement policies.
- 3.7 Some local authorities have introduced an additional mechanism for dealing with minor offences and acts of non-compliance with hackney carriage and private hire licensing requirements in the form of penalty points schemes for their licence holders.
- 3.8 The basic principle of such a scheme, is that individuals that are found to have committed relatively minor offences or acts of non-compliance have a number of penalty points logged against their licensing records held by the authority.
- 3.9 If an individual accumulates a given number of penalty points, within a defined period, this triggers an automatic referral of the licence holder to a Licensing Sub-Committee where consideration is given to whether the individual remains a fit and proper person to hold the relevant licence.

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- 3.10 A penalty points scheme enables officers to deal quickly and efficiently with minor compliance issues and helps to identify those that are regularly not acting in compliance with their licensing requirements so that more serious action can be considered against these individuals in a targeted and proportionate way.
- 3.11 The introduction of a penalty points scheme would not affect the Council's ability to take formal enforcement action for any offence or act of non-compliance and every case will continue to be considered on its own merits.
- 3.12 For example, a penalty points scheme would not be an appropriate mechanism for dealing with serious offences or acts of non-compliance such as employing unlicensed drivers, driving without appropriate insurance or plying for hire in a private hire vehicle.
- 3.13 On 7th March 2016 a draft penalty point scheme for Redditch Borough Council was considered by the Licensing Committee and Members on approved the draft scheme for the purpose of consultation with licence holders and other relevant organisations. The draft scheme can be seen at **Appendix 1**.
- 3.14 The consultation exercise took place between 13th April 2016 and 10th June 2016. A consultation document was forwarded to all consultees along with a copy of the draft policy. The results of the consultation were considered by the Licensing Committee on 18th July 2016.
- 3.15 A large number of responses were received to the consultation from individuals licensed by the Council to drive hackney carriage and private hire vehicles and it was clear from the responses received that the vast majority of the licensed drivers responding to the consultation, opposed the introduction of a penalty points scheme.
- 3.16 At the conclusion of their consideration of this matter Members resolved that:
- the implementation of a Hackney Carriage and Private Hire Penalty Point Scheme, be deferred to allow further meetings and discussions with officers from Worcestershire Regulatory Services and representatives of the newly formed Redditch Taxi Association (RTA), in order to explain in more detail the aims of the scheme and how it would operate in practise; and

REDDITCH BOROUGH COUNCIL**LICENSING
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- that a further report, detailing the findings from officers at Worcestershire Regulatory Services, to establish, as detailed in the preamble above; the monitoring of the self-regulating scheme run by Redditch Taxi Association (RTA) with regard to complaints and non-compliance. The report to include detailed six monthly comparisons on the RTA self-regulating scheme to be presented to the Licensing Committee meeting on 6th March 2017.
- 3.17 A summary of the complaints recorded about hackney carriage and private hire vehicles, drivers and operators in Redditch between 1st February 2016 and 31st January 2017 is attached at **Appendix 2**.
- 3.18 This shows that between 1st February 2016 and 31st July 2016 there were 23 complaints recorded. Between 1st August 2016 and 31st January 2017 there were 18 complaints recorded. This reflects a reduction in recorded complaints of 21.7% since the end of July 2016.
- 3.19 This suggests that the efforts of the Taxi Association may be having a positive impact on the overall number of complaints being received. However complaints are still being received periodically about a number of issues including overcharging, poor driving standards and drivers being rude and abusive.
- 3.20 Some of the complaints received between 1st August 2016 and 31st January 2017 are about acts of non-compliance that could be dealt with under the proposed penalty points scheme.
- 3.21 Further discussions with representatives of the Redditch Taxi Association have confirmed that their members still remain opposed to the introduction of a penalty points scheme for licence holders.
- 3.22 In light of the above information, Members are asked to give further consideration to whether they wish to implement a penalty points scheme for hackney carriage and private hire licence holders to help deal with minor offences and acts of non-compliance with licensing requirements.

4. RISK MANAGEMENT

- 4.1 None

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5. APPENDICES

Appendix 1 – Draft Penalty Points Scheme

Appendix 2 – Details of Complaints Received 1st February 2016
to 31st January 2017**AUTHOR OF REPORT**Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory ServicesE Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799



REDDITCH BOROUGH COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SYSTEM

The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows:-

1. Redditch Borough Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation, byelaws or the requirements of this licence conditions are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued, there must be sufficient evidence to prove the relevant offence(s) or breach of condition(s).
3. Each case will be considered on its own merits.
4. When points are issued, the relevant proprietor, driver or operator will be sent written confirmation within five working days.
5. Points may be issued to the driver, proprietor and/or operator of a vehicle in accordance with the table below depending on the circumstances of the case.
6. Where the driver of the vehicle is also the proprietor and/or operator of the vehicle, only one set of points will be issued in respect of each offence or breach of condition identified.
7. There is a right of appeal to a Licensing Sub-Committee against any points that are issued. An administration fee must be paid to submit an appeal with this fee being refunded in full if the appeal is subsequently successful in having the points removed. If the appeal is unsuccessful the administration fee will not be refunded.
8. Points issued will remain "live" for a rolling period of two years from the date of issue. Points will be considered "spent" once it is more two years from the date of issue.

9. Any driver, proprietor or operator accumulating 12 points in a two year period will be referred to a Licensing Sub-Committee for a review of whether the individual remains a fit and proper person to hold the relevant licence.
10. When a driver, proprietor or operator appears before a Licensing Sub-Committee, the following options are available to the Sub-Committee:
 - Take no further action
 - Issue a written warning
 - Extend the two year period for which the points remain live
 - Suspend the licence
 - Revoke the licence
 - Any other action that the Sub-Committee feels appropriate in the circumstances of the case
11. Any driver appearing before a Licensing Sub-Committee will have the right to make representations to the Sub-Committee and be legally represented at the hearing.
12. Any driver, proprietor or operator who has their licence suspended or revoked by a Licensing Sub-Committee will have the right to appeal against the decision to a Magistrates Court within 21 days unless in the interests of public safety, the Sub-Committee further resolves that the suspension or revocation should have immediate effect.
13. Once a Licensing Sub-Committee has considered a case involving accumulated points, the points will be treated as spent unless the Sub-Committee decides otherwise.
14. If the Sub-Committee decides that any points are to remain live, they must stipulate the date at which they will be considered spent.
15. Nothing in this penalty points system will prevent the Council from taking action under any appropriate legislation.
16. The penalty points scheme will be subject to review two years after implementation and as necessary thereafter.

SCHEDULE – TARIFF OF POINTS ISSUED FOR OFFENCES / BREACHES

	Offence (s) / Breach of condition (s)	Points applicable	Vehicle Driver	Vehicle Proprietor	Operator (PH)
1	Failing to behave in a civil and orderly manner	4	X		
2	Failure to proceed to another hackney carriage stand on finding a hackney carriage stand full (over-ranking)	3	X		
3	Failing to wear drivers badge so it is plainly visible	3	X		
4	Failing to display vehicle licence plate on the outside rear of the vehicle	3	X	X	
5	Vehicle interior in unacceptable condition	3	X	X	
6	Vehicle exterior in unacceptable condition	3	X	X	
7	Failure to provide fire extinguisher	3	X	X	
8	Failure to provide adequate first aid kit	3	X	X	
9	Taximeter defective or not clearly visible	4	X	X	
10	Failing to afford reasonable assistance with loading and unloading luggage	3	X		
11	Failure to display table of fares	3	X	X	
12	Conveying more passengers in the vehicle than permitted by the licence	4	X		
13	Leaving hackney carriage unattended on a stand	3	X		
14	Charging more than the prescribed fare for a journey	4	X		
15	When hired to do so, failing to attend at the appointed time and place without reasonable cause	3	X	X	X
16	Failing to hand in property left in a licensed vehicle by a passenger	3	X	X	X
17	Failing to notify the Council of motoring or other convictions within 7 days	4	X	X	X
18	Failing to keep appropriate records of bookings	4			X
19	Failing to notify the Council of a change of name or address	3	X	X	X
20	Refusing a fare without reasonable cause	3	X		
21	Failing to report an accident to the Council within 72 hours	3	X	X	
22	Failing to produce insurance certificate to officer on request	4	X	X	
23	Failing to produce vehicle for inspection on request	4	X	X	
24	Failure to produce booking records upon request	4			X
25	Causing or permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand	4	X		
26	Unnecessarily prolonging a journey without reasonable cause	4	X		
27	Obstructing an authorised officer or constable	3	X	X	X

28	Failing to comply with a requirement properly made by an authorised officer or constable	3	X	X	X
29	Using vehicle horn otherwise than in accordance with the rule 112 of the Highway Code.	3	X		
30	Allowing smoking in a licensing vehicle	3	X		
31	Smoking in a licensed vehicle	3	X		
32	Parking a vehicle in an illegal or dangerous position	3	X		
33	Using a vehicle with defective lights	3 (per bulb)	X	X	
34	Using a vehicle with defective tyres	6 (per tyre)	X	X	

DRAFT

Redditch Taxi Complaints

1st February 2016 – 31st July 2016

	Received	Brief Description of Complaint
1	11.02.2016	Driver using mobile phone during journey
2	23.02.2016	Vehicle failed to arrive when booked to pick up a wheelchair user
3	25.02.2016	Allegation of use of unlicensed driver by an operator
4	02.03.2016	Inappropriate sounding of horn
5	15.03.2016	Inappropriate sounding of horn
6	16.03.2016	Poor driving standards
7	22.03.2016	Driver took picture and laughed at child with head stuck in railings
8	23.03.2016	Poor driving standards
9	24.03.2016	Licence plate not correctly displayed
10	26.04.2016	Rudeness and intimidation by driver
11	26.04.2016	Poor driving standards
12	03.05.2016	Poor driving standards
13	05.05.2016	Licence plate not correctly displayed
14	05.05.2016	Licence plate not correctly displayed
15	05.05.2016	Licence plate not correctly displayed
16	05.05.2016	Licence plate not correctly displayed
17	20.05.2016	Taxi driver urinating in a public area
18	23.05.2016	Taxi driver verbally abusive to other road user
19	13.06.2016	Overcharging allegation
20	23.06.2016	Taxi driver was "lippy"
21	23.06.2016	Poor driving standards and use of abusive language
22	11.07.2016	Driver reversed over shopping
23	14.07.2016	Licence plate not correctly displayed

Redditch Taxi Complaints

1 August 2016 – 31 January 2017

	Received	Brief Description of Complaint
1	03.08.2016	Driver failed to report having driving licence endorsed
2	10.08.2016	Poor driving standards
3	11.08.2016	Overcharging allegation
4	12.08.2016	Passenger injured getting into taxi
5	23.08.2016	Driver parking on double yellow lines outside a school
6	01.09.2016	Complaint about driver attitude - alleged racist language and threatening behaviour
7	08.09.2016	Licence plate not correctly displayed
8	27.09.2016	Poor driving standards
9	04.10.2016	Complaint that taxi meter was not used
10	05.10.2016	Vehicle failed to turn up when booked
11	05.10.2016	Complaint about inconsiderate parking in a residential area
12	19.10.2016	Poor driving standards
13	24.10.2016	Driver rude to a member of the public
14	10.11.2016	Overcharging allegation
15	09.12.2016	Driver threatening and abusive when not paid
16	29.12.2016	Allegation of use of unlicensed drivers by an operator
17	06.01.2017	Complaint about parking on double yellow lines and blocking pavement
18	30.01.2017	Driver refused to take a guide dog

**LICENSING
COMMITTEE****6th March 2017****LICENSING COMMITTEE WORK PROGRAMME 2016/17****6th March 2017**

Wheelchair Accessible Vehicles – Results of consultation on changes to policy proposed as a result of the work of the Overview & Scrutiny Committee Task Group on Improving Disabled People's Access to Redditch Taxi Fleet.

Further Consideration on the Introduction of a Penalty Points Scheme for Hackney Carriage and Private Hire Drivers. (To include information on the monitoring of the self-regulating scheme run by Redditch Taxi Association. Six monthly comparison to be included).

Further verbal update on the concerns raised at the Taxi Forum meeting held on 23rd August 2016, regards the issues at the taxi rank in the Kingfisher Centre.

To Be Allocated To Suitable Available Dates in 2017/2018

Review of Policy on the Relevance of Convictions for Hackney Carriage and Private Hire Drivers

Annual Report 2016/2017

Review of Street Trading Policy

