



WORTHING BOROUGH  
C O U N C I L

14 January 2022

**Worthing Licensing & Control Committee A & B**

<b>Date:</b>	<b>24 January 2022</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Council Chamber, Worthing Town Hall</b>

**Committee Membership:** Councillors Steve Wills (Chair), Charles James (Vice-Chairman), Mike Barrett, Henna Chowdhury, Dan Coxhill, Cathy Glynn-Davies, Margaret Howard, Kevin Jenkins, Sean McDonald, Richard Mulholland, Richard Nowak, Hazel Thorpe, John Turley, Nicola Waight and Rosey Whorlow

**Agenda**

**Part A**

**1. Declarations of Interest / Substitute Members**

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

**2. Confirmation of Minutes**

To approve the minutes of the Licensing and Control Committee A meeting of held on the 27 September 2021, the Licensing and Control Committee B meeting held on the 7 October 2021 and the Licensing and Control Committee B sub-Committee meetings of the 7 July 2021, 15 September 2021 and the 18 October 2021 copies of which have been previously circulated.

**3. Public Question Time**

To receive any questions from Members of the public in accordance with Standing Order 11.2

( Note: Public Question Time will operate for a maximum of 30 minutes.)

**4. Review of Taxi & Private Hire Handbook (Pages 1 - 216)**

To consider a report by the Interim Director for Communities, copy attached as item 4

**Licensing and Control Committee B Matters**

**5. Licensing Act 2005 - Statement of Licensing Gambling Act Policy (Pages 217 - 284)**

To consider a report by the Interim Director for Communities, copy attached as item 5

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
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**Duration of the Meeting:** Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



WORTHING BOROUGH  
COUNCIL

**Licensing Committee**

**24 January 2022**

**Ward: N/A**

## **Review of Taxi & Private Hire Handbook**

### **Report by the Director for Communities**

#### **1.0 Summary**

1.1 Members are invited to review the Hackney Carriage & Private Hire Licensing Handbook following a wide consultation exercise. Members are requested to consider the document and the representations received and any other appropriate amendments.

#### **2.0 Background**

2.1 The council issues licences subject to specific conditions that are placed on hackney carriage and private hire licences to ensure minimum standards and public safety. Public Safety being the authority's overriding concern.

2.2 Worthing Borough Council has operated with the current formal handbook since 2016 and a handbook is now seen as a common practice within all Local authorities. The content has been regularly updated to reflect legislation and good practice and this is a planned and general overview of the whole document.

2.3 The Handbook sets out the principles the Council will apply when carrying out its hackney carriage and private hire licensing functions. It acts as a guide to drivers, vehicle owners, operators, officers and councillors involved in the trade.

#### **3.0 Consultation**

3.1 From 1 September - 26 October 2021 The Taxi and Private Hire handbook has been the subject of an 8 week public and trade consultation exercise.

3.2 The exercise has received 56 representations from various stakeholders and trade.

3.3 As a result from the consultation period a representation instigated a further consultation to take place for 4 weeks with all Private Hire and Hackney Carriage drivers in the Borough of Worthing.

## 4. Representations

### 4.1 Representation Appendix A

Tinted window conditions

Remove this condition for these reasons

- Creates stress to licence holders
- All modern cars are now made with a heavy tint
- Impossible to find an acceptable car on the second hand car market
- Additional £1000 cost to replace the glazing
- Licensed drivers going to other authorities where tinted windows are allowed
- Tinted glazing reduces harmful rays improving passenger safety
- Tinted glazing reduces glare improving passenger comfort
- Tinted glazing reduces the temperature in the vehicle
- Tinted glazing reduces the use of air conditioning reducing harmful emissions
- Remove any set limit on tinted windows

### 4.2 Licensing Information & Response

Current Tinted Windows condition:

*A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the Council to do so.*

Tinted glass where fitted to a vehicle must be light enough to allow enforcement officers & the public to have clear view of the passengers and the light transmission of the glazing must meet the following criteria:

- Front windscreen at least 75% light transmission
- Front side door glass at least 70% light transmission
- All remaining glass at least 55% light transmission.

These transmissions can be measured using the Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application. Vehicles can be presented for an informal test with the tint meter at no cost by appointment.

4.3 It has always been of the opinion of the Police and Licensing Officers that it is vital to public safety that they and members of the public have a clear view into the passenger compartment of a licensed vehicle.

4.4 The current window tint measurement was approved by this committee in February 2019. The Committee took into account Sussex Police's representations regarding tinted windows. Prior to this condition being imposed, officers were given the discretion to determine if the level of tint on passenger windows restricted the view into the passenger compartment of the vehicle.

4.5 All new modern cars have some form of light tint as standard. Often referred to as Sundym glass, this light tinting meets the current conditions of licence. Heavier tinting to vehicle glazing has become more popular in recent years but is always an 'option' that is chosen at the ordering of a new vehicle (though sometimes a no-cost

option). The issue identified for the trade is the majority of proprietors rely on the second car market, therefore they do not have the control over the extras that have been applied to the vehicle when ordered from new. This sometimes reduces the selection of vehicles that are suitable to be licensed, at the price they want to pay.

- 4.6 Generally proprietors have sought advice from the Licensing Unit before purchasing new or replacement vehicles. Consequently, when advice has been sought vehicles are being replaced with vehicles that have glazing with acceptable tint measurements. Some proprietors have purchased vehicles without reference to the handbook or seeking officer's advice. However, this is rare and only 5 vehicles have been refused licence after being purchased and subsequently required the glazing to be replaced. Worthing currently issues 238 vehicle licences.
- 4.7 The cost of replacing a vehicle's glazing varies from £250 to £1000 depending on where the glazing is sourced and purchased. The reason for the price difference is often linked to which supplier the glazing is purchased from. The highest prices paid appear to be for glazing purchased directly from the vehicle manufacturer's main dealer but other sources, such as autoglazing companies, can be significantly cheaper.
- 4.8 The vast majority of licensed vehicle proprietors are self employed sole-traders, which gives them flexibility on which local Licensing Authority they choose to apply for a licence to. If a licence holder transfers to another local authority this can be for many and varied reasons. The licensing unit has no evidence to suggest that licence holders are choosing to licence with other authorities based on an authority's window tint conditions.
- 4.9 All modern vehicles have a tint to their windows, the difference is in the amount of light that is allowed into the vehicle on average a 18 - 30% tint and even clear window film or a light tint offers UV protection that can block out both damaging UVA and UVB rays.
- 4.10 The carbon content window tinting can block up to 40% of the infrared rays that can cause a vehicle to get too hot. Blocking infrared rays doesn't just reduce heat, it also prevents upholstery from fading. This can be achieved with a tint allowing 70 - 75% of light transmission into the vehicle.
- 4.11 Air conditioning unfortunately does contribute to global warming issues and the use of the air conditioning in extreme heat or while sitting idle in traffic is inevitable, high grade ceramic films can be installed even to the windshield that remain very clear but will reject up to 43% of the incoming heat to the cabin.
- 4.12 Tinted Window condition at 6.2 requires an amendment for clarity and should read
- All remaining glass to the seated passenger compartment(s) allow at least 55% light transmission
- 4.13 **Representation Appendix B**
- CCTV screens should be made compulsory as it is a visual deterrent to deter crime and the driver of the vehicle is aware that the CCTV is operating.
  - The expense of CCTV download should be paid for by the police or council when it is a general request or the driver is not at fault

- A nationwide database of revoked drivers to stop banned drivers from another authority being licensed by another authority

#### 4.14 **Licensing Information & Response**

Currently screens are allowed but they are optional, drivers that have the screens believe they are a deterrent as the passenger(s) can view what is being monitored and that the CCTV system is live and working.

4.15 It is the responsibility of the driver to ensure that the CCTV system is working and the licensing team has discovered when dealing with investigations for local authority or police, where equipment had either failed or data was corrupt, having a monitor in the vehicle is a simple and effective solution in order for the driver to remain compliant and to maintain public and driver protection.

4.16 The download of CCTV is only requested for the prevention or detection of crime, prosecution or apprehension of offenders or to protecting the vital interests of a person. and any personal data is collected only for these purposes in order to comply with the Data Protection Act 2018 and GDPR.

4.17 Currently the driver would have to go to the installing CCTV company for the download to be completed. The driver incurs costs for the time / travel and a fee to the company of approximately £15.

4.18 The licensing office has reviewed this process and will be bringing this process in house, new software will be required and training. This will reduce the financial burden to the licence holder.

4.19 An enhanced DBS is required and disclosure of any previous licences held is part of the application. A national register of taxi and private hire vehicle driver licence is in place for refusals and revocations and it is for the licensing authority's duty to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants.

#### 4.20 **Representation Appendix C**

Knowledge tests

- Knowledge test is too complex and PDA dispatch has google maps that shows the route
- Reducing the knowledge test will help the trade recruit new drivers

#### 4.21 **Licensing Information & Response**

The knowledge test is in place not only for topographical knowledge but also for the following: safeguarding, disability & equalities, customer service, places of interest, highway code, road signs, english and maths.

4.22 Not all companies operate with PDA systems, having a local knowledge test is essential to the service that our local companies deliver to their customers and visitors to the town.

4.23 A knowledge test is the most consistent way of training new drivers and our neighbouring authorities also have these systems in place and we have a local operator that supports this process by sponsoring new drivers into their company.

4.24 One of the biggest complaints received is the route taken or overcharging, relying on an app or sat nav may not always give the shortest route unless programmed correctly and a distraction to the driver relying on the sat nav screen.

#### 4.25 **Representation Appendix D**

Vehicle size

- Allow smaller vehicles as they will be cheaper to buy and not so expensive to run
- Allow 2 passenger vehicles which are ecologically friendly and cheaper to run

#### 4.26 **Licensing Information & Response**

Currently we allow vehicles with

- *The rear bench seat of the vehicle must be a minimum of 48 inches measured across its narrowest part of the bench seat; all other seats must measure 16 inches.*
- *The driver's seat is fully pushed back. There must be a gap of 7 inches between the front of the rear seat the back of the front seat*
- *The rear seat has a 34 inch gap in height from the lowest part of the seat pad to the roof.*

The size of vehicle is important for passenger comfort and safety, These measurements allow officers to assess if the vehicle is suitable for the number of passengers applied for and on the whole a standard family saloon will meet these requirements.

4.27 If an application was submitted for a vehicle with less than the standard number of 4 seats it would be considered.

#### 4.28 **Representation Appendix E**

Introduce an Intended use policy and conditions:

4.29 An intended Use policy does not allow a Hackney Carriage to predominantly work outside its licensed area.

- The vehicle must return to the licensed area
- Prevents the licensed area being deprived of vehicles
- The licensed vehicles service the streets and ranks they are licensed in
- The authority retains local control
- Prevents 'surge pricing'
- Prevents licensing conditions from being flaunted
- Lewes, Eastbourne, Mid-Sussex and Brighton & Hove have this policy

#### 4.30 **Licensing Information & Response**

Worthing Borough Council current licensing application questions:

- Do you intend the Hackney Carriage Vehicle to be used to ply for hire within the area of Worthing Borough.
- Do you intend that the Hackney Carriage / Private Hire vehicle will be used entirely or predominantly outside the district of Worthing Borough Council

The questions are asked to ensure the applicant is applying in the correct district and they intend to work predominantly in the district they are applying for.

- 4.31 Worthing Borough does not have a policy or condition beyond the questions asked and solely relies on the legislation, byelaws and conditions of licence in regards to compliance and regulation.
- 4.32 A policy would be supportive in the case of refusal and any further appeal against the council's decision.
- 4.33 The trade should be consulted on any consideration on changes to the conditions of licence and be given the opportunity to make representation to any suggestions.
- 4.34 Suggested licensing condition

*Hackney Carriage Intended Use Policy*

- *A hackney carriage vehicle licensed by one local authority may be used to fulfil pre-booked hirings in another licensing authority as well as on behalf of private hire operators licensed by another local authority.*
- *In order that the Council may retain local control and enforcement over the hackney carriages it licences and assist other licensing authorities with local control and enforcement, the proprietor of the vehicle will be asked as part of the application process as to which area the vehicle is intended to entirely or predominantly operate from for the purposes of fulfilling pre-booked hirings. It will be incumbent upon the proprietor of the vehicle to demonstrate to the Council's satisfaction that it is intended for the vehicle to undertake hirings predominantly within the licensing authority area.*
- *If the applicant indicates that the vehicle will not predominantly work within the licensing authority area the application will normally be refused or if found to be acting in such a way the vehicle licence may be revoked.*

**4.35 Representation Appendix F**

Sight Support Worthing & RNIB various representation and suggestions to support sight loss and disabled passengers travelling in Taxi and Private Hire licensed vehicles.

- Mandatory disability training for all Taxi and Private Hire drivers, Ensuring all drivers are aware of the law and the consequences for not complying with.
- Mandatory training every 2 years.
- Ensure all communications on or within the vehicle are accessible to people with sight loss.
- The vehicle plate number in a large heavily contrasted print on the rear doors and the back of the seats.
- CCTV Recording mandatory for every journey
- Minimum % of WAVs in the licensing policy and for no further licences to be issued until the minimum is met.

**4.36 Licensing Information & Response**

- Training is applied to all applicants and existing drivers to undertake Disability Awareness training every 3 years. If a complaint or investigation resulted in cause for concern or a breach in legislation the local authority has the powers to prosecute, suspend, revoke and or educate during this period.



- Vehicle plate numbers on the doors See appendix C at 4.17 to 4.19
- A review of signage may be a requirement. RNIB and other sight support agencies could evaluate the appropriateness of the current signage and advise if necessary.
- Headrest advertising is currently permitted in vehicles future consideration on advertising vehicle details to the passenger when travelling in the vehicle could be considered.
- CCTV recording is compulsory for every journey and every booking made through the licensed private hire operator call handler or booking app is recorded and will include all details of the journey including GPS map tracking.
- **Current CCTV conditions and specifications**  
The proprietor shall check the system for malfunction at least once a month and, if a repair or download is required, the vehicle may continue to be used provided any malfunction is rectified within 24 hours.
  - The equipment must be permanently wired to the vehicle power supply;
  - The equipment to have a clear serial or other unique identification number;
  - The equipment must not obstruct the driver's view of the road ahead;
  - The camera(s) must record both forward and rear facing images;
  - Images to be clear, date and time stamped, in colour and in high definition;
  - There must be no facility to view previously recorded images from within the vehicle;
  - The equipment must be tamper proof;
  - The equipment must have a built in battery backup;
  - There must be an auto record function whether by ignition switch turn, door opening, person motion sensor or vehicle in motion sensor and NOT just activated by the driver alone;
  - The equipment to have a minimum of 28 days image recording and storage capacity;

Unfortunately this condition and specification is not full proof. Police and Local authority officers have on more than 1 occasion been unable to obtain footage due to the CCTV not working to a sufficient standard where the footage has either been completely or partially lost, corrupted and or equipment tampered with, fuses removed or cables disconnected.

Additional specifications are required to eliminate the failure of CCTV equipment. An option for this committee to consider is for all licence holders to have a screen installed into their vehicle which will enable them to instantly know that the CCTV equipment is recording and consideration should also be made on the CCTV system being serviced annually.

- Wheelchair Accessible vehicles (WAV's) in Worthing Borough are at an all time low, the current policy was amended to address the decline. Currently all Hackney Carriage saloon vehicles if ownership was transferred then the vehicle would need to be changed to a WAV at the next renewal.
- Worthing conditions also allow rear loading vehicles which are less expensive to purchase.
- Worthing currently has 7 Hackney Carriage WAV's and 2 Private Hire WAV's In order to increase the fleets, alternative methods need to be sought and a consultation with the trade and stakeholders.
- An option may be to condition the Private hire operators that a % of their fleet has to be wheelchair accessible.

#### 4.37 **Representation Appendix G**

Guide dogs for the blind association representation

- Highlights the law
- Zero tolerance
- Medical exemption,
- Sample purchasing
- Disability equality training
- Disclosure and Barring service
- CCTV

#### 4.38 **Licensing Information & Response**

- The handbook document contains the Council's policy on procedures and standards relevant to the licensing of the Hackney Carriage & Private Hire trade within the borough of Worthing and is in accordance with the relevant legislation and best practice The drivers undertake Equality training that includes Equality Act 2010.
- Zero tolerance to offences. Officers follow Public Health & Regulation enforcement policy and work within the time parameters within the legislation.
- Medicals including exemptions are assessed by the council independent medical advisor, who advises the licensing team on any course of action or further assessments are required.
- Test (sample) purchasing is carried out if the local council receives a complaint or suspects that there is noncompliance with either the law or conditions of licence. Investigating any possible breaches of licensing legislation and taking the appropriate enforcement action to ensure compliance with that legislation and the terms of individual licences and permits.
- Training is applied to all applicants and existing drivers to undertake Disability Awareness training every 3 years. If a complaint or investigation resulted in cause for concern or a breach in legislation the local authority has the powers to prosecute, suspend, revoke and or educate during this period.
- Statutory standards July 2020 have been implemented by theWorthing council Licensing committee and incorporated DBS checks are carried out every 6 months.
- CCTV recording is compulsory for every journey and every booking made through the licensed private hire operator call handler or booking app is recorded and will include all details of the journey including GPS map tracking. The Information Commission Office does not allow compulsory sound, Worthing Council has a condition that assists this issue by allowing the driver to have an On Off button fitted within the vehicle.

#### 4.39 **Representation Appendix H**

Sompting Parish Council representation

- Add the name of any individual that is in contact with the booker
- Provision of a monthly register of all booking staff taking calls for an operator and any changes must be notified immediately
- All booking staff dispatching vehicles to provide a DBS check every 12 Months
- Passenger Carrying Vehicles and Public Service Vehicles not to be permitted under the Private Hire Vehicle operator licence.

#### 4.40 Licensing Information & Response

- The person making the booking is a condition of licence and must be recorded on the booking records and maintained by the licensed operator.
- The licensing office requires the operator as a condition of their licence to provide a monthly record of all staff that will take bookings or dispatch vehicles
- All staff that take bookings or dispatch vehicles must be DBS checked every 12 months.
- These items were previously addressed by the licensing committee and will be included in the updated version of the Taxi and Private Hire Handbook.
- Public service vehicles and Passenger carrying vehicle section at 8.16 and 8.17 in the Statutory Taxi and Private Hire update to the handbook required

#### 4.41 Representation Appendix I

The insight team representation

- More wheelchair accessible vehicles
- Allow wheelchair vehicles after 10 years old

#### 4.42 Licensing Information & Response

- Wheelchair Accessible vehicles (WAV's) in Worthing Borough are at an all time low, the current policy was amended to address the decline. Currently all Hackney Carriage saloon vehicles if ownership was transferred then the vehicle would need to be changed to a WAV at the next renewal.
- Worthing conditions also allow rear loading vehicles which are less expensive to purchase.
- Worthing currently has 7 Hackney Carriage WAV's and 2 Private Hire WAV's In order to increase the fleets, alternative methods need to be sought and a consultation with the trade and stakeholders.
- An option may be to condition the Private hire operators that a % of their fleet has to be wheelchair accessible.
- Age of vehicle condition is in place that allows the maximum age limit of 10 years may only be exceeded if the vehicle presented is in exceptional condition.

4.43 Any policies in place may be amended without a full review and or consultation for clarity and if legislation requires it.

4.44 Various amendments have been made to the handbook in accordance with, legislation, implementation of new standards or procedures with third parties, product availability and for clarification. The following amendments have taken place and are highlighted in blue

4.45 Appendix I at 2.4

Additional guidance on renewal of DVLA driving licence applications

It is the responsibility of the licence holder to ensure that the DVLA licence remains valid and any renewals to the DVLA are submitted before the expiry.

Applications online to the DVLA is the fastest way to apply for a renewal. Retain proof that application to renew an expiring or expired DVLA licence has been completed. Online applications will issue you with a unique code and by post obtain a receipt and proof of posting. Failure to renew may result in suspension of your licence.

- 4.46 Section 5 at 5.15 and Appendix I at 2.2  
Updated: The applicant must submit a completed DVLA driving licence [check code on application for checking on the DVLA website](#).
- 4.47 Appendix K at 3.13  
Additional condition from the Taxi and Private Hire Statutory Standards : [Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner’s Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.](#)
- 4.48 Appendix L Enforcement at 9.5  
Additional condition from the Taxi and Private Hire Statutory Standards [Using a hand-held device whilst driving Where an applicant has a conviction for using a held-hand mobile telephone or a hand- held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.](#)
- 4.49 The local authority will be responsible for mandatory checks on companies and sole traders applying for licences to either drive a taxi or private hire vehicle or operate a private hire business. The general description of this measure is called conditionality. These checks will be introduced from 4 April 2022 to check on tax registration for applications to renew
- Hackney Carriage (Taxi) driver licence
  - Private Hire driver licence
  - Operate a Private Hire business

The detail below will be included to the relevant sections of the handbook

First Applications

[First applicants will have to confirm they are aware of the guidance about their tax obligations.](#)

Renewal Applications

[An applicant who wishes to renew a licence will need to carry out a tax check. The licensing body Worthing Borough Council will have to obtain confirmation from HMRC that the applicant has completed the check.](#)

[If the applicant does not provide a valid tax check code their licence will expire on the date their licence expires or 28 days after the request date for their tax check code](#)

## **5.0 Proposals**

- 5.1 In light of the representations members are invited to make a decision as to whether the changes to the handbook are necessary and of extreme importance.
- 5.2 Approve all recommendations published in the Taxi and Private Hire Statutory Standards.

- 5.3 The changes are an attempt to formulate standards addressing
- Neighbouring consistent and fair approach with neighbouring authorities
  - Consideration to the National Disability Strategy (July 2021)
  - The Taxi and Private Hire standards (June 2021)
  - Assistance to the trade with clear guidance and understanding

## **6.0 Legal**

- 6.1 When determining licensing policies and applications, the principles of the Human Rights Act 1998 must be taken into consideration. The convention rights of both individuals and members of the public as a whole will be given due weight. The Act acknowledges that local authorities are entitled, amongst other things, to act where this is in the “general interest”.
- 6.2 Members must consider each licensing issue on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Local Government (Miscellaneous Provisions) Act 1976. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 6.3 All policies, guidance and applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 6.4 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all licensing matters. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and authorities particularly the Police.

## **7.0 Financial implications**

- 7.1 The costs in respect of officer time will be met from within the approved staffing budget and are covered by the relevant fee charged to the taxi trade.

## **8.0 Recommendation**

The Committee is asked to consider the representations received and information on the Hackney Carriage & Private Hire Handbook. Members are requested to make any necessary and compulsory amendments as guided by the DfT statutory standards or recommend any further amendments to the Taxi and Private Hire handbook that is used by the local industry, new applicants, council officers and members when considering Hackney Carriage & Private Hire Licensing matters and or to recommend further consultation for review at a future committee hearing.

Provide reasons for the decision.

**Tina Favier**  
**Interim Director for Communities**

**Contact Officer**

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**SUPPORTING DOCUMENTATION**

Taxi and Private Hire Handbook

Departments for Transports (DfT) Statutory Taxi and Private Hire Vehicle Standards

[National Disability Strategy July 2021](#)

Representations

Trade

Appendix A - Tinted Window condition

Appendix B - CCTV

Appendix C - Knowledge tests

Appendix D - Vehicle size

Appendix E - Intended use policy

Stakeholders

Appendix F - Sight support Worthing & RNIB

Appendix G - Guide Dogs UK

Appendix H - Sompting Parish Council

Appendix I - Insight team

## Schedule of Other Matters

### **1.0 Council Priority**

1.1 Licensing of taxi and private hire drivers is directly related to public safety issues.

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified.

### **3.0 Sustainability Issues**

3.1 Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses boosting the local economy.

### **4.0 Equality Issues**

4.1 There are no impact assessments associated with this report.  
The aim of any new policies would be to reduce the risk posed by licence holders to the travelling public, and to increase the confidence of the public that their taxi and Private hire drivers can be trusted.

### **5.0 Community Safety Issues (Section 17)**

5.1 The Council is committed to community safety.

### **6.0 Human Rights Issues**

6.1 All applicants have the right to expect that their application will be properly and fairly considered. The public have a right to expect the Council to protect them from improper persons being granted a licence.

### **7.0 Reputation**

7.1 The Committee must balance the rights of the trade against the potential risk to the Council's reputation if it should transpire that the wrong decision has been taken.

### **8.0 Consultations**

8.1 Matter considered and any further consultations will take place with taxi and private hire trade, public and representatives.

### **9.0 Risk Assessment**

9.1 Matter considered and no issues identified..

### **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified.

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

### **12.0 Partnership Working**

12.1 Matter considered and no issues identified.







WORTHING BOROUGH  
**C O U N C I L**

**Hackney Carriage & Private Hire  
Licensing Handbook**

13 February 2019

**2021 Handbook Review - Consultation Copy**

- 1. Executive Summary**
- 2. Definitions**
- 3. Introduction**
- 4. Vehicles - Hackney Carriages and Private Hire**
- 5. Drivers - Hackney Carriage and Private Hire**
- 6. Operators - Private Hire**
- 7. Disciplinary and Enforcement Measures  
Amendments & Additions**
  - **First Approved 26 September 2016**
  - **Appendix M approved 15 December 2016**
  - **Reviewed & Amended 13 February 2019**
  - **Highlighted in the document DfT Statutory Taxi and Private Hire Standards approved 28 June 2021 including points of clarification**

## Appendices

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## **1. Executive Summary**

- 1.1 This document contains the Council's policy on procedures and standards relevant to the licensing of the Hackney Carriage & Private Hire trade within the borough of Worthing.
- 1.2 In drafting this document, the Council has had regard to the Department for Transport Guidance and relevant legislation including the Equality Act 2010.

## 2. Definitions

Throughout this document:

- “the Council” or “the Authority” means Worthing Borough Council
- **Authorised Officer**” means an officer of the Licensing Authority authorised to administer the licensing function under the 1847 Act and 1976 Act
- “Driver” or “Licensed Driver” means drivers of Hackney Carriage or Private Hire vehicles, unless the context indicates otherwise.
- “Vehicle” or “Licensed Vehicle” means all vehicles in Hackney Carriage & Private Hire.
- “Hackney Carriage” means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.
- “Private Hire vehicle” means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward with the services of a driver.
- “Private Hire operator” means a person who in the course of business makes provision for the invitation or acceptance of bookings for Private Hire vehicles.
- “DfT” means the Department for Transport, including previous names under which that Department has been known.
- “DfT Guidance” means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010.
- “The Committee” will mean the Licensing Committee of the Council.
- The word “Taxi” has no meaning in law and is often used generically to describe vehicles
- The term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency
- Any reference to “proprietor” is a reference to the proprietor of either a Hackney Carriage or a Private Hire vehicle, unless the context indicates otherwise.

### 3. Introduction

- 3.1 The Borough of Worthing is situated in the County of West Sussex which contains seven local councils in total; Worthing is a compact urban seaside borough. It is one of the largest towns in West Sussex with a population of around 100,000, covering an area of 3300 hectares. Worthing Borough Council and Adur District Council are served by a single officer structure but remain separate Authorities.
- 3.2 Worthing Borough Council (The Council) is the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. The Council is responsible for the administration and enforcement of taxi legislation within the borough and includes, among other duties, the granting of Hackney Carriage and Private Hire licences. This handbook has been prepared in accordance with the relevant legislation and best practice. The handbook sets out the policies and conditions the Council will generally apply to promote public safety when making decisions and dealing with Hackney Carriage & Private Hire matters.
- 3.3 As the Licensing Authority the Council's primary function is protection of the public whilst providing businesses with the relevant licences & permits necessary to carry out a legitimate business. Licensing is the tool used by the Government to ensure the safety of the public and enforce standards.
- 3.4 The Council has responsibility for the licensing of vehicles, drivers and operators within the borough of Worthing.
- 3.5 In exercising its discretion in carrying out these regulatory functions, the Council will have regard to this document.
- 3.6 Notwithstanding the existence of this handbook, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, reasons will be given for doing so.
- 3.7 This policy will take effect on 10 October 2016 and will remain in existence for a period of 5 years, during which it shall be kept under review and revised as appropriate.

## **4. Vehicles - Hackney Carriage & Private Hire**

### **Limitation of Hackney Carriage Vehicles**

- 4.1 The Council has a limited number of Hackney Carriage Saloon type vehicles licensed. There is no limitation on the number of Hackney Carriage vehicle licenses the council may issue. However, any new Hackney Carriage licence application will only be considered for wheelchair accessible type vehicles. The Council is seeking to maintain a mixed fleet.

### **Specifications and Conditions**

- 4.2 The Council has adopted minimum specification standards for Hackney Carriage and Private Hire vehicles and these are set out in Appendix A for Hackney Carriages and Appendix E for Private Hire vehicles.
- 4.3 Once a licence is granted, the Council will attach conditions to a vehicle licence. A set of standard conditions for Hackney Carriage vehicle licences is set out at Appendix B, and a set of standard conditions for Private Hire vehicles is set out at Appendix F. The Council considers that it is reasonable and necessary that these conditions be attached to the grant of most licences, however, these may be amended or additional conditions attached as may be considered appropriate in individual cases.
- 4.4 Vehicles will, in general, be licensed for the carriage of up to 4 passengers, but applications in relation to larger vehicles that can accommodate up to 8 passengers will be considered, provided that there is compliance with the specifications applicable to such vehicles. Purpose-built vehicles are amongst those which the Council will licence only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the 2 types of vehicle.

### **Accessibility**

- 4.5 The Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society.
- 4.6 Licensed drivers are reminded that they are placed under certain duties by law to provide assistance to people in wheelchairs, to carry them safely and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution and a maximum fine of £1,000.
- 4.7 All licensed Hackney Carriage & Private Hire drivers will be required to undertake disability awareness training as prescribed in this policy. This will take effect as of the renewal date in respect of drivers already holding a licence who have not undertaken disability training before the date of the policy's adoption.

### **Maximum Age of Vehicles**

- 4.8 The Council has an age restriction on licensed vehicles, (see Appendices A and E), but all applications for the licensing of vehicles will be treated on their individual merits. The conditions set out in Appendices B and F have been placed on the licensing of vehicles. Applicants wishing to licence vehicles outside of this policy should show exceptional reason for the Council to deviate from the agreed policy.

## **Vehicle Testing**

- 4.9 No vehicle may be used as a Hackney Carriage or Private Hire vehicle unless it has been given a Garage Inspection report following a satisfactory test, and the Council has appropriately licensed it. Responsibility for ensuring the vehicle is tested and licensed remains with the proprietor. Vehicle inspections are to be carried out by MOT approved garages within the borough or at the Councils' Commerce Way workshops. The Council will accept the first garage inspection report for a new vehicle from the garage where the vehicle is purchased.

## **Signage & Advertising**

- 4.10 Members of the public can often confuse Hackney Carriages and Private Hire vehicles. Often not realising that Private Hire vehicles are not available for immediate hire and cannot be hailed in the street. It is, therefore, important that members of the public are able to distinguish each type of vehicle easily.
- 4.11 Within the Council's area both Hackney Carriage and Private Hire vehicles are required to display a licence plate on the rear of the vehicle. The plates are different colours to distinguish one class of licensed vehicle from another. This is a key feature in helping to identify vehicles that are properly licensed. There are some exceptions to this requirement which are set out in Appendix G.
- 4.12 The Council recognises that advertising on licensed vehicles can benefit the trade as it can generate income for the proprietor. As such, the Council permits advertising on its licensed vehicles provided that the advertising for Hackney Carriage vehicles complies with the criteria set out in Appendix B and F.

## **Security & Closed Circuit Television (CCTV)**

- 4.13 CCTV facilities are compulsory in a licensed vehicle from 30 September 2019. The proprietor will be responsible for ensuring the system conforms to the Data Protection Act, General Data Protection Regulations and other relevant legislation, and displays the necessary informative notice for passengers.
- 4.14 CCTV equipment in the vehicles must follow the guidance as set out in Appendices A, B, E or F as appropriate to their licence. All decisions regarding safety issues relating to a CCTV installation are delegated to Authorised Officers in consultation with the Licensing & Control Chair.

## **Application Procedures**

- 4.15 The application process for Hackney Carriage licences are set out in Appendix C, and the application process for Private Hire vehicle licences are set out in Appendix H. All applications must be submitted together with supporting documentation and the relevant application fee.

## **Consideration of Applications**

- 4.16 The Council will consider each application on its own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.



### **Grant and Renewal of Licences**

- 4.17 Hackney Carriage and Private Hire vehicle licences will usually be granted for 12 months. However, the Council may licence for a shorter period, should this be appropriate in the circumstances.
- 4.18 The Council sends reminder letters to taxi proprietors 4 to 6 weeks before an existing licence expires in order to assist proprietors in their prompt submission of renewal applications, however, the responsibility to ensure renewal applications are submitted on time remains with the proprietor.
- 4.19 The Council will only accept complete applications with all the necessary paperwork. If an application is received late and the licence expires and if the vehicle is more than 7 years old the Council, except in exceptional circumstances, will not renew the licence and the licence plate must be returned to the Council.
- 4.20 The application fees payable are usually subject to annual review.

### **Stretched Limousines & Specialty Vehicles**

- 4.21 The licensing of limousines and speciality vehicles will be approached on the basis that these vehicles have a legitimate role to play in the trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected because they do not meet the standard licensing conditions (for example Limousines are often left-hand drive) and each application will be considered on its own merit. However, in considering any application for these types of vehicles, the Council will have regard to any relevant guidance issued by the government, such as by the Driver and Vehicle Standard Agency (DVSA).
- 4.22 As these vehicles may not meet the usual vehicle specification, additional documentation and inspection may be required as part of the application process so that the Council can be satisfied as to the safety and suitability of any individual vehicle. This is set out further in Appendix G.
- 4.23 The Council strongly recommends that anyone who wishes to licence a limousine (or any other non-standard specialty vehicle) contacts the Council's Licensing section before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle is likely to meet the required standards, as each vehicle will be considered on its own merit.

### **Contract Vehicles and Courtesy Vehicles**

- 4.24 The Council will have regard to the DfT's Vehicle Licensing note dated August 2011 (and any supplementary DfT guidance notes) when considering whether any particular contract vehicle requires a vehicle licence.
- 4.25 All vehicles with 8 or fewer seats that carry passengers for hire and reward must be licensed with the Council. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as "courtesy cars", i.e. for transporting customers to and from hotels, night-clubs, etc. are

being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly, be licensed with the Council, as should their “operator”.

- 4.26 Those operating “courtesy cars”, i.e. for transporting customers to and from hotels, nightclubs, etc. should have an operator’s licence, and the vehicle and driver must be appropriately licensed.

## **5. Drivers - Hackney Carriage and Private Hire**

### **Testing**

- 5.1 The procedures for Hackney Carriage & Private Hire drivers are broadly parallel. Drivers will be required to undertake testing as part of the application procedure. Details of the tests are available in Appendix I and in the application packs.

### **Drivers of Executive Plated Vehicles, Stretched Limousine and Specialty Vehicles**

- 5.2 Again the procedures are broadly parallel to the standard requirements for Hackney Carriage and Private Hire driver licences. The statutory requirements, the practical criteria and qualifications for all licensed drivers are broadly similar. The sections below, therefore, apply equally to all drivers.

### **Driving Proficiency and Qualifications**

- 5.3 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for taxi drivers. The Council has decided that all new applicants must successfully pass this test in order to be considered for a Hackney Carriage or Private Hire driver’s licence.

### **Medical Examination**

- 5.4 All applicants are required to meet the DVLA Group 2 medical standard or equivalent. This requires all applicants to undergo a medical examination by their own GP.
- 5.5 A request form for a medical examination, which may be presented to the applicant’s GP, can be obtained from the Council. The applicant will be responsible for paying the fee for the examination to the relevant doctor. On completion of the examination, the report must be submitted to the Council with the other documentation that is required to accompany an application.
- 5.6 Where there is any doubt as to the medical fitness of an applicant, the Council may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the Council. Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision.
- 5.7 Licensed drivers are required to meet the DVLA Group 2 standard every 5 years from the age of 45 until the age of 65. Thereafter the Council will require an annual medical report. The Council may also require a licensed driver to undergo more frequent checks if, in the opinion of a medical practitioner, this is necessary.

- 5.8 Licensed drivers must advise the Council of any deterioration in their health that may affect their driving capabilities.

### **Criminal Record Checks**

- 5.9 The legislation requires the Council ensures that all licensed drivers are 'fit & proper' persons. A criminal record check on a driver is an important safety measure. The Council requires applicants to submit an enhanced criminal records disclosure report from the Disclosure and Barring Service ('enhanced DBS report') as part of the documentation accompanying their application. All drivers licensed by the Council will then be required to obtain a further report every 6 months.
- 5.10 All licensed drivers are required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service will be subject to a new check every six months.
- 5.11 If an applicant has not lived continuously in the UK for 5 years, then in addition to submitting an enhanced DBS report with their application, they must submit an original authenticated certificate of good conduct (together with a translation into English if the document is in another language) obtained from the embassy for the country in which the applicant was living immediately before arriving in the UK. If the driver has lived in more than one country prior to arriving in the UK, then a report from each country in which they lived for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted with their application. To be clear, any translation of the document must be from the embassy which issued the original document.
- 5.12 Licensed drivers who have lived in another country for 3 months or more since their last enhanced DBS report will also be required to submit an original authenticated certificate of good conduct from the embassy of that country with their next application to renew their licence.

### **Relevance of Convictions and Cautions**

- 5.13 The Council has chosen to substantially adopt Annex D of the Home Office Circular 13/92 Guidance as part of its policy as to the relevance of certain convictions and cautions in its consideration of whether an applicant or existing driver is fit and proper to hold a licence. The parts adopted by the Council are replicated in Appendix L.
- 5.14 Guidance in relation to the relevance of offences is given in Appendix L. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.
- 5.15 Applicants for new licences and to renew existing licences will be required to provide authorisation to the Council to conduct a DVLA driver endorsement check, so the Council can ensure that the information held by the DVLA is in accordance with the information submitted by the applicant. The check will be made on an annual basis and the fees for the annual endorsement check must be paid by the applicant at the time of submitting their application.

## **Disability Awareness, Child Exploitation (CE), Safeguarding awareness and Other Training**

- 5.16 All applicants and existing drivers will be required to undertake training in Disability Awareness & Handling, Child Exploitation, [safeguarding awareness to include identifying county lines exploitation](#) and any other legislation that the Council may require.
- 5.17 Training in [Safeguarding awareness and](#) Child Exploitation will be undertaken every 3 years at the training may be internet based or at a local training site. Drivers will be required to pay a fee to the provider or as approved on the council scale of fees.
- 5.18 Training in Disability Awareness & Handling will be undertaken every 3 years; the training may be internet based or on a local training site. Applicants and existing drivers will be issued a certificate on successful completion of the training. Drivers and new applicants will be required to pay a fee.

## **Application Procedure**

- 5.19 An application for a driver's licence must be made in accordance with the procedure set out in Appendix I and must be accompanied by the relevant supporting documentation and application fee.

## **Consideration of Applications**

- 5.20 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.
- 5.21 The Council will usually send a reminder letter to drivers around 6 weeks before their existing licence expires in order to assist applicants in the prompt submission of their renewal applications. However, the responsibility to submit a renewal application within 28 days to the expiry of any existing licence is always the responsibility of the licence holder. Drivers should ensure renewal application forms, together with any supporting documents, are received by the Council before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.
- 5.22 Where a driver does not submit their application to renew their licence before their existing licence expires, and in the absence of providing evidence of exceptional circumstances, in most cases the Council will require they undergo the new licence procedure as set out at Appendix I.

## **Duration of Licences**

- 5.23 Applicants for new and renewed licences will apply for a 3 year licence. Any licence surrendered before the expiry date will receive a refund for each whole year unused. The Licensing Authority may in special circumstances grant a licence for a shorter duration where this is considered appropriate in a particular case.

### **Conditions of Licence**

- 5.24 The Council is not permitted to attach conditions to a Hackney Carriage driver's licence. However, drivers are subject to the Council's byelaws which are replicated in Appendix D.
- 5.25 A set of standard conditions for Private Hire driver licences is set out at Appendix J and the Council considers that it is reasonable and necessary that these be attached to the grant of most licences. However, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

### **Fares - prescribed rates**

- 5.26 The Hackney Carriage tariff is set by the Council. Private Hire fares are not set by the council but are at the discretion of the Private Hire Operator.
- 5.27 The driver of a Hackney Carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council.
- 5.28 Fares rates are reviewed no more than once per year, usually around October time with any change agreed by the Licensing Committee, and new rates are usually implemented on 1st December each year subject to any objections received during the objection period.

### **Receipts**

- 5.29 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

## 6. Operators – Private Hire

### Requirements and Obligations

- 6.1 Any person who operates a service must apply to the Council for an operator's licence.
- 6.2 A vehicle may only be dispatched to a customer by an operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle with a driver. Operators must ensure that every vehicle is driven by a person who holds a valid driver's licence.
- 6.3 An application for an operator's licence must be made in accordance with the procedure set out below and accompanied by the relevant supporting document and application fee.

### Criminal Record Checks

- 6.4 A criminal record check on operators is an important safety measure. It will depend on the individual applicant as to what criminal record checks will be required. These are set out below.
- 6.5 Where the applicant is an individual person, the Council requires the applicant to submit the following as part of the application process:
- a standard criminal records disclosure report from the Disclosure and Barring Services ('standard DBS report') relating to the applicant; and
  - a declaration as to whether any company of which they have been a director or secretary has been convicted of any offences.
- 6.6 Where the applicant is a company, the Council requires the applicant to submit following documentation as part of the application process:
- a declaration as to whether the company has been convicted of any offences at any time; and
  - a standard DBS report for each director and secretary of the company.
- 6.7 Where the applicant is a partnership, the Council requires a standard DBS report for each partner to be submitted as part of the application process.
- 6.8 Further declarations and standard DBS reports will be required every 6 months.
- 6.9 If an applicant has not lived continuously in the UK for 5 years, then in addition to submitting a standard DBS report with their application, they must submit an original authenticated certificate of good conduct (together with a translation into English if the document is in another language) obtained from the embassy for the country in which the applicant was living immediately before arriving in the UK. If the driver has lived in more than one country prior to arriving in the UK, then a report from each country in which they lived for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted with their application. To be clear, any translation of the document must be from the embassy which issued the original document. This will also apply to individual applicants, each partner of a partnership applicant and the directors and secretaries of company applicants.

## **Conditions**

- 6.10 A set of standard conditions for operator's license is set out at Appendix K. The Council considers it reasonable and necessary that these be attached to an Operator's licence. However, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

## **Licence Duration**

- 6.11 Operators' licences is granted for 5 years, however, the Council may grant a licence for a shorter period should this be considered appropriate in the circumstances.
- 6.12 An operator can apply for a licence for the number of vehicles that they have at the time of application. An operator's licence authorises vehicles up to the number stated on the licence. If an operator wishes to add to his or her fleet above that number then the operator must apply for a variation to the licence before they start operating more than the number of vehicles as is specified in their existing licence.
- 6.13 The Council will send a reminder letter to licensed operators around 6 weeks before their existing licence expires in order to assist them in their prompt submission of renewal applications. However, the responsibility to submit a renewal application within 28 days to the expiry of any existing licence is always the responsibility of the licence holder. Licensed operators should ensure renewal application forms, together with any supporting documents, are received by the Council before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.

## **Operating address**

- 6.14 The Council will only grant an Operator's licence if the applicant proposes to operate from an address within the Borough of Worthing. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.
- 6.15 Upon the grant of an Operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the booking records are kept and where bookings are made.
- 6.16 The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.
- 6.17 It will be the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. Any licence granted cannot override any planning restrictions on a premise nor any restrictions that may be attached to the lease of a premise. Accordingly the applicant should address all planning considerations.
- 6.18 Operators are required to only use licensed private hire vehicles that have been licensed by the Borough Council or they may pass bookings on to another licensed operator. When using Hackney Carriages to meet their bookings such vehicles must

meet the council's Private Hire Vehicle Licence conditions. Private Hire vehicles that have been licensed outside the district cannot legally work directly for the operator under the Borough Council's Operator's licence.

## **7. Disciplinary and Enforcement Measures**

### **Enforcement**

- 7.1 With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Council will only intervene where it is appropriate and proportionate to do so.
- 7.2 The Council's General Enforcement Policy will be used to ensure that the Council's enforcement effort is proportionate, transparent and well directed.

### **Disciplinary**

- 7.3 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Authorised Officer or dealt with by Officers. One of the functions of the Authorised Officer is to consider the impact of any misconduct on the fitness of an individual to hold a licence and to take the action appropriate to the circumstances. In cases that involve serious misconduct the Authorised Officer may refer the matter to the Licensing Committee for consideration if deemed appropriate.



## Appendix A

### Hackney Carriage Vehicle Specification

#### 1. Vehicle Specification

- 1.1 When licensing vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be as constructed and designed:
- a) For the Carriage of not more than 8 passengers with the provision of a seatbelt for each passenger.
  - b) The rear bench seat of the vehicle must be a minimum of 48 inches measured across its narrowest part of the bench seat; all other seats must measure 16 inches.
  - c) The driver's seat fully pushed back there must be a gap of 7 inches between the front of the rear seat and the back of the front seat and 34 inch gap in height from the lowest part of the seat pad to the roof.
  - d) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clear and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
  - e) To have windows to the side and rear providing natural light to the passenger compartment.
- 1.2 In the interest of safety each vehicle should have a minimum of 4 doors, which are capable of being opened from the inside.
- 1.3 Vehicles licensed to carry 5 or more passengers must be fitted with a glass hammer .
- 1.4 Vehicles licensed to carry 5 or more passengers and with restricted rear seating must carry a cargo net to secure luggage.
- 1.5 The passenger carrying capacity will be at the discretion of the Council.
- 1.6 The vehicle seats must have these specifications:
- a) The rear seat of the vehicle must be a minimum of 1.2 meters (48 inches) with no mouldings restricting the seating capacity. All other seats must measure 16 inches.
  - b) The driver's seat fully pushed back there must be a minimum gap of 7 inches between the front of the rear seat and the back of the front seat 34 inch gap in height from the lowest part of the seat pad to the roof.
  - c) All seats must be fitted with fully operational seat belts.
  - d) The number of passenger seats must remain as stated on the vehicle licence.
  - e) There must be no alteration to the seating configuration without notifying the Council.
  - f) All seats must be forward or rear facing.

- g) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers.
- h) The seat covering must be clean and in a good state of repair.

## 2. Age of vehicle

- 2.1 In the case of first application for a vehicle licence not more than 7 years from the first date of registration and thereafter not more than 10 years in the case of a renewal application.
- 2.2 The maximum age limits described may only be exceeded if the vehicle presented is in exceptional condition.
- 2.3 [The proprietor must arrange the inspection with the licensing office at least 2 - 3 months prior to the expiry of the licence.](#)
- 2.4 A vehicle will be considered to be in exceptional condition if all of the following apply:
  - a) Mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
  - b) The vehicle passes the Council's vehicle inspection.
  - c) Bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
  - d) General paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
  - e) Interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
  - f) Boot or luggage compartment is in good condition, clean and undamaged.
  - g) Passenger areas are free from damp or any other odours that may cause passenger discomfort.
  - h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
  - i) The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification. The vehicle must be of a single manufacture.
- 2.5 The proprietor must arrange the inspection with the licensing office at least 2 - 3 months prior to the expiry of the licence.
- 2.6 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
  - a) Be Safe
  - b) Be Tidy
  - c) Be Clean
  - d) Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.

- 2.7 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 2.8 The licensed vehicle shall be White and no other colour. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles.
- 2.9 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
- 2.10 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence provides that they must first apply for and be given written approval by the Council to affix the tinting. The Council has approved a maximum level of tinting permissible, see below.
- 2.11 For existing licensed vehicles that have tinted windows there is a transitional period for compliance in accordance with the rolling vehicle replacement programme.
- 2.12 Tinted glass where fitted to a vehicle must be light enough to allow Enforcement Officers & the Public to have clear view of the passengers and the light transmission of the glazing must meet the following criteria:
- Front windscreen at least 75% light transmission
  - Front side door glass at least 70% light transmission
  - All remaining glass to the seated passenger compartment at least 55% light transmission
- These transmissions can be measured using Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application. Vehicles can be presented for an informal test with the tint meter at no cost by appointment.

### **3. Wheelchair Accessible Vehicles**

- 3.1 In the case of all Hackney vehicles that are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side or rear of the vehicle.
- 3.2 If a vehicle is off the road due to accident or damage and a replacement vehicle is supplied, this vehicle must also comply with 2.8 above.
- 3.3 The Council will only consider licensing vehicles converted or adapted to carry wheelchairs if the conversion is approved by an Institute of Automotive Engineers Assessor. The licence applicant must produce the original certificate from the approved Institute of Automotive Engineers Assessor as part of their licence application.
- 3.4 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Licensing Office as part of the licence application.

#### **4. Roof signage**

4.1 Roof signs must comply with the following criteria. The sign must:

- a) Measure 30 inches in length, 5 inches in height and 6 inches width.
- b) Be of "Slope Streamline" type design
- c) Include the Borough Council logo in black on the left hand side of the front face of the sign.
- d) The logo must measure not less than 4 inches in height by 4 inches in width.
- e) Display in the middle of the front face of the sign the following words in the prescribed format:
  - Hackney Carriages the word TAXI
- f) The letters comprising the word 'shall be not less than 2 inches but not more than 3 inches in height.
- g) The rear face of the sign there shall be displayed only the telephone number of the operator or proprietor of the vehicle, in digits measuring not less than 9cm in height. The rear face of the sign may be left blank if the operator or proprietor does not wish to display his/her telephone number.
- h) All letters and numbers displayed must be solid black in colour and be in Futura Bold font.
- i) The sign must be white on the front face. The sign may be red or white on the rear face but must be red at the rear when illuminated.
- j) No words or numbers may be displayed on the sign except as set out above.

4.2 Vehicles which have a built-in roof sign or light may be exempt from displaying the standard roof light if the Licensing Officer is satisfied that the built-in roof light is an acceptable alternative.

#### **5. Door signage**

5.1 The front door panels of the vehicle may display the words Hackney Carriage and below the operator name and telephone number.

5.2 The external plate number issued by the council will be displayed on the rear door panels of the vehicle by the door handle.

#### **6. Advertising**

6.1 One of the standard conditions of licence is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:

- a) Display screens on the rear of headrests are permitted.
- b) Advertising may be displayed on the external sides of the rear panels providing the advertisement complies with the following criteria:
  - Purpose-built (that is London-style black cab vehicles) may advertise inside the vehicle on the base of the occasional seats or along the bulkhead on top of the passenger/ driver partition.
  - Any advertisements shall not exceed 30 inches by 15 inches.
  - Advertisements must be of such a form as not to become easily soiled or detached.

- Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

## 7. CCTV

7.1 All equipment must be designed, constructed and installed in such a way and from such materials as to present no danger to the driver or passengers, including any impact against the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Specifications:

- The equipment must be permanently wired to the vehicle power supply;
- The equipment to have a clear serial or other unique identification number;
- The equipment must not obstruct the driver's view of the road ahead;
- The camera(s) must record both forward and rear facing images;
- Images to be clear, date and time stamped, in colour and in high definition;
- There must be no facility to view previously recorded images from within the vehicle;
- The equipment must be tamper proof;
- The equipment must have a built in battery backup;
- There must be an auto record function whether by ignition switch turn, door opening, person motion sensor or vehicle in motion sensor and NOT just activated by the driver alone;
- The equipment to have a minimum of 28 days image recording and storage capacity;
- If an audio function is provided - this must be set in the default OFF position and only activated by trigger or panic button function;
- All equipment shall be installed, maintained and serviced by a competent and/or authorised person;
- A simple operator user manual shall be provided on demand;
- All stored images to be protected with no unauthorised access and all images shall be encrypted;
- Any requested images shall be capable of viewing and playback using industry standard software;
- Clear and prominent signs within the vehicle giving details of the organisation/person/purpose and contact details must be displayed.
- If the driver requires; an On / Off switch may be placed in the boot of the vehicle to allow the driver to turn the CCTV off whilst the vehicle is being used for personal use. If such a system is fitted a warning indicator light must be fitted in the cabin to warn that the system is off
- The CCTV must be turned on when the vehicle is operating as a licensed Private Hire or Hackney Carriage vehicle. This means during the period the vehicle is being used for the carriage of passengers that are pre-booked or when plying for hire.
- Failure to operate the 'On switch' whilst the vehicle is operating as a licensed Private Hire or Hackney Carriage vehicle may result in the driver's licence being suspended or revoked.



## Appendix B

### Hackney Carriage Vehicle Licence Conditions

Where the proprietor permits another person to drive the licensed vehicle, they must ensure that that person has a valid Hackney Carriage driver's licence and they must draw the following conditions of the vehicle licence to that person's attention. The proprietor is responsible for ensuring that any person who drives their licensed vehicle complies with these licence conditions.

#### 1. Internal and External Licence Plates

- 1.1 The proprietor must ensure that the external licence plate and the door plates provided by the Council are maintained in a clear and legible condition and are securely affixed to the outside of the Carriage. The licence plate on or adjacent to the rear bumper and the door plates on the rear passenger doors near or adjacent to the door handles. Easily removable licence plates and door plates using magnets, double sided tape or Velcro are not acceptable.
- 1.2 The Council must be informed as soon as practicable should the external licence plate or door plates be lost, stolen, damaged, insecure or defaced.
- 1.3 The proprietor shall not cause or permit the vehicle to be used or operated with the external licence plate so defaced that any figure or material particular is illegible.
- 1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the plate can be clearly seen by passengers and must be displayed at all times.

#### 2. Change of Use

- 2.1 The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements. [Proprietors that are not licensed drivers are subject to annual Basic DBS Checks at time of renewal.](#)

#### 3. Vehicle Licence

- 3.1 In the event of loss or damage to any licence the Council must be informed immediately during office hours so that a replacement can be issued.
- 3.2 On revocation, expiry or suspension of the licence, the licence and the internal and external licence plates issued in respect of the vehicle must be immediately returned to the Council.
- 3.3 A proprietor shall advise the Council in writing within 14 days of any change of their home address, contact telephone number or email address.

#### **4. Insurance**

- 4.1 The proprietor shall ensure that there is in force a policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of the licence.
- 4.2 A copy of a vehicle's current insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Worthing Borough Council officer or any Police Officer upon request.
- 4.3 If, during the duration of this licence a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

#### **5. Interior Appearance**

- 5.1 The interior of the vehicle should always be in a clean and tidy state.
- a) Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour coordinating with the vehicle and kept in good condition.
  - b) All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
  - c) All interior lights and fascia illumination are to be in full working order and in good condition.
  - d) Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.
- 5.2 All doors, locks and windows are to be in full working order and in good condition.
- 5.3 All windows are to be kept free of dirt, grime and marks.

#### **6. Tinted Windows**

- 6.1 A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the Council to do so.
- 6.2 Tinted glass where fitted to a vehicle must be light enough to allow Enforcement Officers & the Public to have clear view of the passengers and the light transmission of the glazing must meet the following criteria:
- Front windscreen at least 75% light transmission
  - Front side door glass at least 70% light transmission
  - All remaining glass [to the seated passenger compartment](#) at least 55% light transmission

These transmissions can be measured using the Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application. Vehicles can be presented for an informal test with the tint meter at no cost by appointment.

#### **7. Fire Extinguisher and First Aid Kit**

- 7.1 The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.



7.2 The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher the date is clearly visible and not tampered with or an indicator gauge showing green.

## **8. Accidents**

8.1 The proprietor must inform the Council the next available working day of any accident causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

## **9. Luggage storage**

9.1 If the licensed vehicle is either an estate car or multi-passenger vehicle, there must be luggage restraints kept in the vehicle so that passengers' luggage can be securely stowed, and the restraints must be kept in good working order.

## **10. Taximeters**

10.1 The proprietor must ensure the vehicle is fitted with a taximeter approved by the Council at all times the vehicle is available for hire. The meter must be maintained and kept in a good working order at all times.

10.2 The taximeter must be set for up to the current maximum tariff agreed by the Council and the proprietor must ensure that no adjustment to the meter is made without the Council's prior permission.

10.3 The proprietor must ensure the "For Hire" sign or other illuminated sign on the roof of the vehicle is linked to the taximeter or a means is provided to switch off the for hire sign so that when the meter is switched on at the commencement of any individual hire, the roof sign is extinguished.

10.4 The taximeter must be kept clean and in good working order and positioned so that the fare recorded on the taximeter is plainly visible to passengers in the vehicle.

10.5 The taximeter must be sealed at all times and if a seal is broken the proprietor must notify the Council's Licensing Office on the next available working day.

## **11. Fare Table**

11.1 The proprietor must ensure that a copy of the current fare table supplied by the Council is on display inside the Hackney Carriage at all times and that the table is kept clean and undamaged and is positioned so that it is plainly visible to passengers in the vehicle.

11.2 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

## **12. Smoking**

12.1 The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs)

Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

- 12.2 E-Cigarettes and other similar must not be used within the licensed vehicle in line with the requirements of other public transport.

### **3. Roof Sign**

- 13.1 Each Hackney Carriage vehicle (with the exception of those vehicles with a built-in roof light) shall display at all times an illuminated white roof sign approved by the Council, regardless whether the vehicle is working for public hire or personal use.
- 13.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.
- 13.3 The illumination mechanism of the roof sign shall not be operated during any period for which the vehicle is hired.

### **14. Door Signage**

- 14.1 If at any time the door plate signage becomes damaged, [insecure](#) or lost, the proprietor must notify the Council to have them replaced. The cost of the replacement door signs is the responsibility of the proprietor.
- 14.2 If at any time the signs become damaged or lost, the proprietor must ensure that the vehicle is not used for hire until the replacement door signs are affixed.

### **15. Pre-Booked Fares**

A Hackney Carriage may be used for a pre-booked shared journey providing they comply with the criteria below.

- 15.1 The vehicle's proprietor must notify the Council in writing that the vehicle is to be used for pre-booked shared journeys prior to commencement.
- 15.2 The taximeter must be calibrated for the calculation of separate fees for separate journeys and has been tested and sealed by the Council.
- 15.3 The proprietor must ensure that a record of all pre-booked shared journeys undertaken in the vehicle shall be kept by the proprietor and stored for a period of 6 months.
- 15.4 A Hackney Carriage may be used for a pre-booked shared journey only where the hirers have consented to the journey when booking in advance and where the consent of the hirer has been recorded as to the conditions in appendix K 3.0 Records.

### **16. Garage Inspection Report**

- 16.1 Upon notification from the council a council garage test must be carried out, the proprietor must ensure that the vehicle is submitted for the garage test and provide the original certificate of garage test to the council by the date required. Garage test is required every 12 months for vehicles under 10 years old and every 6 months for vehicles more than 10 years old

- 16.2 The council garage inspection report must be issued within 28 days of application for a vehicle licence or for relicensing of a vehicle licence.
- 16.3 The proprietor must ensure the vehicle has a Council Garage Inspection Report from a MOT approved garage at all times whilst the vehicle is licensed. The Council will accept the first garage inspection report for a new vehicle from where the vehicle is purchased.
- 16.4 If a vehicle fails it's Garage Inspection Report or its Garage Inspection Report expires the vehicle cannot be used as licensed Hackney Carriage (irrespective of whether it still has a valid MOT Certificate) until a valid Garage Inspection Report has been issued.

## **17. Advertising**

- 17.1 The approval of the Council must be sought and obtained before any adverts (or modifications to existing advertising) are affixed to the vehicle.

## **18. CCTV Installation in Hackney Carriage Vehicles**

- 18.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:
- The proprietor shall cause the vehicle to be fitted with a working and secure digital CCTV system (to capture both forward and rear facing colour images in high definition) and to retain such data for a period of 28 days;
  - The installed CCTV to comply with any code(s) of practice issued by the Information Commissioner, the requirements of the Data Protection Act 2018 and any technical specifications approved by the committee for the time being in force;
  - The installation of the CCTV system must be carried out by an approved installer registered with the Council
  - The proprietor shall, within 7 days, give written notice to the Council of the installation of any CCTV system in the vehicle to include the details of the installer, make, model and serial number of the equipment.
  - The proprietor shall check the system for malfunction at least once a month and, if a repair or download is required, the vehicle may continue to be used provided any malfunction is rectified within 24 hours;

## **19. Disability Access**

The following conditions will apply to vehicles adapted to carry wheelchairs

- 19.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- a) Loading of the wheelchair must be undertaken through the side or rear of the vehicle.
  - b) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
  - c) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.

- 19.2 If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must:
- a) within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and
  - b) notify their insurance company of the fact that the vehicle has been so adapted/converted.
- 19.3 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
- 19.4 If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into it, this must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in the vehicle at all times and be presented to any Licensing Officer or Police Officer upon request.
- 19.5 There must be kept in the vehicle at all times either access ramps or a lift to assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- 19.6 Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.
- 19.7 The proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.
- 19.8 There must be no alteration to the seating configuration without notifying the Council

## **20. Lost Property**

- 20.1 Where any property is left in the vehicle by a passenger the licence holder must, in all cases, take reasonable steps to trace the owner and should report all unclaimed lost property on line to Sussex Police within 48 hours at:  
<https://www.sussex.police.uk/ro/report/lp/lost-or-found-property/>

## Appendix C

### Hackney Carriage Vehicle Licensing Procedure

#### Application Process for Hackney Carriage Vehicle Licence

#### **1. Application Process for Hackney Carriage Vehicle - New Licence**

- 1.1 The vehicle must accord with the specifications in Appendix B.
- 1.2 Applicants must telephone the licensing office to make an appointment to have their vehicle licensed.
- 1.3 Applications for a Hackney Carriage vehicle licence must be submitted on form HC - PHV/1
- 1.4 Applicants attending the appointment must bring all their documents relating to the vehicle, which include:-
  - Insurance for Plying for Hire
  - Registration Document or Bill of Sale
  - Proof of Road Fund Tax
  - MOT
  - Garage Certificate
  - Applicants must pay the appropriate fee before the licence can be issued.
- 1.6 Applicants must ensure that they bring the vehicle to the appointment

#### **2. Application Process for Hackney Carriage Vehicle - Licence Renewal**

- 2.1 Applications for renewal should be submitted at least 10 days prior to the vehicle licence expiring. Applicants must telephone the licensing office to make an appointment to have their licence renewed.
- 2.2 The fee must accompany the application for renewal.
- 2.3 Rear and door plates (where applicable) an internal licence plate will be placed on the vehicle and a paper licence given to the applicant.
- 2.4 Applicants who fail to renew their vehicle licence on time will be required to submit a new application and will also be required to comply with the conditions set out in Appendix B. Licence holders should note that depending on the age of the vehicle it could be deemed to be too old to re-licence.

#### **3. Application Process for Hackney Carriage Vehicle Licence - Transfer of vehicle**

- 3.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another vehicle.
- 3.2 Vehicles must comply with the conditions of licence outlined in Appendix B.
- 3.3 Applications for a Hackney Carriage vehicle licence transfer must be submitted on the designated form.
- 3.4 Applicants must bring all their documents relating to the vehicle which includes:-
- Insurance for Plying for Hire
  - Registration Document or Bill of Sale
  - Council Garage Inspection Report
  - Valid MOT
  - Proof of Road Fund Tax
  - Applicants must pay the appropriate fee before the licence can be issued
- 3.6 An internal licence plate will be issued and placed in the holder provided on the windscreen. This will clearly display the expiry date so it can be seen from the outside of the vehicle.
- 3.7 An external licence plate will be issued and fixed to the rear of the vehicle by the Council
- 3.8 A paper licence will be issued.
- 3.9 Applicants must bring their vehicle to the Councils' Taxi Office for an officer of the Council to:
- Check for the Council approved door signs (where applicable)
  - Check for the Council approved roof sign (where applicable)
  - To fix an external plate to the rear of the vehicle

#### **4. Application Process for Hackney Carriage Vehicle Licence - Transfer of ownership**

- 4.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another person.
- 4.2 Vehicles must comply with the conditions of licence outlined in Appendix B above
- 4.3 Applications for a vehicle licence transfer of ownership must be submitted on designated form.
- 4.4 Applicants must bring all their documents relating to the vehicle which includes:-
- Insurance for Plying for Hire
  - Registration Document or Bill of Sale
  - Proof of Road Fund Tax
  - Valid MOT
  - Council Garage Inspection Report

- A signed transfer form from the existing licence holder authorising the transfer of the licence
- The Council will determine whether replacement plates are required.
- Applicants must pay the appropriate fee before the licence can be issued.

## Appendix D

### Hackney Carriage Byelaws

#### 1. Hackney Carriage Byelaws

- 1.1 Byelaws made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Borough Council of Worthing with respect to hackney carriages in the Borough.

#### 2. Interpretation

- 2.1. Throughout these byelaws “the Council” means the Borough of Worthing and “the Borough” or “the District” means the Borough of Worthing.
- 2.2 Provisions regulating the manner in which the number of each Hackney Carriage, corresponding with the number of its licence, shall be displayed.
- a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
  - b) A proprietor or driver of a Hackney Carriage shall not:
    - wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
    - cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

#### 3. Provisions regulating how Hackney Carriages are to be furnished or provided.

- 3.1 The proprietor of a Hackney Carriage shall;
- a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - b) cause the roof or covering to be kept water-tight;
  - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - d) cause the seats to be properly cushioned or covered;
  - e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - i) provide at least 2 doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.



- 3.2 The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,
- a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taxi meter is not in action and that no fare is recorded on the face of the taximeter;
  - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
  - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figured shall be capable of being suitably illuminated during any period of hiring;
  - f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

#### **4. Conduct**

Provisions regulating the conduct of the proprietors and drivers of Hackney Carriages plying within the Borough in their several employments, and determining whether such drivers shall wear any and what badges.

- 4.1 The driver of a Hackney Carriage shall
- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.
- 4.2 A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 4.3 The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired,

- a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf; (or rank designated under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976)
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 4.4 A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 4.5 The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 4.6 The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 4.7 The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 4.8 A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 4.9 If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- 4.10 The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,
- a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading;
  - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

## **5. Provisions fixing the stands of Hackney Carriages**

- 5.1 No longer applicable (replaced by section 63 of the Local Government (Miscellaneous Provisions) Act 1976)

## **6. Fares**

Provisions fixing the rates of fares to be paid for Hackney Carriages within the borough and securing the due publication of such fares.

- 6.1 No longer applicable (replaced by section 65 of the Local Government (Miscellaneous Provisions) Act 1976).

## **7. Lost Property**

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages and fixing the charges to be made in respect thereof.

- 7.1 The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 7.2 The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the Borough and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
  - b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5p in the pound of its estimated value, (or the fare for the distance from the place of finding to the Police Station, whichever be the greater) but not more than £5.

## **8. Penalties**

- 8.1 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine.

*These byelaws were made on 25 September 1974. A copy of the original byelaws is available upon request from the Licensing Office.*

## Appendix E

### Private Hire Vehicle Specifications

#### 1. Vehicle Specification

- 1.1 When licensing Private Hire vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be constructed and designed:
- a) For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
  - b) The rear bench seat of the vehicle must be a minimum of 48 inches measured across its narrowest part of the bench seat; all other seats must measure 16 inches.
  - c) The driver's seat fully pushed back there must be a gap of 7 inches between the front of the rear seat and the back of the front seat and 34 inch gap in height from the lowest part of the seat pad to the roof.
  - d) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clear and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
  - e) To have windows to the side and rear providing natural light to the passenger compartment.
- 1.2 In the interest of safety each vehicle should have a minimum of 4 doors, which are capable of being opened from the inside.
- 1.3 Vehicles licensed to carry 5 or more passengers **and with restricted rear seating** must be fitted with a glass hammer.
- 1.4 Vehicles licensed to carry 5 or passengers must carry a cargo net to secure luggage.
- 1.5 The passenger carrying capacity will be at the discretion of the Council.
- 1.6 The vehicle seats must have these specifications:
- a) The rear seat of the vehicle must be a minimum of 48 inches with no mouldings restricting the seating capacity. all other seats must measure 16 inches.
  - b) The driver's seat fully pushed back there must be a minimum gap of 7 inches between the front of the rear seat and the back of the front seat and a 34 inch gap in height from the lowest part of the seat pad to the roof.
  - c) All seats must be fitted with fully operational seat belts.
  - d) The number of passenger seats must remain as stated on the vehicle licence.
  - e) There must be no alteration to the seating configuration without notifying the Council.
  - f) All seats must be forward or rear facing.

- g) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers.
  - h) The seat covering must be clean and in a good state of repair.
- 1.7 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
- Be safe
  - Be tidy
  - Be clean
  - Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
- 1.8 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 1.9 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
- 1.10 The Councils Garage test must be carried out by an approved MOT testing station within the Borough or the Councils' Commerce Way Workshops. The Council will accept the first garage inspection compliance report for a new vehicle from the garage where the vehicle is purchased.
- 1.11 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix F) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

## **2. Age of vehicle**

- 2.1 In the case of first application for a vehicle licence not more than 7 years from the first date of registration and thereafter not more than 10 years in the case of a renewal application.
- 2.2 The maximum age limits described may only be exceeded if the vehicle presented is in exceptional condition.
- 2.3 [The proprietor must arrange the inspection with the licensing office at least 2 - 3 months prior to the expiry of the licence.](#)
- 2.4 A vehicle will be considered to be in exceptional condition if all of the following apply:

- a) Mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
  - b) The vehicle passes the Council's vehicle inspection.
  - c) Bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
  - d) General paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
  - e) Interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
  - f) The boot or luggage compartment is in good condition, clean and undamaged.
  - g) Passenger areas are free from damp or any other odours that may cause passenger discomfort.
  - h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
  - i) The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification. The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
    - Be safe
    - Be tidy
    - Be clean
    - Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
- 2.5 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 2.6 The licensed vehicle shall not be coloured white unless it is approved by the Council.
- 2.7 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
- 2.8 The Councils Garage test must be carried out by an approved MOT testing station within the Borough or at the Councils' Commerce Way Workshops.
- 2.9 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix F) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

### **3. Private Hire Vehicles Exempt**

- 3.1 Some Private Hire operators may be exempt from displaying a roof sign, door signs and licence plate.

#### **4. Advertising on Private Hire Vehicles**

- 4.1 One of the standard conditions of licence for Private Hire vehicles is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:

- a) Display screens on the rear of headrests is permitted
- b) Advertising may be displayed on the external sides of the rear wing panels providing the advertisement complies with the following criteria:
- c) Any advertisements shall not exceed 30 inches by 15 inches.
- d) Advertisements must be of such a form as not to become easily soiled or detached.
- e) Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

#### **5. CCTV Installation in Private Hire Vehicles**

- 5.1 All equipment must be designed, constructed and installed in such a way and from such materials as to present no danger to the driver or passengers, including any impact against the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Specifications:

- The equipment must be permanently wired to the vehicle power supply;
- The equipment to have a clear serial or other unique identification number;
- The equipment must not obstruct the driver's view of the road ahead;
- The camera(s) must record both forward and rear facing images;
- Images to be clear, date and time stamped, in colour and in high definition;
- There must be no facility to view previously recorded images from within the vehicle;
- The equipment must be tamper proof;
- The equipment must have a built in battery backup;
- There must be an auto record function whether by ignition switch turn, door opening, person motion sensor or vehicle in motion sensor and NOT just activated by the driver alone;
- The equipment to have a minimum of 28 days image recording and storage capacity;
- If an audio function is provided - this must be set in the default OFF position and only activated by trigger or panic button function;
- All equipment shall be installed, maintained and serviced by a competent and/or authorised person;
- A simple operator user manual shall be provided on demand;
- All stored images to be protected with no unauthorised access and all images shall be encrypted;

- Any requested images shall be capable of viewing and playback using industry standard software;
- Clear and prominent signs within the vehicle giving details of the organisation/person/purpose and contact details must be displayed.
- If the driver requires; an 'On / Off switch' may be placed in the boot of the vehicle to allow the driver to turn the CCTV off whilst the vehicle is being used for personal use. If such a system is fitted a warning indicator light must be fitted in the cabin to warn that the system is off
- The CCTV must be turned on when the vehicle is operating as a licensed Private Hire or Hackney Carriage vehicle. This means during the period the vehicle is being used for the carriage of passengers that are pre-booked or when plying for hire.
- Failure to operate the 'On switch' whilst the vehicle is operating as a licensed Private Hire or Hackney Carriage vehicle may result in the driver's licence being suspended or revoked.

## 6. Tinted Windows

- 6.1 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence provides that they must first apply for and be given written approval by the Council to affix the tinting. The Council has approved a maximum level of tinting permissible see below.
- 6.2 For existing licensed vehicles that have tinted windows there is a transitional period for compliance in accordance with the rolling vehicle replacement programme.
- 6.3 Tinted glass where fitted to a vehicle must be light enough to allow Enforcement Officers & the Public to have clear view of the passengers and the light transmission of the glazing must meet the following criteria:
- Front windscreen at least 75% light transmission
  - Front side door glass at least 70% light transmission
  - All remaining glass [to the seated passenger compartment](#) at least 55% light transmission

These transmissions can be measured using Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application. Vehicles can be presented for an informal test with the tint meter at no cost by appointment.



## Appendix F

### Private Hire Vehicle Conditions of Licence

#### 1. Licence Plate

- 1.1 The proprietor must ensure that the external licence plate and the door plates provided by the Council are maintained in a clear and legible condition and are securely affixed to the outside of the Vehicle. The licence plate on or adjacent to the rear bumper and the door plates on the rear passenger doors near or adjacent to the door handles. Easily removable licence plates and door plates using magnets, double sided tape or Velcro are not acceptable.
- 1.2 The Council must be informed as soon as practicable should the licence plate be lost, broken or defaced.
- 1.3 The proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible.
- 1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be displayed at all times.

#### 2. Vehicle Change of Use

- 2.1 The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements immediately and shall not use the vehicle for the purposes of carrying fare paying passengers until approved by the Council.

#### 3. Vehicle Licence

- 3.1 In the event of loss of or damage to this licence the Council must be informed immediately during office hours so that a replacement can be issued.
- 3.2 On revocation, expiry, or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon the Council giving such a demand in writing to the proprietor.
- 3.3 The proprietor shall advise the Council in writing within 14 days of any change of their home address, contact telephone number or email address.
- 3.4 The proprietor shall give 7 days' notice of his/her intention to transfer the licence to another vehicle and shall not permit that vehicle to be used as a licensed vehicle until the licence has been endorsed by the Council.

## **4. Insurance**

- 4.1 The proprietor shall ensure that there is in force a policy of insurance with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of the licence.
- 4.2 A copy of a vehicle's current valid insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Worthing Borough Council officer or any Police Officer upon request.
- 4.3 If, during the duration of this licence, a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

## **5. Interior Appearance**

- 5.1 The interior of the vehicle should always be in a clean and tidy state.
- a) Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour coordinating with the vehicle and kept in good condition.
  - b) All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
  - c) All interior lights and fascia illumination are to be in full working order and in good condition.
  - d) Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.
- 5.2 All doors, locks and windows are to be in full working order and in good condition.
- 5.3 All windows are to be kept free of dirt, grime and marks.

## **6. Tinted Windows**

- 6.1 A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the council to do so.
- 6.2 Tinted glass where fitted to a vehicle must be light enough to allow Enforcement Officers & the Public to have clear view of the passengers and the light transmission of the glazing must meet the following criteria:
- Front windscreen at least 75% light transmission
  - Front side door glass at least 70% light transmission
  - All remaining glass [to the seated passenger compartment](#) at least 55% light transmission

These transmissions can be measured using the Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application. Vehicles can be presented for an informal test with the tint meter at no cost by appointment.

## **7. Fire Extinguisher & First Aid Kit**

7.1 The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.

7.2 The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher the date is clearly visible and not tampered with or an indicator gauge showing green.

## **8. Accidents**

8.1 The proprietor must inform the Council the next available working day of any accident causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

## **9. Luggage in Estate Cars and Multi-Purpose Vehicles**

9.1 Luggage stowed in the boot should not be stacked above the height of the rear seats unless the vehicle is fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

## **10. Taximeters / Personal Digital Assistance (PDA)**

10.1 A taximeter or PDA can be used and must be approved & registered by the Council, the proprietor of a Private Hire vehicle which has been fitted with a taximeter or PDA must ensure that equipment is maintained in a sound working condition at all times.

10.2 Only one device must be installed in the vehicle.

10.3 The taximeter shall be of the clock calendar type or a Council approved taximeter.

10.4 The taximeter must not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered.

10.5 Show the fare recorded on the taximeter or PDA in plainly legible figures and the word "FARE" shall be clearly displayed.

10.6 Be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.

10.7 The taximeter must be sealed at all times and if a seal is broken the Licensing Office must be notified as soon as possible.

## **11. Two Way Radios**

11.1 The proprietor must ensure that any radio equipment fitted to the licensed vehicle is kept in good working order at all times.

## **12. Smoking**

12.1 The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs)

Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

- 12.2 E-Cigarettes and other similar must not be used within the licensed vehicle in line with the requirements of other public transport.

### **13. Roof Sign**

- 13.1 Each Private Hire vehicle shall display at all times whilst working a non-illuminated roof sign approved by the Council. The signs will be in white unless authorisation has been approved for roof signs to be a different colour.

- 13.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.

- 13.3 The roof light must comply with the following criteria:

- a) be 'point' type design
- b) be 14cm in width x 25cm in length x 11cm in height.
- c) be mounted on the front passenger side (nearside) of the vehicle's roof.
- d) all letters and numbers displayed must be solid black in colour and in **Futura Bold font**
- e) the words 'ADVANCE BOOKINGS ONLY' must be displayed on the front of the sign at the top in letters not less than 2.5cm in height.
- f) the company name must be displayed underneath in letters not less than 5cm in height.
- g) the rear of the sign should display only the word 'WORTHING' in letters not less than 2.5cm in height and underneath, the telephone number of the company or Private Hire operator through whom the vehicle can be booked, displayed in numbers not less than 5cm in height.
- h) the sign shall not include the words 'hire', 'cab', 'taxi', 'hackney' or any other word which would lead a person to believe that the vehicle is a Hackney Carriage (even if these words form part of the company name) or any other words or numbers except those set out above.
- i) The sign should be situated on the roof on the nearside of the vehicle against the roof gutter towards the front of the vehicle.

### **14. Door Signage**

- 14.1 Each Private Hire vehicle shall display a sign on front door in accordance with the criteria laid out below:

- a) the sign shall be constructed of vinyl, and shall be applied directly to the door. Licence holders should note that magnetic door signs are not acceptable in fulfilment of this condition.
- b) the words 'Advance booking only' shall be displayed at the top of the sign in letters of 4cm in height.
- c) the operator or company name shall be displayed in the middle of the sign in letters of 8cm in height if on one line or 4cm in height if on 2 lines.
- d) the telephone number of the operator through which the vehicle is operating shall be displayed at the bottom of the sign in numbers of 4cm in height.
- e) the overall dimensions of the sign shall be 23cm in height by 45cm in width.

- f) all numbers and letters displayed on the sign must be laid out in **Futura Bold font**
- g) t and shall be solid black or solid white, as required by the Licensing Officer. The colour required will be dependent on the colour of the vehicle and will be chosen to ensure maximum visibility against the vehicle's paintwork.

14.2 These door signs must be displayed at all times. Failure to display these door signs may result in the suspension of the vehicle licence.

## **15. Garage Inspection Report**

15.1 Upon notification from the council a council garage test must be carried out, the proprietor must ensure that the vehicle is submitted for the garage test and provide the original certificate of garage test to the council by the date required. Garage test is required every 12 months for vehicles under 10 years old and every 6 months for vehicles more than 10 years old.

15.2 The proprietor must ensure the vehicle has a Council Garage Test from a MOT approved garage in the Borough of Worthing, or the Councils' Commerce Way Workshop, at all times whilst the vehicle is licensed. The Council will accept the first garage inspection report for a new vehicle from where the vehicle is purchased.

15.3 The council garage inspection report must be issued within 28 days of application for a vehicle licence or for relicensing of a vehicle licence.

15.4 If a vehicle fails the Council Garage Test and the vehicle still has a valid MOT Certificate the vehicle cannot be used as a licensed vehicle until a valid Council Garage Test has been issued.

## **16. Advertising**

16.1 The approval of the Council must be sought and obtained before any advertising (or modifications to existing advertising) is affixed to the vehicle

## **17. CCTV Installation in Private Hire Vehicles**

17.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:

- The proprietor shall cause the vehicle to be fitted with a working and secure digital CCTV system to capture images from the whole of the cabin in high definition and to retain such data for a period of 28 days;
- The installed CCTV to comply with any code(s) of practice issued by the Information Commissioner, the requirements of the Data Protection Act 2018 and any technical specifications approved by the committee for the time being in force;
- The installation of the CCTV system must be carried out by an approved installer registered with the Council
- The proprietor shall, within 7 days, give written notice to the Council of the installation of any CCTV system in the vehicle to include the details of the installer, make, model and serial number of the equipment.
- The proprietor shall check the system for malfunction at least once a month and, if a repair or download is required, the vehicle may continue to be used provided any malfunction is rectified within 24 hours;

## **18. Disability Access**

The following conditions will apply to vehicles adapted or carry wheelchairs

- 18.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- 18.2 Loading of the wheelchair must be undertaken through the side or rear of the vehicle.
- 18.3 Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- 18.4 Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- 18.5 If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must: within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and notify their insurance company of the fact that the vehicle has been so adapted/converted.
- 18.6 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
- 18.7 If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle, this must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in the vehicle at all times and be presented to any Licensing Officer or police officer upon request.
- 18.8 There must be kept in the vehicle at all times either access ramps or a lift so assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- 18.9 Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.
- 18.10 The proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.
- 18.11 There must be no alteration to the seating configuration without further approval from the Licensing Officer

## Appendix G

### Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles Special Conditions

The following are a pool of standard conditions relating to speciality vehicles. The Council may decide to attach all or any of the following standard conditions (which may be in addition to some of all of the conditions in Appendix F) to the grant of a Private Hire vehicle licence in respect of a speciality vehicle, as may be considered appropriate in any individual case.

#### 1. Additional Conditions for Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles

- 1.1 An Executive vehicle or Limousine to be exempted has to be of a high quality both in terms of brand and condition.
- a) Vehicles will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus.
  - b) The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim.

#### 2. Types of Vehicles

- 2.1 The vehicle must have one of the following:
- a) A UK Single Vehicle Approval Certificate
  - b) A European Whole Vehicle Approval Certificate
  - c) UK Low Volume Type Approval Certificate Specification
- 2.2 If the vehicle has a UK Single Vehicle Approval Certificate, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the IVA certificate at time of licensing.

#### 3. Vehicle and Safety Equipment

- 3.1 The proprietor of a vehicle shall:
- a) Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, safe and clean condition.
  - b) Ensure the vehicle is fitted with tyres that meet both the manufacturer's size and weight specification for that vehicle.
- 3.2 Vehicles may be granted an exemption from the requirement under the conditions of licence for Private Hire vehicles to be right hand drive.
- 3.4 Vehicles with sideways facing seating may be considered for Private Hire licensing.

#### **4. Use of Vehicle**

4.1 The proprietor of a vehicle shall:

- a) Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers
- b) Ensure that in any advertisement publicising their business, the vehicle is not stated to carry any more than 8 passengers.
- c) Not convey any passengers in the front compartment with the driver.
- d) Not supply alcohol to passengers unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same

4.2 If all occupants are below the age of 18, there should be no alcohol carried in the passenger compartment.

4.3 Any glassware in the vehicle must be made of either shatterproof glass or plastic.

4.4 The driver shall not play or permit the performance of any film, video or similar media where any passenger in the vehicle is below the age permitted by the age classification to view the particular film etc.



## Appendix H

### Private Hire Vehicle Licence Procedures

#### 1. Application Process for Private Hire Vehicle - New Licence

- 1.1 The vehicle must accord with the specifications in Appendix E.
- 1.2 Applicants must telephone the licensing office to make an appointment to have their vehicle licensed.
- 1.3 Applications for a Private Hire vehicle licence must be submitted on form HC- PHV/1
- 1.4 Applicants attending the appointment must bring all their documents relating to the vehicle, which include:-
  - Insurance for Hire and Reward
  - Registration Document or Bill of Sale
  - Proof of Road Fund Tax
  - MOT
  - Garage Certificate
  - Applicants must pay the appropriate fee before the licence can be issued.
- 1.6 Applicants must ensure that they bring the vehicle to the appointment

#### 2. Application Process for Private Hire Vehicle - Licence Renewal

- 2.1 Applications for renewal should be submitted within 28 days prior to the vehicle licence expiring. Applicants must telephone the licensing office to make an appointment to have their licence renewed.
- 2.2 The fee must accompany the application for renewal.
- 2.3 Rear and door plates (where applicable) an internal licence plate will be placed on the vehicle and a paper licence given to the applicant.
- 2.4 Applicants who fail to renew their vehicle licence on time will be required to submit a new application and will be also be required to comply with the conditions set out in Appendix D. Licence holders should note that depending on the age of the vehicle it could be deemed to be too old to re-licence.

#### 3. Application Process for Private Hire Vehicle Licence - Transfer of vehicle

- 3.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another vehicle.
- 3.2 Vehicles must comply with the conditions of licence outlined in Appendix D.

- 3.3 Applications for a Private Hire vehicle licence transfer must be submitted on the designated form.
- 3.4 Applicants must bring all their documents relating to the vehicle which includes:-
- Insurance for Hire and Reward
  - Registration Document or Bill of Sale
  - Council Garage Inspection Report
  - Valid MOT
  - Proof of Road Fund Tax
  - Applicants must pay the appropriate fee before the licence can be issued
- 3.6 An internal licence plate will be issued and placed in the holder provided on the windscreen. This will clearly display the expiry date so it can be seen from the outside of the vehicle.
- 3.7 An external licence plate will be issued and fixed to the rear of the vehicle by the Council
- 3.8 A paper licence will be issued.
- 3.9 Applicants must bring their vehicle to the Councils' Taxi Office for an officer of the Council to:
- Check for the Council approved door signs (where applicable)
  - Check for the Council approved roof sign (where applicable)
  - To fix an external plate to the rear of the vehicle

#### **4. Application Process for Private Hire Vehicle Licence - Transfer of ownership**

- 4.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another person.
- 4.2 Vehicles must comply with the conditions of licence outlined in Appendix D above
- 4.3 Applications for a vehicle licence transfer of ownership must be submitted on designated form.
- 4.4 Applicants must bring all their documents relating to the vehicle which includes:-
- Insurance for Hire and Reward
  - Registration Document or Bill of Sale
  - Proof of Road Fund Tax
  - Valid MOT
  - Council Garage Inspection Report
  - A signed transfer form from the existing licence holder authorising the transfer of the licence
  - The Council will determine whether replacement plates are required.
  - Applicants must pay the appropriate fee before the licence can be issued.

## Appendix I

### Hackney Carriage & Private Hire Driver Licence Procedures

#### 1. Basic Principles

- 1.1 In determining an application for a Hackney Carriage or Private Hire Driver Licence applicants are required to declare all convictions / cautions / offences. The Council as Licensing Authority is entitled to consider all convictions whether or not they may be considered “spent” for other purposes.
- 1.2 A Worthing Borough Council Hackney Carriage or Private Hire Driver (PHD) must:
  - a) drive a vehicle licensed by this Authority
  - b) have the required insurance
- 1.3 Worthing licensed Private Hire Drivers must drive on a circuit for a Worthing Borough Council licensed ‘Operator’, whilst on this circuit, all ‘hire and/or reward’ passengers must be pre- booked through the ‘operator’. A PHD may not use or park a vehicle on or near (plying for hire) any appointed ‘taxi’ rank. A PHD may not drop-off or pick-up any passenger on or near an appointed ‘taxi’ rank and may not be ‘hailed’ in the street.
- 1.4 Following the grant of a licence, any breach of condition or action(s) contrary to the relevant legislation, any criminal or motoring record will be given due consideration by the Council and may result in the suspension, revocation or refusal to renew any such licence.
- 1.5 All applicants for the grant of a driver's licence must satisfy the criteria set out below.

#### 2. Driving History

- 2.1 Applicants must have held or be in possession of a full UK or EU driving licence for at least 12 months and present for inspection at the time of application. If the licence consists of a photo card and counterpart, both parts must be provided.
- 2.2 The applicant must [generate a DVLA check code from the gov.uk DVLA website and submit the code](#) at the time of application.
- 2.3 If a licence driver has his/her DVLA licence revoked or is disqualified for any reason, the Council may automatically revoke their Private Hire or Hackney Carriage Driver's Licence.
- 2.4 [It is the responsibility of the licence holder to ensure that the DVLA licence remains valid and any renewals to the DVLA are submitted before the expiry. Applications online to the DVLA is the fastest way to apply for a renewal. Retain proof that application to renew an expiring or expired DVLA licence has been completed. Online applications will issue you with a unique code and by post obtain a receipt and proof of posting. Failure to renew may result in suspension of your licence.](#)

### **3. Medical Certificate**

- 3.1 A medical examination must be carried out on the form [supplied by the Council and completed](#) by the applicant's own GP, [on initial application, one at age 45, 50, 55, 60, 65 and annually thereafter, or at any time as required by the Council](#). The medical test will be carried out to DVLA Group 2 standard as advised on the DVLA website under the heading 'Assessing fitness to drive', a guide for medical professionals' and each case will be considered on its own merits. The Council will only accept a medical certificate produced on the supplied Council's form and no other forms of certificate [or copies](#) will be accepted.

### **4. Photographs**

- 4.1 Two recent original passport sized photographs are required with application.

### **5. Driving Standards Test(s)**

- 5.1 Hackney Carriage & Private Hire Driver applicants will be required to pass the Taxi/Private Hire Driver Assessment Test and provide the assessment report and certificated proof before the issue of the licence.
- 5.2 Contact details for the Driving Assessment will be provided.

### **6. Knowledge Test**

- 6.1 All applicants are required to pass the Council's knowledge test which in addition to local geography and taxi regulations will require an applicant to demonstrate customer service, road signs and competency in Numeracy.
- 6.2 All applicants must have an adequate knowledge of both written and spoken English. All applicants including those who may be expected to speak English as a first language by virtue of their country of birth must undertake the Versant English Test (pass level as decided by the Director). An applicant may be considered exempt from any adopted English test requirement if they can demonstrate that they have previously passed a relevant English language qualification at a suitable level, such as: a GCSE, GCE O-level or GCE A-level issued by a recognised examining body in the UK (grade C or higher) an NVQ, City & Guilds, or similar vocational qualification (level 2 or higher) issued by a recognised examining body in the UK an equivalent qualification to either of the above, issued by a recognised examining body in an English-speaking country other than the UK a TOEFL, IELTS or ESOL qualification at CEFR level B2 (or equivalent) If officers are not satisfied with the standard of spoken or written English language a further certificate of competency may be required before an application will be considered further.
- 6.3 Hackney Carriage Geographical Knowledge Test
- The test consists of 80 questions. An applicant must achieve 90% correct answers in the road section and 75% in all other sections in order to pass. The test is advanced and requires an excellent knowledge of Worthing streets, roads, closes, courts, terraces, walks, major buildings, pubs, hotels, public buildings, conditions of licence, Highway

code, Road signs, Disability awareness, Child Sexual Exploitation, [safeguarding awareness](#) and Numeracy.

Applicants for Hackney Carriage driver licences will need to pass a route test that involves correctly naming all the roads taken on the shortest route between 2 points within the Borough. A pass mark of 8 out of 10 on the routes test is required.

#### 6.4 Private Hire Geographical Knowledge Test

This test consists of 80 questions as above; an applicant must achieve 75% correct answers in each section in order to pass. If there are any difficulties anticipated with the knowledge test, applicants must make the Licensing Section aware within sufficient time prior to the actual date to the test.

6.5 Applicants who wish to be exempt from sitting the Council's knowledge test must provide detailed information why the Council should deviate from this policy.

#### 6.6 Child Exploitation (CE) and Disability Awareness & Handling Training

All applicants are required to undergo Child Exploitation, [Safeguarding awareness](#) and Disability Awareness & Handling Training. Applicants undertaking the Child Exploitation, [safeguarding awareness](#) and Disability Awareness & Handling Training must inform the Licensing section and must supply a pass certificate prior to their knowledge test. Applicants who fail the Child Exploitation and Disability Awareness & Handling Training will be required to re-sit the training and pass before a licence can be issued.

### 7. Knowledge Test - General Information

7.1 No mechanical/electrical devices or other means of assistance will be allowed into the test.

7.2 Applicants are required to provide photographic identification on the day of the test. (e.g. passport or photographic DVLA licence). If an applicant fails to bring a photographic ID his/her test will be cancelled.

7.3 The cost for the first knowledge test is included in the initial fee; subsequent tests are charged for. Tests cancelled because of failure to provide the required ID on the day are charged for.

7.4 The cost of the Child Exploitation, [safeguarding awareness](#) and Disability Awareness & Handling Training is charged to the applicant and must be paid at the time the application is submitted. If applicants fail the Child Exploitation, [safeguarding awareness](#) and Disability Awareness & Handling Training they must pay for their next training session in advance.

7.5 Tests are conducted and controlled by Officers of the Council at the Licensing Office or at a training site. The applicant will be informed of the results from the computer test immediately but the Licensing Office has up to 10 days to inform an applicant of the route test. Providing all other criteria have been met and there are no outstanding issues, an appointment may be made to arrange the issue of the Licence applied for.

### 8. Proof of Identity

8.1 Applicants must submit 2 forms of photo identification, one of which must be a Passport (or for EU/EEA Member States a National Identity Card is acceptable). The following documents may also help to support proof of identity; however, they will not be accepted as an alternative to adequate photographic identification (Please note only original documents/certified copies will be accepted).

- Birth Certificate
- P45/P60
- Photo/Paper driving licence
- Marriage Certificate
- Applicants must submit 2 forms of proof of address, from the list below.  
Please note, these documents must be no more than 3 months older than the date of issue.
- Utility bill (not mobile phone bill)
- Credit Card Statement, Bank Statement or Mortgage Statement
- Rent Account or Council Tax Record

8.2 Please ensure that the name, date of birth and address corresponds on all forms of identification provided. If names are not identical on each document the application will not be accepted until all the documents show the same name.

8.3 Applicants must provide printed proof of their National Insurance Number. E.g. Wage slip or P60.

## **9. Fees and Charges**

9.1 The cost of the Council's Hackney Carriage & Private Hire licence fees and charges can be obtained from the licensing office.

## **10. Border and Immigration**

10.1 Applicants must satisfy Border & Immigration that the conditions of the applicant's passport and residency permission are compatible with the licence applied for.

10.2 Applicants are advised that it is the Council's policy to consult with Border & Immigration if it deems necessary, to ensure that the applicant's rights of residency are compatible with the licence applied for.

10.3 At the current time, applicants who reside in the UK on the strength of a Student Visa cannot work on a self-employed basis. They must provide written confirmation that they intend to be employed and plan to work no more than 20 hours per week. They will also be required to provide details in writing of the Private Hire Operator intending to act as their employer, who will be required to complete the appropriate form. Copies of both forms are then forwarded to HM Revenue & Customs or any other organisations that the Council deems relevant.

## **11. General Guidance**

11.1 Upon completion of an application for either a Hackney Carriage or Private Hire drivers licence the Licensing staff will check through the application to ensure that it has been

completed correctly and in full. If the applicant does not complete the application fully then it will not be processed and the application will be returned.

- 11.2 When issued, the Enhanced DBS disclosure will detail all known offences to the Licensing Authority, any disclosed information may be used by the Council to determine whether an applicant is a 'fit and proper' person to be issued a Private Hire or Hackney Carriage driving licence.
- 11.3 The Council will give due consideration to the merits of each individual case and if further investigation is required, the 'disclosure form' certificate may be retained on the applicant's file until the outcome of the case or for a maximum period of 6 months. All files are kept in a secure area and are only available to the appropriate staff. If no offences are disclosed the 'form' certificate is destroyed.
- 11.4 Once all the forms have been completed and have been checked by the Licensing staff the DBS, DVLA and Border & Immigration checks will be sent for processing by the relevant agencies.
- 11.5 On return of the DVLA driving licence check and any feedback from Border & Immigration, the Licensing Officer will review each response. The DBS disclosure will be returned to the applicant and must be submitted as soon as possible at the Licensing office. If the Officer considers the records revealed to be acceptable and the Driving assessment certificate has been submitted satisfactorily the applicant may apply for a knowledge test date.
- 11.6 If the DBS or DVLA checks reveal relevant cautions, convictions, fixed penalties, or Border & Immigration have concerns, the Licensing Officer may contact the applicant to arrange for an interview. The interview will allow the Council to discuss the full circumstances concerning the incidents revealed. The applicant will then be offered the opportunity to put all explanations of such cautions, convictions or incidents in writing, to support the application. After the interview has been completed, a report will be submitted for the consideration of the Head of Service or it may be referred to the Licensing Committee for consideration at hearing. The applicant will be notified in writing of the Council's decision.
- 11.7 The Licence will be issued subject to the laws governing the licence and Council's own standard conditions. A copy of these conditions is included in the application pack and will be supplied on the grant of any licence issued.
- 11.8 Hackney Carriage and Private Hire driver licences will be granted for 3 years. However, the Council may licence for a shorter period, should this be appropriate in special circumstances.
- 11.9 Applicants are also required to advise the Council's Licensing Section of any change(s) to their circumstances i.e. medical condition, criminal incidents, driving licence, address etc., from the time the application is submitted, to the time of issue.

## Appendix J

### Private Hire Driver Conditions of Licence

1. A licensed driver shall behave in a civil and orderly manner and shall take reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the licensed vehicle.
2. The driver shall be clean and tidy in appearance at all times and dressed smartly in a long or short sleeved shirt or blouse and long trousers, tailored shorts or skirt. Suitable footwear for driving must be worn.
3. A licensed driver who has agreed to be in attendance at a certain time at a specified place or whose operator has informed him he/she must be in attendance at a certain time at a specified place shall, unless delayed or prevented by unpreventable circumstances, punctually attend with a licensed vehicle at the appointed time and place.
4. A licensed driver must:
  - carry in the vehicle any luggage which a passenger requests be carried in the vehicle provided that it can be properly secured with the luggage restraints fitted to the vehicle;
  - provide reasonable assistance in loading and unloading such luggage;
  - provide reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down a passenger.
  - provide reasonable assistance to any passenger in alighting or entering the vehicle.
5. The licensed driver of a vehicle equipped with a taxi meter or PDA shall set the device into operation at the point at which the hirer commences his journey unless the hirer expresses at the time of hiring his desire to engage by time.
6. The licence holder shall at all times when acting as a Private Hire driver wear the badge issued by the Council around his/her neck on the lanyard or clip supplied by the Council.
7. Where any property is left in the vehicle by a passenger the licence holder must, in all cases, take reasonable steps to trace the owner and should report all unclaimed lost property on line to Sussex Police within 48 hours at:  
<https://www.sussex.police.uk/ro/report/lp/lost-or-found-property/>
8. The licence holder must not allow a passenger into their vehicle unless they have first confirmed that there is a booking in place for that passenger made by their operator.
9. Where the licence holder is issued with a fixed penalty by a police officer for a driving related offence, he/she must notify the Council's Licensing Office of this fact in writing (or by email to [taxi.licensing@adur-worthing.gov.uk](mailto:taxi.licensing@adur-worthing.gov.uk)). The licence holder must ensure that the notification is delivered to the Council by the next working day.



10. Where any of the following occur, the licensed driver must notify the Council of this fact and must do so in writing (or by email) so that the notification is delivered to the Council within 7 days:
11. Any change to the licence holder's personal details including home address, contact telephone number or email address.
12. If the licence holder is charged with any criminal offence including any motoring offence.
13. Any convictions or police cautions given for any criminal offence, including any motoring offence.
14. If they change from one Private Hire operator to another.
15. A licensed driver shall not at any time permit the noise from any radio or sound system in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. The licensed driver must turn off their radio/stereo if requested by a passenger.
16. A licensed driver shall not between the hours of 23:30 and 07:00 sound his horn to notify the hirer of his presence.
17. A licensed driver shall not, without the consent of the hirer, convey any other person in the vehicle other than the hirer.
18. A licensed driver shall, if requested by the hirer, provide him or her with a written receipt for the fare paid.
19. A licensed driver must supply on request his badge number or plate number to any person who requires it.
20. Any occupied wheelchair being transported in a wheelchair accessible vehicle must be safely secured using the restraint system carried in the vehicle, provided such system is compatible with the wheelchair being transported.
21. The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.
22. A licence holder stopped by a Police or Licensing Officer, must be able to produce their licence on demand.

## Appendix K

### Private Hire Operator's Licence Conditions

#### 1. Provision and Furnishings of Private Hire Vehicles

- 1.2 Should it come to the operator's attention that a vehicle on his/her/its circuit is not in a clean and tidy condition, he shall notify the proprietor and/or the driver and ensure that no jobs are given to the driver of that vehicle until the operator is satisfied that the vehicle is in a clean and tidy state.

#### 2. Display of Licence Plates, Signs and Advertising

- 2.1 The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of the carriage, on or adjacent to the rear bumper, or in such other position as may be approved by the Licensing Officer.
- 2.2 The operator shall ensure maintenance of such licence plates in a clean and legible condition and shall inform the Council immediately should it be lost or broken or become defaced.

The operator may display on the outside or inside of the vehicle the following:

- Private Hire car sign (which may be issued by the Council) on the windscreen
- Vehicle Licence plate
- Approved West Sussex County Council School Transport Sign when operating in conjunction with school contracts and
- Anything else that is required to be displayed by law
- But may not without first applying for and obtaining the council's permission, allow any other sign to be affixed to any part of a vehicle.

#### 3. Records

- 3.1 The operator shall keep a permanent record of every booking of a Private Hire vehicle invited and accepted by him, whether direct from the hirer or by undertaking the bookings at the request of another operator. The records shall be made available for inspection by a Council Officer or Police officer upon request. The record entries must be made before the commencement of each journey and shall include:

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

- 3.2 All records kept by the operator pursuant to Condition 3.1 above shall be preserved for a period of at least 12 months from the date of the journey.
- 3.3 The operator shall keep written records of the particulars of all Private Hire vehicles operated by him and shall include a copy of the licensed driver's Private Hire licence, details of the proprietor of each vehicle, the registration number of each vehicle and driver/s of each vehicle together with any radio call sign used.
- 3.4 The operator shall ensure that each driver is allocated their own unique call sign.
- 3.5 The Operator will securely retain a copy of the licenses of all drivers (whether Private Hire or Hackney Carriage) engaged to work for them and make them available for inspection by a Council officer or Police officer upon request.
- 3.6 The operator must ensure that every driver that works on his circuit holds a current Private Hire driver's licence at all times the driver is undertaking work on the circuit.
- 3.7 During all times that a vehicle is being operated by the licence holder under this licence, the licence holder must ensure that the vehicle has:
- a valid certificate of insurance for the vehicle to be used for hire and reward for those vehicles licensed as Private Hire vehicles or a valid public hire insurance policy for those vehicles with a Hackney Carriage vehicle licence.
  - a valid Certificate of Compliance
  - a valid Private Hire vehicle Licence or Hackney Carriage proprietor licence.
  - a valid road fund licence

The operator is required to keep a record of all the above and allow a Council officer or Police officer to inspect them upon request.

- 3.8 If any documents (as above in condition number 3.7) expire the operator must ensure the driver does not work on the circuit until valid documents have been submitted to the operator.
- 3.9 The operator must provide a register of staff taking bookings and dispatching vehicles monthly to the Council and/or if any changes occur.
- 3.10 All staff taking bookings and dispatching vehicles must provide a basic DBS check on employment and thereafter every 12 months. It is the responsibility of the operator to ensure compliance.
- 3.11 The operator must supply a copy of their policy on employing ex-offenders
- 3.12 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.
- 3.13 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations

#### **4. Conduct of Operator**

- 4.1 The licence holder must not accept a booking by any person to hire a Private Hire vehicle unless the passenger or someone on his behalf previously requested the hiring by telephone, letter, email, text or personal call to the office or business premises of the licence holder.
- 4.2 The licence holder must not accept a request for hire (a booking) which has been communicated to them via a driver operating a Private Hire vehicle. To be clear: the licence holder must not accept a booking from a potential passenger made on that person's behalf by a driver in circumstances where the person approached the driver in the street seeking to hire the vehicle.
- 4.3 The operator must ensure that none of his office staff or agents touts for business on the street whether or not this is nearby the operator's offices. In this context, 'tout for business' means approaching any person on the street and asking if they want to book a vehicle where that person has not approached the operator's staff first.

#### **5. Complaints**

- 5.1 The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from his business that he feels prudent to do so, for example for his own protection against frivolous or vexatious complaints. Such notification must include the action taken, or proposed, as a result of the complaint.

#### **6. Miscellaneous**

- 6.1 The operator may only operate from an address within the borough of Worthing.
- 6.2 The licence holder must notify the Council at least 7 days prior to any intended change of address from which the licence holder intends to operate under this licence.
- 6.3 The licence holder may only trade under this licence using one of the following names:
- (a) his/her/its own name, or
  - (b) the trading name or one of the names which the licence holder included on the licence application form; or
  - (c) another trading name provided that the operator notifies the Council at least 14 days prior to the intended change to name under which the operator intends to trade.
- 6.4 This licence must be kept in the possession of the operator and must be produced when requested by a Council officer or any police officer.
- 6.5 In the event of loss or damage to this licence the Council's Licensing Section Office must be informed immediately so that a replacement licence can be issued.
- 6.6 This licence must not be altered or defaced in any way.
- 6.7 The operator must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicles at any time.

- 6.8 The operator must not refuse a booking because the person wishing to make the booking proposes that his/her guide dog is to travel in the vehicle with them. The operator must not make an additional charge for the carriage of a passenger's assistance dog.
- 6.9 The operator must not operate more vehicles than the total number of vehicles specified in their licence.
- 6.10 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the registered premises where the records are kept and where bookings are accepted.
- 6.11 Where the licence holder is a person, he/she must notify the Council in writing (or by email to: [taxi.licensing@adur-worthing.gov.uk](mailto:taxi.licensing@adur-worthing.gov.uk)) if any of the following occur, and must do so within 7 days of the event occurring
- Any change to the licence holder's personal details including home address (or where the licence holder is a company, the registered address), contact telephone number or email address.
  - If the licence holder is charged with any criminal offence including any motoring offence.
  - Any convictions or police cautions given for any criminal offence, including any motoring offence.
- 6.12 Where the licence holder is a company, a director or the secretary, they must notify the Council in writing (or by email: [taxi.licensing@adur-worthing.gov.uk](mailto:taxi.licensing@adur-worthing.gov.uk)) if any of the following occur, and must do so within 7 days of the event occurring
- Any change to the licence holder's personal details including the registered address, contact telephone number or email address.
  - If the licence holder is charged with any criminal offence.
  - If any director or the company secretary is charged with any criminal offence or motoring offence.
  - If any director or the company secretary is convicted or given a police caution for any criminal offence or motoring offence.
  - The details, including full name, home address and telephone contact number, of any director or company secretary appointed after the licence was granted.

## Appendix L

### Enforcement

In most cases where there are reasons to believe that enforcement action against a licence holder may be required the procedure to be followed is that set out in the Council's Environmental Health Enforcement (available on the Council's website at [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)), in particular the procedure relating to enforcement reviews. The following should therefore be read in conjunction with, and is in addition to, the Council's General Enforcement Policy.

#### Private Hire & Hackney Carriage Drivers and Private Hire Operators

The Council has considered the Department for Transport's 2010 Best Practice Guidance and in particular notes that in paragraph 59 councils are encouraged to have a clear policy for the consideration of criminal records.

Set out below are the factors, both in relation to criminal activity, other types of unacceptable behaviour and factors of concern, which will be considered when the delegated officer is considering whether or not they are satisfied that a person is a fit and proper person to hold a licence.

#### 1. General matters

1.1 Each case will be decided on its own merits.

#### 1.2 Relevance of convictions

1.21 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application will be entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the Council's overriding consideration should be the protection of the public.

1.22 Remaining free from convictions will not generally be regarded as sufficient evidence that a person is a 'fit and proper' person to hold a licence. The Council does not confine itself to convictions but also takes into account non-convictions etc. (in line with Leeds City Council v Hussain). Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

#### 2. Dishonesty

2.1 It is essential for the public to have trust in Hackney Carriage and Private Hire drivers. The practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. However, there is scope for a dishonest driver to defraud a passenger by demanding more than the legal or agreed fare or by taking a

longer route to a destination. Visitors are particularly at risk from an unscrupulous driver. For this reason, the Council will take a serious view of any offences involving dishonesty. The Council will generally not consider an application until a period of at least 3 years free from convictions has elapsed. More than one conviction for this type of offence within the last 5 years will raise serious doubts about the applicant's fitness to hold a licence. In such cases, the Council may reject the application.

- 2.2 In the case of a licensed driver convicted of an offence involving dishonesty, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 3 years free from convictions of this type has elapsed.
- 2.3 Offences of dishonesty include:
- Theft
  - Burglary
  - Fraud including benefit fraud
  - Handling or receiving stolen goods
  - Forgery
  - Conspiracy to defraud
  - Obtaining money or property by deception
  - Other deception

### **3. Violence**

- 3.1 The Council will take a serious view of any applicant convicted of an offence involving violence.
- 3.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for one or more of the following offences:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Arson with intent to endanger life
  - Terrorism offences
  - Or any similar offences (including attempted or conspiracy to commit offences) or offences which replace the above.

In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Council will normally revoke the licence immediately.

- 3.3 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 10 years immediately prior to the date of application:
- Malicious wounding or grievous bodily harm which is racially aggravated
  - Actual bodily harm which is racially aggravated
  - Grievous bodily harm
  - Robbery
  - Possession of firearm
  - Riot
  - Assault on Police
  - Racially aggravated offences
  - Violent disorder
  - Resisting arrest

- Or any similar offences (including attempted or conspiracy to commit offences), which replace the above.
- 3.4 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 10 years free from convictions of this type has elapsed.
- 3.5 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 5 years immediately prior to the date of application:
- Assault occasioning actual bodily harm
  - Common assault
  - Affray
  - Criminal damage
  - Harassment
  - Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above
- 3.6 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.
- 3.7 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 3 years immediately prior to the date of application:
- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
  - S.4 Public Order Act 1986 offence (fear of provocation of violence)
  - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
  - Possession of a weapon (other than a firearm)
  - Obstruction
  - Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above
- 3.8 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 3 years free from convictions of this type has elapsed.
- 4.0 **Drugs**
- 4.1 The Council will take a serious view of convictions for drug related offences.
- a) An application will normally be refused when an applicant has a conviction related to the supply of drugs and the conviction is less than 5 to ten years prior to the date of application. After 5 years have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a 'fit and proper' person.
  - b) In the case of a licensed driver who is convicted of an offence linked to the supply of drugs, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.



- 4.2 An application will generally be refused where the applicant has more than one conviction relating to the possession of drugs and the last conviction was less than 5 years prior to the date of application.
- 4.3 An application from an applicant who has an isolated conviction for possession of drugs within the last 3 to 5 years will require serious consideration before a decision is made regarding their suitability. The Council may require the applicant to produce additional information in order to satisfy the Council that they are a fit and proper person to be granted a licence.
- 4.4 The Council will take a serious view of a licensed driver convicted of an offence for possession of drugs. An isolated incident will result in a strict warning about future conduct. More than one conviction for this type of offence in the last 5 years will raise serious doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions has elapsed, and the Council may require that the person submit a medical examination report from their own GP addressing their drug-use problems when they re-apply for a licence.
- 4.5 See below for offences relating to driving under the influence of drugs and/or alcohol.

#### 5.0 **Sexual and indecency offences**

- 5.1 Hackney Carriage and Private Hire drivers frequently carry unaccompanied and/or vulnerable passengers. The Council will therefore take a serious view of any convictions for a sexual offence. A licence will not normally be granted if an applicant has more than one conviction for a sexual offence.
- 5.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
  - Assault by penetration
  - Sexual offences involving children or vulnerable adults
  - Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above

In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Council will in most cases immediately revoke the licence.

- 5.3 A licence will not normally be granted where the applicant has a conviction for any of the following offences in the 10 years immediately prior to the date of application:
- Sexual assault
  - Indecent assault
  - Possession of indecent photographs, child pornography etc.
  - Exploitation of prostitution
  - Trafficking for sexual exploitation
  - Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above.

In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 10 years free from convictions of this type has elapsed.

- 5.4 A licence will not normally be granted where the applicant has a conviction for any of the following offences in the 5 years immediately prior to the date of application:
- Indecent exposure
  - Soliciting (kerb crawling)
  - Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above.

In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

- 5.5 Applications will be refused where the applicant is on the Sex Offenders Register or is subject to a Sexual Offences Prevention Order (SOPO) or any similar order which may in the future replace SOPOs.

## 6. **Alcohol Related Offences**

- 6.1 With motor vehicle:

The Council will take a serious view of an applicant convicted for driving or attempting to drive a vehicle with levels of alcohol in blood, breath or urine in excess of the permitted limit. A single conviction for any alcohol-related driving offence will normally preclude an application from being granted a licence for a period of 5 years from the time the person's DVLA licence is restored.

More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will normally be refused.

If there is any suggestion that the applicant suffers clinical alcohol dependence, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of the application process. If the applicant is found to be suffering from clinical alcohol dependence, an application will not normally be considered until a period of at least 5 years has elapsed after completion of treatment of the condition. The cost of any medical examination and report must be paid for by the applicant/driver.

The Council will take a serious view of a licensed driver convicted of driving or attempting to drive a vehicle with levels of alcohol in excess of the permitted limit as this will raise serious doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

If a licensed driver is convicted of driving or attempting to driver a vehicle with levels of alcohol in excess of the permitted limit where he/she was driving (or attempting to drive as the case may be) a licensed vehicle (whether Hackney Carriage or Private Hire vehicle), the Council will view this especially seriously and treat this as an aggravating factor.

## 6.2 Without motor vehicle:

An isolated alcohol-related offence (not involving driving) will not necessarily prevent an applicant being granted a licence, and similarly an isolated alcohol-related offence (not involving driving) committed by a licensed driver will not usually lead to the suspension or revocation of the driver's licence.

However, where an applicant has a number of convictions for alcohol-related offences may indicate a medical problem. In such cases, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of the application process. The cost of any medical examination must be paid for by the applicant.

## 7. **Minor traffic offences**

7.1 Convictions for minor traffic offences, for example obstruction, waiting in a restricted street, etc., will not necessarily prevent a person from being considered for a licence. If a new applicant has 6 live penalty points on their driving licence for such offences then the application may be granted subject to a strong written warning. If an applicant has more than 6 penalty points on their licence then the application will normally be refused and no further application will normally be considered until a period of at least 12 months free from convictions of this type has elapsed.

7.2 In the case of a licensed driver accumulating nine or more penalty points the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 12 months free from convictions of this type has elapsed.

## 8. **Major traffic offences**

8.1 If an applicant has live endorsements or has been disqualified from driving in respect of one or more major traffic offences, for example reckless driving or driving without due care and attention etc., then the application will normally be refused until at least 5 years after the most recent such conviction.

## 9.0 **Offences by licensed drivers, proprietors or operators**

9.1 Where a licensed driver is convicted of more than one offence for alcohol-related offence this will raise doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of a future re-application process.

9.2 Any conviction resulting from an offence committed by any person whilst working as a Hackney Carriage or Private Hire driver or operator, or when driving a Hackney Carriage or Private Hire vehicle even if not working as a professional driver, is regarded as

extremely serious and may lead to a licence being suspended or revoked or an application to renew the licence being refused.

- 9.3 The Council also regards as extremely serious offences by licensed drivers and operators who commit licensing-related offences, especially the offence of illegally plying for hire, and may lead to a licence being suspended or revoked or an application to renew the licence being refused. Licensing-related offences in this context include any offences contrary to the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 or any breach of licence conditions or bye laws made under the relevant legislation, but especially the offence of illegally plying for hire.
- 9.4 More than one conviction for the above would almost certainly lead to the Council revoking the licence.
- 9.5 [Using a hand-held device whilst driving](#) Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.
- 10.0 **Cautions and Endorsable Fixed Penalties**
- 10.1 For the purpose of these guidelines, simple cautions and endorsable fixed penalty notices will be taken into consideration when deciding an applicant is fit and proper.

## Appendix M Revised

### Penalty Points Scheme

#### 1. The Scheme

- 1.1 Any breach of legislation or the requirements of this Licensing handbook will be fully considered by authorised officers when determining the use of the penalty point system. Where it is decided that the penalty point system is appropriate, the points will be issued in accordance to this appendix. If this appendix allows a range of points for the particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.
- 1.2 Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The licence holder will be given the opportunity to provide any mitigating circumstances to be considered. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominantly an internal management tool for ensuring that licence holders who repeatedly contravene regulations and/or this Policy are assessed.

- 1.3 Points issued will be confirmed in writing within ten working days from the discovery of the contravention or the conclusion of an investigation into a complaint.
- 1.4 The maximum number of points that can be imposed in respect of any particular matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.
- 1.5 If a licence holder accumulates 10 points or more within a rolling period of 12 months then their licence will be subject to a review by the Licensing Committee.
- 1.6 The penalty point system will operate without prejudice to the Council's ability to take other action under appropriate legislation
- 1.7 There is no right of appeal against the award of penalty points by an Authorised Officer of the Council as this is not a formal sanction in its own right. As stated in paragraph 1.2 above, the licence holder's penalty offences will be considered in light of any mitigating circumstances that the licence holder wishes to offer.
- 1.8 The following tables list the breaches of legislation, bye laws and conditions of licence that attract penalty points.

Reference to HC is Hackney Carriage and PH is Private Hire.

## Private Hire

<b>A Offences under the Local Government (Miscellaneous Provisions) Act 1976</b>		<b>Points</b>
1	Vehicle not displaying plates. (Sec.48(6)(a))	<b>5</b>
2	Failure to notify vehicle transfer. (Sec.49(1))	<b>5</b>
3	Failure to present vehicle for inspection. (Sec.50(1))	<b>5</b>
4	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	<b>5</b>
5	Failure to report an accident.(Sec.50(3))	<b>5</b>
6	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	<b>5</b>
7	Failure to wear driver badge.(Sec.54(2))	<b>5</b>

8	Failure by Operator to keep records of bookings.(Sec.56(2))	5
9	Failure by Operator to keep records of vehicles.(Sec.56(3))	5
10	Failure to produce a PH Operators licence.(Sec 56(4))	5
11	Making false statement or withholding information to obtain a licence.(Sec.57(2))	5
12	Failure to return vehicle plate after notice given.(Sec.58(2))	5
13	Failure to surrender driver licence after suspension.(Sec.61(2))	5
14	Charging more than the meter fare when HC used as a PH.(Sec.67)	5
15	Unnecessarily prolonging a journey.(Sec.69)	5
16	Obstruction of an authorised officer or constable.(Sec.73(1)(a))	5
17	Failure to comply with requirement of an authorised officer or constable.(Sec 73(1)(b))	5
18	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))	5
<b>B Offences under the Transport Act 1980</b>		<b>Points</b>
<b>Section</b>		
64 (2) (a)	Driving a vehicle with a sign above its roof which consists or includes the word 'taxi' or 'cab' whether alone or part of another word	5
64 (2) (b)	Causes or permits a vehicle to have a sign above its roof which consists or includes the word 'taxi' or 'cab' whether alone or part of another word.	5
<b>C Conditions of licence</b>		
All breaches of licence conditions shall attract 5 penalty points.		

## Hackney Carriage

<b>A Offences under the Local Government (Miscellaneous Provisions) Act 1976</b>		<b>Points</b>
1	Failure to notify vehicle transfer (Sec.49(1))	5
2	Failure to present vehicle for inspection. (Sec.50(1))	5
3	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5
4	Failure to report an accident.(Sec.50(3))	5
5	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	5
6	Failure to produce HC driver licence.(Sec.53(3))	

		<b>5</b>
7	Making false statement or withholding information to obtain a licence.(Sec.57(2))	<b>5</b>
8	Failure to return vehicle plate after notice given.(Sec.58(2))	<b>5</b>
9	Failure to surrender driver licence after suspension.(Sec.61(2))	<b>5</b>
10	Charging more than the fare shown on the meter for a journey ending outside the district without prior agreement	<b>5</b>
11	Charging more than the meter fare when HC used as a PH.(Sec.67)	<b>5</b>
12	Unnecessarily prolonging a journey.(Sec.69)	<b>5</b>
13	Obstruction of an authorised officer or constable.(Sec.73(1)(a))	<b>5</b>
14	Failure to comply with requirement of an authorised officer or constable.(Sec 73(1)(b))	<b>5</b>
15	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))	<b>5</b>
<b>B Offences under the town Police Clauses Act 1847</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
48	Failure by HC Proprietor to hold a copy of HC driver licences of persons who use the vehicle	<b>5</b>
59	Carrying other person than the hirer without consent	<b>5</b>
<b>C Offences under the Byelaws</b>		
All breaches of hackney carriage byelaws shall attract 5 penalty points.		
<b>D Conditions of Licence</b>		
All breaches of licence conditions shall attract 5 penalty points.		
<b>Equalities Act 2010</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
168	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	<b>10</b>
168	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	<b>10</b>
170	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	<b>10</b>
170	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	<b>10</b>

<b>Hackney Carriage and Private Hire Licensing Policy</b>	
<b>Breach of policy requirement</b>	<b>Points</b>
Failure to wear a driver's badge	<b>5</b>
Failure to ensure the safety of passengers	<b>5</b>
Concealing or defacing a vehicle Licence Plate	<b>5</b>
Failure to attend on time for a prearranged booking without reasonable cause	<b>5</b>
Conveying a greater number of passengers than permitted	<b>5</b>
Failure to give reasonable assistance with passenger's luggage	<b>5</b>
Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked	<b>5</b>
Operating a vehicle that is not clean and tidy	<b>5</b>
Driving without the consent of the proprietor	<b>5</b>
Drinking or eating in the vehicle whilst carrying passengers	<b>5</b>
Smoking in a licensed vehicle at any time	<b>5</b>
Cause excessive noise from any radio or sound-reproducing equipment	<b>5</b>
Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	<b>5</b>
Using a non-hands free mobile telephone whilst driving	<b>10</b>
Failure to advise of a relevant medical condition	<b>5</b>
Failure to provide a receipt for a fare when requested	<b>5</b>
Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages	<b>5</b>
Failure to notify the Council of any amendment to the details of a licence within fourteen days	<b>5</b>
Failure to surrender a driver's licence, badge or plate upon request	<b>5</b>
Failure of a licence holder to disclose pending prosecution or convictions within seven days of notification	<b>5</b>
Failure to switch the CCTV on whilst working (If the first offence is serious the licence should be immediately referred to the Licensing & Control committee for a Review)	<b>5</b>
<b>Breach of policy requirement</b>	<b>Points</b>
Failure to take found property to the Police	<b>5</b>
Failure to report an accident within seventy two hours	<b>5</b>



Failure to comply with the requirements for the safe carrying of a Wheelchair	<b>5</b>
Operating a vehicle which is not maintained in a sound and roadworthy condition	<b>5</b>
Failure to carry an approved fire extinguisher	<b>5</b>
Failure to carry an approved first aid kit	<b>5</b>
Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	<b>5</b>
Modifying a vehicle without the consent of the Council	<b>5</b>
Displaying a sign or advertisement on a licensed vehicle contrary to the Policy requirements or has not been approved by the Council	<b>5</b>
Driving with no insurance or inadequate insurance for the vehicle	<b>10</b>
Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	<b>5</b>
Any other contravention of the Policy not covered above	<b>5</b>

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## Handbook review

1 message

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[REDACTED]  
to: taxi.licensing@adur-worthing.gov.uk

7 September 2021 at 11:09

Good morning,

I would like there to be a review on the tinted window policy now we have CCTV. I personally think CCTV covers the safety requirements for using a taxi.

When purchasing a vehicle these days it's very difficult to not have tinted windows we already have to consider many options without this out dated rule. . I believe this is a reasonable request and would appreciate this to be looked at.

Many thanks

[REDACTED]  
Badge no [REDACTED]

Sent from my iPhone



## My view of the current /future handbook.

1 message

26 September 2021 at 12:45

To: "taxi.licensing@adur-worthing.gov.uk" <taxi.licensing@adur-worthing.gov.uk>

Good morning,

I have been wanting this moment to give my thoughts about the way "We"(Worthing taxi drivers) are unfairly treated. I beg you to please show Theresa and even Simon this email as they are the people with decisions which we feel do Not protect our residents in Worthing.

1. You allow other cars from different boroughs( especially Chichester) to come and work in Worthing, carrying our people around with No way of monitoring their safety at all. That really has to change, I know you always say that there is nothing you can do about that, but you are the councillors and can surely vote in local laws which would prevent an outsider to come and make a mockery of our local laws/ rules.

2. As an example of how weak the current rules are; I know of a driver/ drivers who are currently working for Arrow who were banned in Worthing, appealed but their appeals fail because of the gravity of what they did, but went to Chichester, got a licence there so easily, came back straight to Arrow and now work here with a Chichester badge carrying the same people you were supposed to protect them from carying.

Now, you tell me that is Not making a mockery of our laws, and it is dangerous as you are allowing criminals to work here putting our residents lives in danger. My suggestion is: have a system in place that any driver who is banned / disqualified as a taxi driver should Not be allowed to just go round and come back with a different badge but the same dangerous person. Contact Chichester council and find out what systems are in place to prevent unqualified/ disqualified drivers from others boroughs from going there and given licences to then go and make a mockery of other boroughs.

3. You are losing so many Worthing licensed drivers to Chichester because there is virtually No checks done in Chichester, many people are going there to get licences because it is so easy to get it there and come and work for Arrow in Worthing, I would like to ask this question: has any councillor from Worthing been to an Arrow office in Chichester?? I know there is one in Littlehampton that all, does that give them the right to employ Chichester cars?? My suggestion is: be fair to Worthing drivers and relax some of the unnecessary checks which are making it hard to anyone for wanting to become one.

4. One of the really unnecessary requirements is : the GLASS TINT; please please please this Has to be removed, the new handbook should Not have this. you are making our lives sooo hard to find a car to buy because all cars come with slightly tinted glasses from the manufacturer, why do you have to force us to go and remove these, to fit clear glasses at a very expensive cost, while we have Chichester cars doing the same job as us with heavily tinted cars??

We have CCTVs in our cars, how is a tinted glass protecing our residents more than the CCTV?? please if this is Not changed , I am also getting a Chichester licence soon, which will lose the council my anual badge fee and vehicle licence fee to Chichester. Is this really what you want?? I know of many of my friends who have found No point having a worthing licence with all these requirements yet you can go to Chichester get a licence where you do Not need a CCTV in your car, your car filled with Arrow stickers, a roof light, Tinted glasses, No car age restrictions etc... and we all work for Arrow , doing the same job in the same town.

You can see that Worthing taxi drivers are unfairly treated,and unless you do something about it you will soon have No PV hire drivers paying for badges in Worthing.

Thank you. I ask for my email to be kept anonymous and Not publish it as I know Arrow taxis Will Not be happy with me mentioning all what I have said and will therefore tell me to Not work for them yet I really love my job and I can Not see myself working for anyone else in Worthing other than Arrow, but we are just asking for all of us to be treated fairly.

Sent from Yahoo Mail on Android



06 OCT 2021

## Re: Worthing Taxi and Private Hire Handbook Consultation

1 message

6 October 2021 at 15:52

To: Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>

Initials

To the Licensing Committee,

I am sending you this email today in the hope of changing the rule on tinted windows. I myself am currently looking for a new car to buy but keep getting knocked back by the vast majority having rear windows that are tinted, I would say for the type of car I was after, like a Skoda Superb or Ford Mondeo it would be in the region of 9 out of 10 that have them. It seems the more you want to pay or the better the vehicle like an executive model it comes as standard. I'm sure you would rather us driving round Worthing in nice looking cars than not so.

When I was about to buy a Skoda with tinted windows I did go to the dealership in Broadwater Rd and got quoted £1,110 to get them replaced which when your paying anything around £12,000 for a new car is something you can do without especially with takings being vastly reduced over the last 18 months or so.

Also as we have to have internal CCTV cameras fitted I would ask why we have this rule.

I have also read that a number of councils across the country have decided to do away with this rule to help out the drivers and I am asking WBC to do the same. Many thanks

Yours sincerely

[Get Outlook for Android](#)

**From:** [teresa.bowley@adur-worthing.gov.uk](mailto:teresa.bowley@adur-worthing.gov.uk) <[teresa.bowley@adur-worthing.gov.uk](mailto:teresa.bowley@adur-worthing.gov.uk)> on behalf of Taxi Licensing <[taxi.licensing@adur-worthing.gov.uk](mailto:taxi.licensing@adur-worthing.gov.uk)>

**Sent:** Wednesday, September 1, 2021 11:30:27 AM

**Subject:** Worthing Taxi and Private Hire Handbook Consultation

1

September 2021

## Worthing Borough Council Taxi and Private Hire Handbook Consultation

Adur

& Worthing Councils review of their Hackney Carriage and Private Hire Handbooks normally every 5 years but both Licensing Authorities reserve the right to review them at any time that members feel it is required. Both handbooks have been subject to interim reviews in recent years but a full review is now due for both.

The

councils recognise that it is good practice for local authorities to consult regarding any significant proposed changes in licensing rules. Therefore, any consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. Royal national institute for the blind, Guide dogs for the blind, british deaf association, Campaign for Better Transport, Access & Mobility Groups and other transport providers), minority & womens' groups, local traders and other interested parties.

The

council's review of their Hackney Carriage and Private Hire Handbooks is now taking place for the next 6 weeks, you are invited to make any representation during this formal consultation process from Tuesday 1 September to Tuesday 12 October 2021.

## TAXI HANDBOOK REVIEW

1 message

**Zoom Worthing Office** <office@zoomworthing.co.uk>  
To: Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>  
Cc: Teresa Bowley <teresa.bowley@adur-worthing.gov.uk>



9 October 2021 at 20:25

Hi Teresa & team,

I would like to make a representation requesting a change to the current rules that Worthing Licensing Authority have on tinted windows.

Ask any Private Hire or Hackney driver in Worthing how easy it is to find a vehicle that meets the current tint standards, and they will all give you the same answer. Almost impossible. It is a rule that adds massively to the stress that all Worthing licensed drivers face when changing vehicles, and it is completely without grounds for enforcement. It needs changing now.

The simple fact is that almost all modern cars are now made with a reasonably heavy tint on the rear windows. The reasons for this are:

1. It reduces harmful UV rays and therefore improves passenger health and safety;
2. It reduces glare coming through the rear windows, therefore improving passenger comfort;
3. It reduces the temperature in the car on sunny days, reducing the need for air conditioning, which in turn reduces harmful emissions

The almost impossible task to find a car that can be licensed in Worthing is compounded by the fact that almost all of us buy our cars on the second hand market, where tinted windows are on 99% of cars. Is it really fair that we are forced to travel sometimes hundreds of miles to buy a used car that we hope will be licensed, only to find on presenting the car to the licensing officer that the tint is too dark? And then having to spend a further £1000 to get the glass replaced?

If this measure has been put in place for the safety of customers, where is the evidence that it is a factor? A recent Freedom Of Information request was sent to all police forces in the UK which asked:

"Has the fact that a vehicle has tinted windows ever been considered to be a factor in any taxi or private hire related incident?"

The answer from all forces was a resounding "No".

Further to this, the current rules on window tint could well be in violation of the Regulator's Code 2014, which states:

**When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities , for example, by considering how they can best:**


- understand and minimise negative economic impacts of their regulatory activities;
- minimise the costs of compliance for those they regulate;

92 Another major factor to consider is that this has become such an issue in Worthing, that a large number of previously Worthing licensed drivers have switched to a neighbouring authority, where there are no such rules on window tint. You can't help but notice that literally half of the Private Hire vehicles working in Worthing are now on Chichester

licenses, and have heavy rear window tint. If this trend continues, the long term budgetary affect this will have on Worthing Licensing Authority is obvious.

Taking all of this into consideration, it is my recommendation that there is **no set limit** on rear window tint in the revised Handbook. I believe that all other current standards on vehicles should remain unchanged. I also believe that the standards of the new handbook should apply to both Worthing and Adur boroughs.

Kind Regards,

 Director Zoom Private Hire.

## Handbook proposed challenges 2021

### **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

I feel the reasoning was and is flawed. The absolute vast majority of vehicles with factory fitted tints allow sufficient light and therefore sight into the vehicle. The flaw lending that 99.9% of the public are not going to pay any attention to the activities in the vehicle. You add the fact that the vehicle has CCTV for the deterrent factor/evidential factor.

**The non-allowance of window tinting is completely unnecessary.**

**CCTV requests be paid by council or police:**

When driver is found not to be at fault

Or is just a general request for information

**CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 5-10-21

Company: [REDACTED]

Name: [REDACTED]

Ph/Hackney number



**Handbook review objections/suggestions amended**

**Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

Feedback from wheelchair customers is that tinted windows offer some privacy.

Cost of replacement glass

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

**CCTV requests be paid by council or police:**

When driver is found not to be at fault

Or is just a general request for information

**CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 17-10-21.

Company: Zoom.

Name: [Redacted]

Ph/Hackney number [Redacted]

**Handbook review objections/suggestions amended**

**Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

Feedback from wheelchair customers is that tinted windows offer some privacy.

Cost of replacement glass

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

**CCTV requests be paid by council or police:**

When driver is found not to be at fault

Or is just a general request for information

**CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date:

7/10/21

Company:

2002

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

Feedback from wheelchair customers is that tinted windows offer some privacy.

Cost of replacement glass

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

### **CCTV requests be paid by council or police:**

When driver is found not to be at fault

Or is just a general request for information

### **CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 06-10-21

Company: ARROW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

# Handbook proposed challenges 2021

## **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

I feel the reasoning was and is flawed. The absolute vast majority of vehicles with factory fitted tints allow sufficient light and therefore sight into the vehicle. The flaw lending that 99.9% of the public are not going to pay any attention to the activities in the vehicle. You add the fact that the vehicle has CCTV for the deterrent factor/evidential factor.

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**The non-allowance of window tinting is completely unnecessary.**

**CCTV requests be paid by council or police:**

When driver is found not to be at fault

Or is just a general request for information

**CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

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Date: 06-10-21

Company: ARROW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

**Handbook review objections/suggestions amended**



**Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles  
Feedback from wheelchair customers is that tinted windows offer some privacy.  
Cost of replacement glass  
It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

**CCTV requests be paid by council or police:**

When driver is found not to be at fault  
Or is just a general request for information

**CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles (a visual deterrent)  
Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 8-10-21

Company: [Redacted]

Name: [Redacted]

Ph/Hackney number [Redacted]

[Redacted]

## Handbook proposed challenges 2021

### **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

I feel the reasoning was and is flawed. The absolute vast majority of vehicles with factory fitted tints allow sufficient light and therefore sight into the vehicle. The flaw lending that 99.9% of the public are not going to pay any attention to the activities in the vehicle. You add the fact that the vehicle has CCTV for the deterrent factor/evidential factor.

**The non-allowance of window tinting is completely unnecessary.**

**CCTV requests be paid by council or police:**

When driver is found not to be at fault

Or is just a general request for information

**CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 8-10-21

Company: Arrow Cars

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Statement of facts for Handbook review

### **Removal of window tint rule from handbook:**

Cost of replacement glass

Vehicles already have CCTV in vehicles

Feedback from wheelchair customers who would prefer privacy

Majority of cars are built with tinted glass

### **CCTV requests be paid by council or police:**

When driver is found not to be at fault

Or is just a general request for information

### **CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date:

6/10/21.

Company:

Zoom

Name:

[REDACTED]

PH/Hackney number:

[REDACTED]

## Statement of facts for Handbook review

### **Removal of window tint rule from handbook:**

Cost of replacement glass

Vehicles already have CCTV in vehicles

Feedback from wheelchair customers who would prefer privacy

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date:

6.10.21

Company:

ZOOM

Name:

[REDACTED]

PH/Hackney number:

[REDACTED]



## Statement of facts for Handbook review

### **Removal of window tint rule from handbook:**

Cost of replacement glass

Vehicles already have CCTV in vehicles

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To deter crimes in vehicles

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 07-10-2021

Company: Zoom

Name: [REDACTED]

PH/Hackney number: [REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

Feedback from wheelchair customers is that tinted windows offer some privacy.

Cost of replacement glass

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

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Or is just a general request for information

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To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date:

7/10/21

Company:

Alrow

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

# Handbook proposed challenges 2021

## **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

---

Date:

7/10/21

Company:

Allow

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

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To deter crimes in vehicles (a visual deterrent)

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date:

07.10.20

Company:

ADROW

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

# Handbook proposed challenges 2021

## Removal of window tint rule from handbook:

Feedback from wheelchair customers is that tinted windows offer some privacy.

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To deter crimes in vehicles (a visual deterrent)

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

---

Date: 07.10.21

Company: Arrow

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook review objections/suggestions amended

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To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date:

06/10/2021

Company:

ARROW TAXIS .

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

[REDACTED]

## Handbook proposed challenges 2021

### **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

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To stop banned drivers in a borough from being granted a licence in another borough.

Date:

06/10/2021

Company:

ARROW TAXIS

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

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To stop banned drivers in a borough from being granted a licence in another borough.

Date:

7-10-21

Company:

ARROW

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

[REDACTED]



# Handbook proposed challenges 2021

## Removal of window tint rule from handbook:

Feedback from wheelchair customers is that tinted windows offer some privacy.

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To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

---

Date: 7-10-21

Company: ARROW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

[REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

Feedback from wheelchair customers is that tinted windows offer some privacy.

Cost of replacement glass £ 700-00

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

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To stop banned drivers in a borough from being granted a licence in another borough.

Date:

6/10/21

Company:

ARROW

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

6

## Handbook proposed challenges 2021

### **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

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To stop banned drivers in a borough from being granted a licence in another borough.

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Date:

6/10/21

Company:

ARROW

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

**Handbook review objections/suggestions amended**

**Removal of window tint rule from handbook:**

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Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 07/10/21

Company: ZOOM

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Statement of facts for Handbook review

### **Removal of window tint rule from handbook:**

Cost of replacement glass

Vehicles already have CCTV in vehicles

Feedback from wheelchair customers who would prefer privacy

Majority of cars are built with tinted glass

### **CCTV requests be paid by council or police:**

When driver is found not to be at fault

Or is just a general request for information

### **CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 06/09/21

Company: ARROW

Name: [REDACTED]

PH/Hackney number: [REDACTED]

# Handbook proposed challenges 2021

## **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

---

Date: 06/09/21

Company: Arrow

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

Feedback from wheelchair customers is that tinted windows offer some privacy.

Cost of replacement glass

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 7/10/21

Company: Zoom

Name: [REDACTED]

Ph/Hackney number [REDACTED]

[REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 06/10/21

Company: ANAOL CHNS

Name: [REDACTED]

Ph/Hackney number [REDACTED]



## Handbook proposed challenges 2021

### **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

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**CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 06/10/21

Company: ARROW CARS

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

Feedback from wheelchair customers is that tinted windows offer some privacy.

Cost of replacement glass

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

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### **CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6/10/21

Company: Arrow

Name: [REDACTED]

Ph/Hackney number [REDACTED]

# Handbook proposed challenges 2021

## **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

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Date: 06/10/21

Company: ARROW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

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Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6-10-21

Company: Arrow Taxi

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook proposed challenges 2021

### Removal of window tint rule from handbook:

Feedback from wheelchair customers is that tinted windows offer some privacy.

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

---

Date:

6-10-21

Company:

Arrow + A+I

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

## Handbook proposed challenges 2021

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Feedback from wheelchair customers is that tinted windows offer some privacy.

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 07/10/2021

Company: Arrow Taxi Group

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date:

6/9/2

Company:

Arrow

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

## Handbook proposed challenges 2021

### **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

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Date:

6/9/21

Company:

Arrow

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]



## Statement of facts for Handbook review

### **Removal of window tint rule from handbook:**

Cost of replacement glass

Vehicles already have CCTV in vehicles

Feedback from wheelchair customers who would prefer privacy

Majority of cars are built with tinted glass

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To stop banned drivers in a borough from being granted a licence in another borough.

Date:

7/10/21

Company:

ZOGM

Name:

PH/Hackney number:

## Statement of facts for Handbook review

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6.10.2021

Company: ZOOM

Name: [REDACTED]

~~PI~~/Hackney number: [REDACTED]

## Handbook review objections/suggestions amended

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Date:

6/10/21

Company:

Arrow

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

## Handbook proposed challenges 2021

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To stop banned drivers in a borough from being granted a licence in another borough.

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Date:

6/10/21

Company:

AMUW

Name:

[REDACTED]

Ph/Hackney number

[REDACTED]

## Handbook review objections/suggestions amended

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### **CCTV requests be paid by council or police:**

When driver is found not to be at fault

Or is just a general request for information

### **CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6/10/21

Company: ARROW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

# Handbook proposed challenges 2021

## **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

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Date: 6/10/21

Company: ARROW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

Feedback from wheelchair customers is that tinted windows offer some privacy.

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Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6-10-21

Company: ARROW TAXI

Name: [REDACTED]

Ph/Hackney number [REDACTED]

# Handbook proposed challenges 2021

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To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

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Date: 6-10-21

Company: ARROW TAXI

Name: [REDACTED]

Ph/Hackney number [REDACTED]



## Handbook proposed challenges 2021

### **Removal of window tint rule from handbook:**

Feedback from wheelchair customers is that tinted windows offer some privacy.

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Or is just a general request for information

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To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 05 OCT 21

Company: ARROW CARS

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Statement of facts for Handbook review

### **Removal of window tint rule from handbook:**

Cost of replacement glass

Vehicles already have CCTV in vehicles

Feedback from wheelchair customers who would prefer privacy

Majority of cars are built with tinted glass

### **CCTV requests be paid by council or police:**

When driver is found not to be at fault

Or is just a general request for information

### **CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 7/10/21

Company: Zoom

Name: [REDACTED]

PH/Hackney number: [REDACTED]

## **Statement of facts for Handbook review**

### **Removal of window tint rule from handbook:**

Cost of replacement glass

Vehicles already have CCTV in vehicles

Feedback from wheelchair customers who would prefer privacy

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To deter crimes in vehicles

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 05.11.2021

Company: ARROW

Name: XXXXXXXXXX

PH/Hackney number:

## Statement of facts for Handbook review

### **Removal of window tint rule from handbook:**

Cost of replacement glass

Vehicles already have CCTV in vehicles

Feedback from wheelchair customers who would prefer privacy

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6-10-21

Company: [redacted]

Name: [redacted]

PH/Hackney number: [redacted]

# Handbook proposed challenges 2021

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To stop banned drivers in a borough from being granted a licence in another borough.

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Date: 6-10-21

Company: ARREN

Name: [REDACTED]

Ph/Hackney number  
[REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

Feedback from wheelchair customers is that tinted windows offer some privacy.

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 7/10/21.

Company: Arrow

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

Feedback from wheelchair customers is that tinted windows offer some privacy.

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 06.10.21

Company: ARROW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook proposed challenges 2021

### **Removal of window tint rule from handbook:**

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

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Date: 06.10.21

Company: ALRAY

Name: [REDACTED]

Ph/Hackney number [REDACTED]



## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

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To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 7-10-21

Company: ZOOM

Name: [REDACTED]

Ph/Hackney number : [REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

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To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 8-10-21

Company: ZOOM

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook proposed challenges 2021

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Feedback from wheelchair customers is that tinted windows offer some privacy.

It makes it very problematic to purchase as a majority of vehicles come factory fitted with tinted glass

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To deter crimes in vehicles (a visual deterrent)

Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 07/10/21

Company: Arrow Taxi Group

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Statement of facts for Handbook review

### **Removal of window tint rule from handbook:**

Cost of replacement glass

Vehicles already have CCTV in vehicles

Feedback from wheelchair customers who would prefer privacy

Majority of cars are built with tinted glass

### **CCTV requests be paid by council or police:**

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Or is just a general request for information

### **CCTV screens to be made compulsory to all CCTV in vehicles:**

To deter crimes in vehicles

Drivers are not aware that CCTV is operational

### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6/10/21

Company: ZOOM

Name: [REDACTED]

PH/Hackney number: [REDACTED]

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6-10-21

Company: Zoom

Name: [REDACTED]

~~PA~~/Hackney number: [REDACTED]

[REDACTED]

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To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6-10-21

Company: Zoom

Name: [REDACTED]

PR/Hackney number: [REDACTED]

157

**Handbook review objections/suggestions amended**

**Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6/10/21

Company: ARROW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

**Handbook proposed challenges 2021**

**Removal of window tint rule from handbook:**

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6/10/21

Company: ARROW CARS

Name: [REDACTED]

Ph/Hackney number [REDACTED]



413

**Handbook review objections/suggestions amended**

**Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles  
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To stop banned drivers in a borough from being granted a licence in another borough.

Date: 06-10-2021

Company: ARROW CARS

Name: [REDACTED]

Ph/Hackney number

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To stop banned drivers in a borough from being granted a licence in another borough.

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Date: 06-10-2021

Company: ARROW CARS

Name: [REDACTED]

Ph/Hackney number

## Handbook review objections/suggestions amended

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 08/10/21

Company: Arrow.

Name: [REDACTED]

Ph/Hackney number [REDACTED]

# Handbook proposed challenges 2021

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Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

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Date: 05/10/21

Company: Arrow

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook review objections/suggestions amended

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6 Oct 2021

Company: ARROW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

# Handbook proposed challenges 2021

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

---

Date: 6 Oct 2021

Company: ARROW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Statement of facts for Handbook review

### **Removal of window tint rule from handbook:**

Cost of replacement glass

Vehicles already have CCTV in vehicles

Feedback from wheelchair customers who would prefer privacy

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To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6/10/2021

Company: ZOOM

Name: [REDACTED]

PH/Hackney number: [REDACTED]

## Handbook review objections/suggestions amended

### **Removal of window tint rule from handbook:**

I feel it is unnecessary that vehicles already have CCTV in vehicles

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### **Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 6 10 21

Company: ALPS

Name: [REDACTED]

Ph/Hackney number [REDACTED]



## Handbook proposed challenges 2021

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Date: 6 10 21

Company: Arrow

Name: [REDACTED]

Ph/Hackney number [REDACTED]

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**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 8-10-21

Company: ARLOW

Name: [REDACTED]

Ph/Hackney number [REDACTED]

## Handbook proposed challenges 2021

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Drivers are not aware that CCTV is operational

**Nationwide borough council database on revoked drivers;**

To stop banned drivers in a borough from being granted a licence in another borough.

Date: 7/10/21

Company: Arrow

Name: [REDACTED]

Ph/Hackney number: [REDACTED]



Appendix C

Dear Theresa

Re: Taxi Handbook

Please may I kindly ask you to draw your attention to the revised Handbook, one of my biggest concerns is the rule of "tinted windows". It's almost impossible to find a new or replacement taxi/PH vehicle, and will only get worse as so few brand new cars are fitted without rear tinted glass. This policy is leading to PH drivers going to other councils to obtain their licence. This leads to WBC to not only losing control of supervision of the driver but also much needed revenue to WBC.

The second area of concern to me is the complexed knowledge test, which is much more "taxing" (excuse the pun), then neighbouring councils which is leading to new PH drivers just by-passing WBC Licensing all together.

I would like to point out all the Worthing Private Hire Companies have excellent PDA dispatch systems which have installed on them Google Maps, which give the driver the instant route to the destination they need, so reducing a level the knowledge they need to start a new career as a PH driver. The lack of taxi/PH cars in the town is becoming a real worry especially at weekends and late at night, as the night time economy recovers from Covid a long wait for a taxi ride home could become a safety issue for the public. I recommend these changes will hopefully help the trade recruit new drivers and younger drivers to help out at night and to bring the average age of drivers down to ensure the survival of Worthing Taxi services.

Your sincerely

[Redacted signature]

Hackney Driver & Zoom

Submission - [REDACTED]  
Handbook consultation October 2021.

- Tinted windows. I wish to object to the restrictions currently imposed, which I know stand at 55%, which seems an arbitrary number. As most cars are now manufactured with tinted windows this makes purchasing any vehicle almost impossible, it is just not realistic and against other licensing authorities these incursions seem unfair and draconian and I fail to understand the original justification for such a policy.
- Size of vehicles, that is it would be most helpful to be able to purchase smaller vehicles, such as is allowed with by other licensing authorities. The cost of purchasing is now so ill affordable that it is all simply unviable, not to mention the cost of fuel when these large vehicles are so expensive to run. And I urge the licensing authority to think outside the box. Perhaps allowing two passenger cars, which are ecological friendly, & cheaper to run.

What I see is an industry that is dying, not unlike the issues facing lorry drivers. The regulations inhibit everything, the costs so exorbitant there is little motivation to continue or begin.

The industry desperately needs help to survive, not incursions and hurdles making it impossible to purchase without assuming a huge risk in case your vehicle might fail because the windows are too dark. Not to mention the huge cost of CCTV imposed.

If I was contemplating going into the industry now I simply wouldn't bother. It was bad enough ten years ago when I started but now how can one look at this and believe it is remotely viable.

The licensing authority can either support or destroy, if you wish to be detrimental then you will continue on the same way as before and not change anything, then everyone will be surprised when the industry virtually disappears and not one can get taxis anymore.

Signed,

[REDACTED]



**Worthing Borough Council  
Licensing Department**



October 25 2021

I write with reference to the consultation on the Worthing Hackney Carriage and Private Hire Handbook

I have already had constructive communications with Adur & Worthing Licensing Officer Teresa Bowley on an issue which needs to be addressed with regards to the many Adur hackney carriages that are predominantly working outside of the Adur District Licensing Authority and in Brighton & Hove.

At this point I would to clarify that we have not had any reports of Worthing hackney carriages acting in the same way.

Under legislation a hackney carriage may carry out private hire work in another licensing area but of course not act as a hackney carriage in the way of undertaking street hirings and using ranks which is strictly limited to working in such a way in its respective licensing area. Undertaking such private hire work 'out of area' is perfectly legal and has been a part of natural cross border hiring for many years.

However, over the last few years since Uber has been operating in the UK hackney carriages has been encouraged to work 'out of area' under Uber. For clarification a hackney carriage cannot work for Uber within its own licensing area on the basis that the council controls hackney carriages charging rates. This model of the Uber fare charging is based on 'Surge Pricing' which may be up to four times the standard rate as and when Uber decides. However when a hackney carriage leaves its respective licensing area there is no council control of fares.

### **Brighton & Hove Local Issues**

In respect of Brighton & Hove the area was saturated with Lewes hackney carriages predominantly working within the Brighton & Hove area out of sight of Lewes Licensing Control.

This meant that the area of Lewes was very much deprived of hackney carriages as the vast majority was predominantly working in Brighton & Hove.

The same applied to Mid-Sussex hackney carriages that were again working out of sight of Mid Sussex Licensing Control.

Under these circumstances we found that such hackney carriages were flaunting respective licensing conditions such as either removing rear plates, door signs and roof signs. This didn't help that both Lewes and Mid Sussex licensing allowed magnetic rear plates and door signs. However, in respect of Lewes the use of magnetic door signs has now stopped and are being replaced with permanent ones.

Because of overwhelming reports we presented to Lewes District council of its hackney carriages never returning to the Lewes area we took the opportunity to take part in the revision of its hackney carriage and private hire conditions of licence two years ago and recommended that it adopted an 'Intended Use Policy for its hackney carriages and used the conditions of Brighton & Hove as an example.

The revision resulted in the following condition being applied to the Lewes DC hackney carriage vehicle licences:

## Lewes DC Licensing Committee Meeting - February 2019

*"The introduction of Intended Use (Hackney Carriages only). It is believed that some drivers who have applied for a licence recently may not be predominantly working within the district. In order that the Council may retain local control over the hackney carriages it licenses, applicants will be asked as part of the application and renewal process which area they intend to entirely or predominantly operate from for the purposes of fulfilling pre-booked hirings's. It will be incumbent upon the applicant to demonstrate to the Council's satisfaction that they intend to ply for hire predominantly within the District.*

Consequently the following conditions of licensing for Lewes DC hackney carriages was adopted:

### Intended Use (Hackney Carriages only)

*"A hackney carriage vehicle licensed by one local authority can be used to fulfil prebooked hirings on behalf of private hire operators licensed by another local authority. In order that the Council may retain local control over the hackney carriages it licenses, applicants will be asked as part of the application process which area they intend to entirely or predominantly operate from for the purposes of fulfilling pre-booked hirings. It will be incumbent upon the applicant to demonstrate to the Council's satisfaction that they intend to ply for hire predominantly within the District."*

If the applicant indicates that they will not predominately work within the District the application will normally be refused. This section is not intended to act as a restraint of trade since applicants may make applications to any local authority in which area they intend to ply for hire

Eastbourne District Council then introduced the same condition as well as Mid Sussex District Council.

Brighton & Hove City Council has had the requirement for an 'Intended Use' declaration on the hackney carriage vehicle licence application for a number of years but at the last revision of conditions of licensing this was specifically put in place in what we refer to as the 'Blue Book of conditions of Licensing'.

### Summary

Adur District Council has been asked to consider the introduction of a specific 'Intended Use Policy' for its hackney carriages to ensure that these vehicles do not predominantly work outside of the Adur District Licensing Authority Area as primarily this means these vehicles are working beyond the control of Adur Licensing Enforcement Officers.

This ensures that such hackney carriages predominantly serve the streets and ranks of the area of Adur Licensing Authority area.

This also ensures that whilst an Adur hackney carriage can continue to carry out natural cross border hirings that it cannot predominantly work outside of the Adur Licensing Authority area.

Stressing again that whilst we have not had any reports of Worthing hackneys predominantly working in Brighton & Hove the Worthing Licensing Committee may like to consider introducing an 'Intended Use Policy' for Worthing hackney carriages in line with Brighton & Hove, Mid Sussex, Lewes & Eastbourne & hopefully Adur District Council.

██████████rs

Secretary

Brighton & Hove Cab Trade Association

bhcta.co.uk - info@bhcta.co.uk

**BHCTA**

Brighton & Hove Cab Trade Association

facebook.com/groups/bhcbta  
@cabsbrighton

Working Together

## Adur District Council and Worthing Borough Council Taxi and Private Hire Handbook Consultation

1 message

26 October 2021 at 18:20

To: "taxi.licensing@adur-worthing.gov.uk" <taxi.licensing@adur-worthing.gov.uk>

Dear licensing team,

Please find below feedback on the above consultation from the RNIB & Guide Dogs.

1. Include in the mandatory disability training for all taxi & phv drivers specific training on how to guide passengers with sight loss.
2. Move the mandatory training from 3 years to every 2 years.
3. Ensure that refusal of assistance dog owners is highlighted more prominently & ensure that all drivers are aware that it may result in them losing their license if they do refuse.
4. Ensure all communications on or within the taxi are accessible to people with sight loss.
  - a. The number of the taxi in large numbers in a heavily contrasted print on the rear doors & internally on the back of the front seats.
  - b. CCTV recordings for every journey made mandatory. Protecting both passenger & driver.
5. For the wider disability community we'd like to see a minimum % of WAV's in the licensing policy & for the council to adopt a policy of not issuing any further licenses until that percentage has been met.

If you require any further detail or explanation on any of the above then please don't hesitate to get in touch.

Many thanks.

Brian

**Community Connection Lead Volunteer,**  
London & The South East  
RNIB(Royal National Institute of Blind People)

**Campaign Volunteer,** Guide Dogs.

**NHS Vaccination champion.**

**Trustee @ Sight Support Worthing.**

*NB: This is a volunteer role & am available M,T & Weds only.*

m: [REDACTED]  
e: [REDACTED]  
w: [rnib.org.uk](http://rnib.org.uk)





**Adur and Worthing Borough Council Tax and Private Hire consultation**

1 message

26 October 2021 at 18:40

to: "taxi.licensing@adur-worthing.gov.uk" <taxi.licensing@adur-worthing.gov.uk>

Dear Sir/Madam,

Please find attached consultation response from Guide Dogs for The Blind Association.

Thanks



Regional Policy and Campaigns Manager (South East)

I use She/Her pronouns

Guide Dogs for the Blind Association

M: 07554 587 304

E: [Redacted]

W: [www.guidedogs.org.uk](http://www.guidedogs.org.uk)





## Guide Dogs response to Adur District Council and Worthing Borough Council Taxi and Private Hire Handbook Consultation (September 2021)

12 October 2021

### **About Guide Dogs:**

Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility, work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms.

### **Introductions:**

There are an estimated 35,400 people living with sight loss in the west sussex area (RNIB, 2019).

Taxis and private hire vehicles (PHVs) and the door to door service they provide are essential for disabled people. They are particularly important for the independence of blind and partially sighted people, who are unable to drive, and often face barriers when using public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners. A 2019 Guide Dogs survey found that 73% of assistance dog owners who have experienced an access refusal were refused by a taxi or PHV driver in a one year period - despite this being a criminal offence under the Equality Act 2010. Such access refusals can have a significant impact on assistance dog owners' lives, leading to feelings of anger and embarrassment and a loss of confidence and independence.

As guide dog owners report:

- “Each refusal is crushing, confidence shattering, rejecting, and traumatic. I always feel that I don't want to go out after - but work dictates I must.” Guide dog owner, Stevenage
- “I was left on my own at the side of the road in the dark. I am deaf and unable to phone for help and it made me feel very vulnerable. It makes me feel afraid to go out.” Assistance dog owner

## Key recommendations:

- **Highlighting the law:** We note that the policy (4.5) states that all drivers are under a duty to comply with the Equality Act 2010 to carry, free of charge, any assistance dog. We advise highlighting within the policy that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence.
- **Zero tolerance:** The policy should state that Adur and Worthing Borough Councils will use its best endeavours to investigate all reported violations of the Act in a timely manner with a view to pursuing a conviction.
- **Test for medical exemption certificate:** In 5.6 The policy should be more specific and state that a medical exemption certificate for carrying assistance dogs will only be issued when authorised by a medical practitioner and accompanied by medical evidence, such as a blood test, a skin prick test or clinical history. The medical exemption certificates should be accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'.
- **Sample purchasing:** The policy should state that the Borough Councils will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.
- **Disability equality training:** We welcome the inclusion (5.16) that all new applicants will be required to undertake disability awareness and equality training including awareness of the Equality Act 2010. We feel that the policy should be clear on how this training will be delivered and refresher training will be requirement within a reasonable period.
- **Disclosure and Barring Service (DBS)** Guide Dogs welcome any amendments to this policy that will allow the Borough Council to take further steps in ensuring the safety of passengers, including children and vulnerable adults.
- **CCTV:** We are of the view that CCTV has great benefits in protecting both drivers and passengers from harm, inappropriate behaviour, abuse and poor customer service. We would ask that a requirement for audio recording is included. This amendment would help to resolve disputes by providing important evidence. For example, if an assistance dog owner makes an allegation of being refused carriage by a driver, due to the person travelling with an assistance dog. As part of the proposed disability equality

training, we would ask that drivers are reminded to make blind and partially sighted passengers aware that CCTV is in operation as they are unlikely to see signs notifying them of this.

### **Highlighting obligations under Equality Act 2010 in respect of Assistance Dogs**

The consequences of delayed travel, combined with the emotional impact of facing discrimination and confrontation when trying to carry out everyday activities, take a significant toll on assistance dog owners. Apart from feelings of anger and embarrassment, refusals can undermine the independence that assistance dogs bring to their owners. Assistance dog owners also reported that the stress of refusals has had a detrimental impact on their mental health and on whether they feel able to leave the house. This also has a negative impact on their ability to access work and other opportunities. As guide dog owners report:

- “I was very upset, it was dark, raining and 10pm at night. I was scared. I avoid evening invites, as I worry about getting home. I lose out on the chance of socialising with friends, which is bad, as I have no family.” Guide dog owner, Rochester
- “I used to have a very tough two-hour commute to work. The taxi part of the journey was the shortest bit travel wise, but it always ended up being the bit that held me up the most because I was having to spend time facing drivers who wouldn’t take me with my dog. ... It’s good that my contract was flexi hours otherwise I’m sure I would have been sacked for being late all the time - it happened so often.” Guide dog owner, Daventry

### **Enforcement**

While our survey shows that many assistance dog owners have been refused access over a one-year period, many of these incidents are not reported. Indeed, research in 2019 found that only 8% of owners who had been refused access had taken legal action which resulted in prosecution. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued.

Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated.

As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000. As failure to carry an assistance dog is a criminal offence, we recommend a zero-tolerance approach to enforcement of the Equality Act. We therefore recommend that it is clearly stated that failure to carry an assistance dog without the requisite medical exemption certificate will result in immediate suspension or revocation of a driver's license.

Further, the current conditions do not contain any reference to prosecution of drivers who refuse a passenger. We also recommend a zero-tolerance approach to enforcement of the Equality Act in seeking prosecutions and therefore recommend stating that Basingstoke and Deane Borough Council will use its best endeavours to investigate all reported violations of the Equality Act in a timely manner, with a view to pursuing a conviction.

We also recommend that the Borough Council works together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.

### **Medical exemption certificates**

We believe the policy should specify that in order to apply for a medical exemption certificate for carrying assistance dogs:

- 1) this must be authorised by a medical practitioner and
- 2) be accompanied by medical evidence which demonstrates the driver's genuine medical condition that is aggravated by exposure to dogs, such as a blood test, a skin prick test or clinical history.

Further, it is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate's

prescribed form and render it invalid. We therefore recommend that Basingstoke and Dean Council issues exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E' and a braille marker to accommodate both braille readers and non-braille readers. Guide Dogs would be happy to supply the Borough Council with tactile exemption cards.

### **Disability equality training**

As stated above, drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. A Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality training for all taxi and PHV drivers.

Therefore, to help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog.

We recommend that this training, as well as highlighting a driver's legal obligations and disabled people's rights, should focus on the concept of people being disabled by society's barriers and attitudes. It should highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

Many of the positive experiences disabled people report when using taxis and PHVs come about following disability equality training. Councils that have introduced disability equality training report very positive results with fewer refusals and drivers feeling more confident in assisting passengers with disabilities.

### **Contact at Guide Dogs**

██████████ - Regional Policy and Campaigns Manager (London & South)

██



# SOMPTING

www.sompting.org.uk

## PARISH COUNCIL

Parish Clerk:  
 [Redacted]  
 The Clerk  
 Old School House  
 Harriet Johnson Centre, Loose Lane  
 Sompting, West Sussex  
 BN15 0BG  
 Tel: [Redacted]  
 Email: clerk@sompting.org.uk

October 2021

Dear Sir

### **Adur and Worthing Taxi and Private Hire Consultation. Formal response from Sompting Parish Council.**

Most changes in the main text appear to be measures to update the Safeguarding provisions. There are no suggested changes to these sections.

However, in Appendix K there are matters that the Council feel require attention:

Appendix K.  
 Private Hire Operator's Licence Conditions.

Many Private Hire Companies employ office staff and Taxi Marshalls who make contact with Bookers/Passengers and would not be listed on the records submitted or be subject to DBS checks with the current wording of the Conditions. Therefore :

- 3.1 Add 'The name of any individual that is in contact with the Booker or passengers either electronically, by telephone or in person'.
- 3.9 amend to 'The operator must provide a monthly register to the Council of all staff taking bookings, dispatching vehicles, or in contact with the Booker or passengers either electronically, by telephone or in person. All changes must be notified immediately.'
- 3.10 amend to ' All staff taking bookings, dispatching vehicles, or in contact with the Booker or passengers either electronically, by telephone or in person. must provide a basic DBS check on employment and thereafter every 12 months. It is the responsibility of the operator to ensure compliance.

It is suggested that the following paragraph should be deleted:

- 3.12 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

If the intention is to indicate that a Private Hire Operator can supply a PCV vehicle, providing the booker/passengers are aware, then the Conditions should indicate that sub- contracting

**Sompting Parish Council's mission:** " To help foster a Sompting community which gives people a reason to be proud and engaged with the area we all live in"

to a PCV Operator is permissible with the Booker/passenger's permission. However, a Private Hire Operator who is not familiar with PCV Regulations could follow the proposed Conditions and use a PCV vehicle against PCV Regulations. In particular, they would need to be aware of the following:

- A Private Hire Operator can already sub-contract a PCV Operator to supply a vehicle and Licensed Driver but cannot use and control a licensed PCV vehicle unless they are also a Licensed PCV Operator. (Holding a National or International Licence).
- Where a Private Hire Operator also holds a Restricted PCV License, they are only permitted to carry up to 8 passengers on each journey.
- PCV vehicles cannot undertake shared journeys with passengers who booked separately. (this would require a Stage Carriage Licence which is only granted for 'Bus Route' style regular journeys).

Yours faithfully

[REDACTED]

[REDACTED] Clerk to Sompting Parish Council

Licensing Office  
Portland House  
Richmond Road  
Worthing  
BN11 1HS





Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>

**wheelchair friendly cabs**

1 message

**TheInsight Team** <theinsightteam@adur-worthing.gov.uk>  
To: Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>

6 September 2021 at 08:22

Dear worthing council

Please make sure there are more wheelchair friendly cabs on the taxi rank soon or let the driver keep there London cabs after ten years. Twice I waited two hours with none turning up.

From



Good morning

Please see comments received on social media

Many thanks

Customer Insight & Performance Officers

Adur & Worthing Councils  
Email: [theinsightteam@adur-worthing.gov.uk](mailto:theinsightteam@adur-worthing.gov.uk)  
Website: [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)  
Portland House, Richmond Road, Worthing BN11 1HS



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Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards

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# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,



holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).



## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

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

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.



## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### ‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.



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

## Record keeping

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

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

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

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

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

### Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

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

### Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

## Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police Information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) Information <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access



and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.



## **Gambling Act 2005 Review of Statement of Licensing Policy**

### **Report by the Interim Director for Communities**

#### **1.0 Summary**

- 1.1 Members are invited to review the draft Statement of Gambling Licensing Policy in relation to the Gambling Act 2005, and then invite Council to endorse its recommendations and adopt an updated policy on 22 February 2022.
- 1.2 In accordance with the statutory requirements of the Gambling Act 2005 (the act) the Council's Statement of Gambling Licensing Policy has been reviewed following consultation with the authorities, stakeholders, interested parties and public. The consultation list is attached at Appendix A.
- 1.3 There are no fundamental changes to the policy, only minor amendments updating the policy to reflect changes made to the Gambling Commission's Guidance to licensing authorities in April 2021 (and parts updated in May 2021). There are also some minor changes to incorporate name & date changes.
- 1.4 The draft Gambling Policy is attached at Appendix B. All changes proposed to the existing policy are highlighted in yellow. All changes suggested as a result of representation during consultation, and which were deemed non-controversial, are highlighted in orange.

#### **2.0 Background**

- 2.1 The Gambling Commission is the lead agency responsible for the administration and enforcement of the Gambling Act 2005. Its responsibilities include the licensing of operators & issuing of personal licences. Local authorities are responsible for the licensing of premises used for gambling within their area, some local enforcement and the issuing of permits.
- 2.2 The provisions of the act require the Council review its Statement of Gambling Licensing Policy at least every three years.
- 2.3 Worthing Borough Council's current statement of Licensing Policy under the Gambling Act 2005 was endorsed by this committee and subsequently approved by the Council in October 2019. It was approved following an extensive consultation

process. The policy was in accordance with both the act and the statutory guidance issued by the Gambling Commission that was current at the time.

- 2.3 The policy, along with the Gambling Commission's guidance, provides the framework for officer and member decision making on applications for gambling premises licences under the act and outlines to applicant's and current operators the council's expectations and business' obligations.
- 2.4 As stated the current policy has only been in place since October 2019. However, the Gambling Commission has requested all Licensing Authorities synchronise their review periods with all policies running until 31 January 2022 and to accommodate this request the Policy is being reviewed again and this opportunity has been taken to update and modernise the policy.

### **3.0 Consultation**

3.1 Between 1st October until 29th October 2021 the draft policy was the subject of an extensive consultation exercise which included Members, Officers, the general public, resident groups, voluntary groups, trade & stakeholder groups and the Responsible Authorities. A list of those directly consulted is attached.

3.2 Only four separate responses were received. These were from:

Stakeholders:

- Jim Bartlett - WSCC Safety & Wellbeing
- Mel Shaw - Early Help & Neighbourhoods Lead, A&W Councils
- Richard Tuset - Chief Executive's Office, A&W Councils

Interested Parties:

- Friends of Shoreham Fort

3.3 Neither Sussex Police or the Gambling Commission made representation

3.4 WSCC Safety & Wellbeing team stated they had no issues or comments to make.

3.5 Mel Shaw - Early Help & Neighbourhoods Lead at A&W Councils provided contact details of a number of Gambling Addiction Groups and the information provided has been incorporated into the draft policy at section 30.11.

3.6 Richard Tuset of the Chief Executive's Office at A&W Councils made some comments and his email is attached at Appendix C

3.7 Sharon Penfold, Secretary of Friends of Shoreham Fort, made some non-contentious suggestions regarding the layout of the policy and her suggestions are incorporated.

### **4. Consideration**

4.1 Under the act rights of representation are granted to Responsible Authorities (the Council as Licensing Authority, Gambling Commission, Police, Fire & Rescue

Service, Planning Service, Environmental Health, HM Customs and Excise), and Interested Parties (person living close enough to be likely to be effected or having business interests that might be affected). Since the Gambling Act came into force in 2007 none of the applications received by this Licensing Authority, under the act, have given rise to any representations, and no licensing hearings have therefore been necessary.

- 4.2 Complaints regarding low level illegal gambling taking place at unlicensed premises are occasionally received by this authority and the Gambling Commission. However, no complaints regarding licensed gambling premises and no calls for a review of a premises licence have been received by this authority since the Act was introduced.
- 4.3 The very minimum of amendments have been made to the draft policy that went out to consultation.
- 4.4 Only four representations were received regarding the draft policy during consultation and none of the comments were contentious.
- 4.5 None of the changes made are considered to change the spirit or direction of the policy. The Gambling Act 2005 has not proven to have caused major concerns to this Licensing Authority. No evidence has emerged that the current statement of Licensing Policy is not appropriate and the changes, for the reasons detailed above, are therefore recommended.

## **5.0 Legal**

- 5.1 Section 349 of the Act requires the Council prepare and publish a statement of principles that will apply in exercising its functions under the Act. This statement of principles (the policy) should be applied for a period not exceeding three years. There is no bar to more frequent reviews of the policy and changes can be made to the policy if necessary for example if there are any significant changes to the legislation.
- 5.2. Section 154 of the Act means that only Full Council can approve this policy as the function cannot be delegated to the Licensing & Control Committee. However, the Council may take into consideration any recommendations made by the Committee.
- 5.3 In determining this matter the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses given due weight.
- 5.4 Members must consider each licensing matter on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Gambling Act 2005. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 5.5 All licensing matters, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.

5.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Gambling Act 2005 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

## **6.0 Implications**

6.1 There are no significant equal opportunities or environmental implications. Crime and disorder considerations are included in the Policy.

## **7.0 Recommendation**

**7.1 The Committee is asked to consider and recommend to the full Council the adoption of the attached draft Statement of Gambling Licensing Policy.**

**Tina Favier  
Interim Director for Communities**

### **Principal Author and Contact Officer:**

Simon Jones

Public Health & Regulation – Team Leader Licensing

Tel: 01273 263191 or [simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)

Portland House, Worthing

Ref: SJ/Lic.U/WBC Gambling Policy Review

Date: 21 December 2021.

### **Background Papers:**

- Gambling Act 2005  
<http://www.legislation.gov.uk/ukpga/2005/19/contents>
- Guidance issued to Licensing Authorities (April 2021)  
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>
- Adur & Worthing Community Profile  
<https://www.adur-worthing.gov.uk/media/media.123248.en.pdf>

**Appendices:**

- Appendix A - Consultation List
- Appendix B - Draft Statement of Licensing Policy
- Appendix C – Representation received during consultation

## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 Statutory requirement.

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified

### **4.0 Equality Issues**

4.1 Matter considered and no issues identified

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered in the body of the report.

### **6.0 Human Rights Issues**

6.1 Matter considered and no issues identified

### **7.0 Reputation**

7.1 Matter considered and no issues identified

### **8.0 Consultations**

8.1 List of those consulted included at appendix A.

### **9.0 Risk Assessment**

9.1 Matter considered and no issues identified

### **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified

### **12.0 Partnership Working**

12.1 Matter considered and no issues identified





WORTHING BOROUGH  
COUNCIL

Gambling Act 2005

**DRAFT STATEMENT OF  
GAMBLING LICENSING POLICY**

**CONSULTATION**

1st October - 29th October 2021

## Public Consultation

- Details of the consultation were published on the Adur & Worthing Councils' Website at:
  - <https://www.adur-worthing.gov.uk/>
  - <https://www.adur-worthing.gov.uk/licensing-consultations/licensing-act-2003/#applications-worthing>

## Responsible Authorities

- Licensing Authority – Worthing Borough Council
- Gambling Commission
- H M Revenue & Customs
- Sussex Police - West Downs Division
- West Sussex Fire and Rescue Service
- West Sussex County Council - Head of Child Protection
- Adur & Worthing Councils – Planning Services
- Adur & Worthing Councils – Public Health & Regulation Environmental Team

## Other Authorities

- Adur & Worthing Councils – Community Safety & Anti-Social Behaviour Team
- Adur & Worthing Councils – Licensing Team
- Worthing Town Centre Initiative
- Worthing Street Pastors
- Worthing Pubwatch
- Worthing Late Night Partnership
- West Sussex County Council - Community Safety & Wellbeing
- West Sussex County Council – Drug & Alcohol Support

## WBC Licensing & Control Committee

- Steve Wills (Chair)
- Charles James (Vice Chair)
- Mike Barrett
- Ferdousi Henna Chowdhury
- Dan Coxhill
- Cathy Glynn-Davies
- Margaret Howard
- Kevin Jenkins
- Sean McDonald
- Richard Mulholland
- Richard Nowak
- Hazel Thorpe
- John Turley
- Nicola Waight
- Rosey Whorlow

- All Adur & Worthing Councillors via the Members Bulletin

## **WBC Officers**

- Tina Favier – Interim Director for Communities
- Ed Hele – Public Health & Regulation Manager

## **Industry Consultees**

- Adur & Worthing Chamber of Commerce
- William Hill
- Ladbrooks
- Buzz Bingo
- Blake Morgan LLP
- Poppleston Allen LLP
- Doug Simmonds
- John Gaunt LLP
- Lockett LLP
- WS Law
- LB Law
- Greene King
- Regency Corporation
- TLT Solicitors LLP
- Shoreham Fort
- Shoreham Centre
- Proto Restaurant Group
- MBPLC
- Lidl

## **Resident Groups**

- Becket Residents' Association
- Broadwater (Worthing) Community Association
- Charmandean Residents' Association
- Findon Valley Residents' Association (FVRA)
- Goring Residents' Association
- Heene Residents' Association
- High Street Tarring Residents Association
- High Salvington Residents' Association
- South Broadwater Residents' Association

## **Other Consultees**

- GamCare
- Citizens Advice
- Gamblers Anonymous
- Money Advice Trust

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WORTHING BOROUGH  
COUNCIL



GAMBLING ACT 2005

DRAFT STATEMENT OF GAMBLING LICENSING  
POLICY AND PRINCIPLES

January 2022 (3)

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## **APPENDICES**

### Appendix A: Information & Guidance

- Gambling Act 2005
- Gambling Commission Guidance to Local Authorities
- Categories of Gaming Machines
- Gaming Machine Entitlement

### Appendix B: Summary of Terms

## Part A – The Gambling Act 2005

### 1. THE LICENSING OBJECTIVES

1.1 In exercising its functions under the Gambling Act 2005 Worthing Borough Council, as the Licensing Authority, must have regard to the Licensing Objectives as set out in section 1 of the Gambling Act 2005 (The Act). The three Licensing Objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.2 This Licensing Authority is aware that, as per Section 153 of the Act, it has a legal duty placed on it to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that the licensing authority must approach its functions in a way that seeks to regulate gambling by using its powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether. In making decisions about premises licences and temporary use notices it will aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the Licensing Objectives and
- in accordance with the authority’s Statement of Licensing Policy

### 2. INTRODUCTION

2.1 This Policy Statement is produced in accordance with the requirements of the Gambling Act 2005 (the Act), the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, Licence Conditions, Codes of Practice (LCCP) and the Gambling Commission’s Guidance to Local Authorities (April 2021 available from: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)). The Statement sets out the principles the Council will apply when carrying out its gambling licensing functions. In preparing this Statement the Licensing Authority has consulted widely with



statutory bodies, stakeholders and members of the public. This policy will be operational from 22 February 2022.

- 2.2 All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2021 (and parts updated in May 2021) available from [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)
- 2.3 Worthing is situated in the County of West Sussex which contains seven Councils in total; Worthing is a compact urban seaside borough. It is one of the largest towns in West Sussex with a population of nearly 105,000 covering an area of 3300 hectares. Adur District Council and Worthing Borough Council are served by a single officer structure. However, they remain separate Licensing Authorities with separate licensing policies that reflect the needs and aspirations of those living and working within their own areas.
- 2.4 Under the provisions of the Act the Gambling Commission is responsible for determining applications for Operating Licences and Personal Licenses, whilst the Council, as the Licensing Authority, is responsible for determining applications for Premises Licences and Permits.
- 2.5 In accordance with Section 153 of the Act the presumption should be for the Licensing Authority to permit the use of a premise for gambling, provided that this is consistent with paragraphs 2.6 and 2.7 below, and with the remainder of this Policy Statement. Each application will be considered on its own merits.
- 2.6 In exercising its functions the Licensing Authority will have regard to the Licensing Objectives set out in Section 1 of the Act and detailed in Section 1 of this Policy.
- 2.7 The Licensing Authority will also give due regard to any relevant guidance or code of practice issued by the Gambling Commission. The Commission has the power to issue two types of code of practice. The first is a social responsibility (SR) code. A SR code must be followed and has the force of a licence condition. The Commission may also issue ordinary codes (OC) which are intended to set out best industry practice. They are not mandatory but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective.
- 2.8 Under the 2005 Act the Licensing Authority has a legal duty to review its statement of policy at intervals of at least every 3 years and will seek to obtain consensus regarding the main elements of this policy amongst stakeholder groups, to provide partnership working to achieve high standards and good practice.
- 2.9 The Licensing Authority, in addition to administering the Gambling Act 2005, is also responsible for licensing a wide range of other activities including premises and persons under the Licensing Act 2003 for alcohol, entertainment

and late night refreshment; Taxis (Hackney Carriages & Private Hire), Street Trading, Animal Establishments, Charitable Collections, Scrap Metal Dealers, Sex Establishments, Skin Piercing, Tattoo Parlours and various other licensable activities.

### 3. POLICY STATEMENT AND CONSULTATION

- 3.1 Worthing Borough Council, as the Licensing Authority, is required by the Gambling Act 2005 to publish a statement of the principles that it proposes to apply when exercising its functions. As stated this statement of Policy must be re-published at least every three years but can be reviewed sooner if required and any amended parts re-consulted upon. The statement must then be re-published.
- 3.2 There are a number of groups who have a stake in the gambling industry, including providers, customers, residents and enforcers, all who have views and concerns that require consideration as part of the gambling licensing function.
- 3.3 Before publishing the original Policy Statement in 2006, the Licensing Authority consulted with the Gambling Commission, HM Revenue & Customs, Sussex Police, West Sussex Fire & Rescue Service, the members of the Adur & Worthing Safer Communities Partnership, Head of Child Protection at West Sussex County Council, The Drug & Alcohol Action Team and the Head of Community Safety at West Sussex County Council and bodies representing local holders of premises licences, personal licences, businesses and residents in the Borough.
- 3.4 These organisations and individuals have been consulted when the policy has been reviewed previously. This latest draft of the policy contains the minimum of amendments and no changes to the intent or direction of the policy are included. As it contains such minor amendments consultation on this occasion was limited to the responsible authorities and public and for a limited period of four weeks between **1 October 2021 and 29 October 2021.**
- 3.5 The Licensing Authority recognises that proper weight needs to be given to the views of all the persons/bodies consulted before this Policy Statement takes effect on **22 February 2022.** It will remain in force for a period of not more than three years and will be subject to review and further consultation prior to **31 January 2025.**
- 3.6 The full schedule of comments and amendments consequential to the consultation will be available by request to the Public Health & Regulation - Licensing Unit, Adur & Worthing Councils or downloadable from the website at [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)
- 3.7 This policy will be subject to approval at a meeting of the full Council following consultation and consideration of any representations by the Licensing & Control Committee on this version.

#### **4. DECLARATION**

- 4.1 In producing the final licensing policy statement, Worthing Borough Council, as the Licensing Authority, declares that it has had regard to the Licensing Objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

#### **5. LICENSABLE ACTIVITIES**

- 5.1. This policy related to all those licensable premises, notices, permits and registrations falling within the provisions of the Act and delegated to the Licensing Authority including:

- Casino Premises Licences
- Bingo Premises Licences
- Betting Premises Licences
- Track (Horse and Dog) Premises Licences
- Adult Gaming Centre Premises Licences
- Family Entertainment Centre Premises Licences
  
- Unlicensed Family Entertainment Centre Permits
- Club Machine Permits
- Club Gaming Permits
- Prize Gaming Permits
- Licensed Premises Gaming Machine Permits
- Small Society Lottery Registrations
- Temporary Use Notices

- 5.2 The functions of the Licensing Authority under the Act may be carried out by the Licensing & Control Committee, a Sub-Committee or by one or more Officers acting under delegated authority.

#### **6. RESPONSIBLE AUTHORITIES**

- 6.1 The Responsible Authorities, as defined in Section 157 of the Act, are:

- The Licensing Authority
- Gambling Commission
- Sussex Police
- West Sussex Fire and Rescue Service
- Adur & Worthing Councils' – Planning Services
- Adur & Worthing Councils' – Environmental Health
- West Sussex County Council's Head of Children's Safeguarding
- HM Customs and Excise
- Any other person prescribed in regulations by the Secretary of State

## Responsible Authority for Child Protection

6.2 The Licensing Authority is required by regulations to state the principles it will apply to exercising its powers under Section 157 of the Act to designate in writing a body which is competent to advise the authority on the protection of children from harm. These principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area.
- The need for consistency with the existing arrangements under the Licensing Act 2003

Worthing Borough Council has designated the Head of Children's Safeguarding at West Sussex County Council.

(Email: [cpu.team@westsussex.gcsx.gov.uk](mailto:cpu.team@westsussex.gcsx.gov.uk) )

## 7. INTERESTED PARTIES

7.1 Interested parties can make representations about premises licence applications or call for a review of an existing licence. The Act defines an interested party as a person who in the opinion of the licensing authority:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities or
- b) Has business interest that might be affected by the authorised activities or
- c) Represents persons in either of these two groups.
- d) Who is democratically elected such as a Councillor or MP

7.2 The Licensing Authority is required by regulations to state the principles it will apply in determining whether a person is an interested party. The Licensing Authority has adopted the principles of natural justice and will decide each case on its merits.

7.3 When considering whether persons are interested parties in relation to any individual application the following will be considered:

- The size and nature of the premises
- The distance from the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by customers)
- The circumstances of the complainant (the Council may conclude that "sufficiently close" has a different meaning for, for example, a private resident and a residential hostel for vulnerable adults)
- Persons representing a) or b) above may include Councillors, MP's, Trade Unions and residents and tenants Associations. The Council reserves the right to require written evidence that a person does represent interested parties.

- 7.4 Councillors may represent interested parties' views but care should be taken that the Councillors are not part of the Licensing & Control Committee dealing with the licence application. Applicants should contact the Licensing Unit at Adur & Worthing Councils in the first instance rather than approach their Councillor directly.

## 8. EXCHANGE OF INFORMATION

- 8.1 The Licensing Authority is required to include the principles to be applied by the authority in exercising its functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 8.2 The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 8.3 In exercising its functions under the Act the Licensing Authority has established protocols with the Commission to ensure efficient and effective exchange of information. The existing protocols established in connection with the Licensing Act 2003 are utilised for information exchange with other regulatory bodies. All information exchange is in accordance with the requirements of the Data Protection Act, General Data Protection Regulations (GDPR) and the Freedom of Information Act. The name and address of those making representations will usually be disclosed to applicants. However, they may be withheld from publication on the grounds of personal safety where the Licensing Authority has been asked to do so by and or on behalf of such persons and the Licensing Authority considers the request to be justified.

## 9. DATA PROTECTION

- 9.1 The Data Protection Act 2018 and the General Data Protection Regulation (GDPR) impacts on how the Licensing Authority collects, stores and uses the information provided to us by applicants and others; individuals or organisations.
- 9.2 Information as to how data protection legislation affects you and how the Licensing Authority uses your information, please see our Privacy Statement which is available at:
- <https://www.adur-worthing.gov.uk/licensing-and-permits/privacy-notice/>

The Gambling Commission have issued a statement on GDPR for gambling businesses / operators (updated April 2021) which is available to view by following the link below

- <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gambling-regulation-and-the-general-data-protection-regulation-gdpr>

## 10. ENFORCEMENT

- 10.1 The Licensing Authority is required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 10.2 The Licensing Authority recognises that once licensed it is essential that premises are maintained and run in accordance with the requirements of the Act (and associated regulations) and any conditions on the licence. The Licensing Authority has extended the existing enforcement liaison arrangements with other relevant statutory bodies to incorporate these responsibilities. Enforcement action in respect of the legislative requirements is in accordance with the approved Public Health & Regulation Enforcement Policy, which is in accordance with the Enforcement Concordat. All interventions are:
- i. Proportionate and appropriate to the risks posed by any problem
  - ii. Consistent and fair in their application of standards and requirements
  - iii. Transparent and open
  - iv. Targeted and focused on the highest risk problems
- 10.3 As per the Gambling Commission's Guidance the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 10.4 The Licensing Authority has adopted and implemented a risk-based inspection programme, based on;
- The Licensing Objectives
  - Relevant codes of practice
  - Guidance issued by the Gambling Commission, in particular at Part 36
  - The principles set out in this Statement of Licensing Policy
- 10.5 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for:
- Operating Licences
  - Personal Licences
  - The manufacture, supply or repair of gaming machines
  - Remote gambling

## Part B – Promoting the Licensing Objectives

### 11. CRIME & DISORDER

#### **Preventing Gambling from being a source of crime or disorder, or being associated with crime or disorder, or being used to support crime.**

- 11.1 The Licensing Authority places huge importance on the prevention of crime & disorder. A high standard of control is expected to be exercised over licensed premises.
- 11.2 In accordance with Section 17 of the Crime and Disorder Act 1998 the Licensing Authority is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Gambling Act 2005 itself, the Guidance issued by the Gambling Commission and this policy. The Licensing Authority will give "due regard" to all possible implications and its Licensing & Control Committee will always consider and weigh up all the information available and representations made, including those from interested parties and the Responsible Authorities particularly the Police.
- 11.3 Applicants are encouraged to discuss their proposals with the appropriate Responsible Authorities before making a formal application.
- 11.4 When considering licence applications the Licensing Authority will particularly take into account the following:-
- The location of the premises
  - The design and layout of the premises
  - The adequacy of security features such as CCTV
  - Where premises are subject to age restrictions, the procedure in place to conduct age verification checks
- 11.5 The Licensing Authority will consider carefully the views of the Police as to whether specific controls need to be applied to prevent a premise from being a source of crime and disorder.

### 12. FAIR & OPEN

#### **Ensuring Gambling is conducted in a Fair and Open Way**

- 12.1 The Gambling Commission does not generally expect Licensing Authorities to become involved in this objective as such matters will normally relate to the

operation of the business, and therefore subject to the Operating Licence, to the actions of an individual, and therefore subject to the Personal Licence. The matters will therefore generally fall within the Commission's remit. The Licensing Authority will seek to establish an effective channel for the exchange of information with the Commission to ensure that intelligence is shared appropriately.

### **13. CHILDREN & VULNERABLE PERSONS**

#### **Protecting Children and other Vulnerable Persons from Being Harmed or Exploited by Gambling**

- 13.1 The Licensing Authority notes from the Commission guidance that, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises, or parts of premises, which are adult only environments.
- 13.2 The Act provides the following definition for a child and a young adult in Section 45:
- Meaning of "child" and "young person"
- (1) In this Act "child" means an individual who is less than 16 years old
- (2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.
- For the purpose of this section, protection of children will encompass both child and young person as defined by the Act.
- 13.3 The Licensing Authority may seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 13.4 The Licensing Authority may consult with West Sussex Child Protection Agency on any application that may give cause for concern over access for children or vulnerable persons.
- 13.5 The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and



- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
  - these considerations will apply to premises including buildings where multiple premises licences are applicable. The Council will judge each separate application on its own merits before deciding whether to impose conditions to protect children on particular categories of premises.
- 13.6 The Licensing Authority will require that any gambling establishment must give space to advertisements publicising details of organisations and support groups providing assistance to anyone addicted to gambling.
- 13.7 The Licensing Authority considers that specific measures such as supervision of entrances, segregation of gambling areas, and supervision of gaming machines may be necessary in particular categories of premises but each case will be considered on its merits. Any condition imposed will be proportionate and directly related to the scale and type of the premises and the type of licence applied for.
- 13.8 The Licensing Authority notes that the Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission offers no definition of vulnerable persons but it is assumed that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol, or drugs. The Licensing Authority will consider on a case by case basis whether any special considerations apply in relation to the protection of vulnerable persons.
- 13.9 In the case of premises licences, the Licensing Authority is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice. In this document, the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:
- Combating problem gambling
  - Access to gambling by children and young persons
  - Information on how to gamble responsibly and help for problem gamblers
  - Customer interaction
  - Self-exclusion
  - Employment of children and young persons
  - Provision of credit by licensees and the use of credit cards
  - Money lending between customers
- 13.10 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective, and determine if these policies and procedures are appropriate in their circumstances. The

Licensing Authority will communicate any concerns to the Gambling Commission about any absence of this required information.

- 13.11 Operators of all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility.
- 13.12 Children are permitted to enter family entertainment centres and may play category D machines.

### 14. PREMISES LICENCES

14.1 The Licensing Authority will issue premises licences allowing premises to be used for certain types of gambling. In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:

- casino premises
- bingo premises
- betting premises, including tracks and premises used by betting intermediaries
- adult gaming centre premises
- family entertainment centre premises

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to betting premises licences. The latest issue of the Licence Conditions and Codes of Practice sets out in full the requirements on operators. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

14.2 Premises licences are subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

14.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Licensing Authority will also have regard to these Codes of Practice.

#### **Definition of Premises**

14.4 Premises are defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

- 14.5 The Licensing Authority will take care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Licensing Authority will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not drift into a gambling area.
- 14.6 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Licensing Authority will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 14.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates. A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling, that is, not to premises still under construction.
- 14.8 The Licensing Authority is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 14.9 With regard to these objectives, it is the Licensing Authority's policy, upon receipt of any relevant representations, to look at specific location issues, including:
- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area;
  - the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
  - the size of the premises and the nature of the activities taking place;
  - any levels of organised crime in the area.
- 14.10 In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the Licensing Objectives.

## Local Risk Assessment

- 14.11 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, requires licensees assess the local risks to the Licensing Objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 14.12 The LCCP goes on to state that licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstance, including those identified in this policy;
  - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - when applying for a variation of a premises licence; and
  - in any case, undertake a local risk assessment when applying for a new premises licence.
- 14.13 The Licensing Authority will expect the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation;
  - whether the premises is in an area subject to high levels of crime and/or disorder;
  - the demographics of the area in relation to vulnerable groups;
  - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
  - significant presence of young children, both residents and visitors;
  - high unemployment area;
  - nearby homeless hostels;
  - nearby gambling, alcohol, drug or mental health support facility;
  - the area has a high number of rough sleepers/homeless people;
  - the area has a specific ethnic population;
  - pawn broker/pay day loan businesses in the vicinity;
  - other gambling premises in the vicinity.

Information around these groups is available in the Adur & Worthing Community Profile

- 14.14 In any case, the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 14.15 Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
  - Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.

- The layout of the premises so that staff have an unobstructed view of persons using the premises.
  - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
  - Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by, etc.
  - The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.
  - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.
- 14.16 Such information may be used to inform the decision the Licensing Authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.
- 14.17 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.
- 14.18 The Licensing Authority will expect Operators ensure that a copy of each individual premises' Risk Assessment is held at the licensed premises and is readily available to inspecting Authorised Officers

### **Local Area Profile**

- 14.19 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council has published a local area profile. The latest Adur & Worthing Community Profile 2014 can be viewed at: <https://www.adur-worthing.gov.uk/media/media.123248.en.pdf>
- 14.20 The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.
- 14.21 The Licensing Authority recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an

applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

## **Conditions**

- 14.22 The Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises. Therefore, in the majority of cases it is unlikely that the Licensing Authority will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.
- 14.23 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Licensing Authority will attach individual conditions to address these.
- 14.24 Any conditions attached to a licence issued by the Licensing Authority will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
  - directly related to the premises and the type of licence applied for and/or related to the area where the premises is based
  - fairly and reasonably related to the scale, type and location of premises
  - consistent with the licensing objectives, and
  - reasonable in all other respects.
- 14.25 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Licensing Authority will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas, etc. There are specific comments made in this regard under each of the licence types in this policy. The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 14.26 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Licensing Authority may consider licence conditions to cover issues such as:
- proof of age schemes
  - CCTV
  - supervision of entrances
  - supervision of machine areas
  - a reduction in the number of betting machines (betting premises)
  - the staffing of premises
  - physical separation of areas
  - location of entrance points
  - notices/signage
  - specific opening hours

- a requirement that children must be accompanied by an adult
- enhanced CRB checks of the applicant and/or staff
- support to persons with gambling addiction
- policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, and school holidays
- policies to address the problems associated with truant children who may attempt to gain access to premises and gamble
- any one or a combination of the measures as set out in this policy.

14.27 This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the Responsible Authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

14.28 There are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winnings or prizes.

### **Door Supervision**

14.29 The Licensing Authority will consider whether there is a need for door supervision in terms of the Licensing Objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted, though, that the Gambling Act 2005 has amended the Private Security Industry Act 2001, and that the door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises, the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a DBS (Disclosure and Barring Service) check on potential staff and for such personnel to have attended industry recognised training.

## **15. MAKING AN APPLICATION**

15.1 The Council will ensure that all relevant information is available on how to make applications for licences and other permissions under the Act. A full list of responsible authorities and their appropriate contact details is available on the council website together with premises licence and permit application



forms. In addition the council will ensure that information and advice regarding making representations, and applying for a review of a premises licence, is also available. Application must be made in the prescribed manner and include a plan of the premises and the relevant fee.

- 15.2 Application forms and advice are available from Adur & Worthing Councils' website or by contacting the AWC Public Health & Regulation - Licensing Unit. <http://www.adur-worthing.gov.uk/licensing-and-permits/gambling/>

### **Advertising**

- 15.3 Applicants must comply with the Gambling Act 2005's regulations when advertising their applications for a premises licence or variation by displaying a white notice for 28 days on the exterior of the premises and placing an advertisement in the legal section of a local newspaper (Worthing Herald or Evening Argus). If advertising irregularities are found the advertising period may be required to be started again or extended, at the discretion of the Senior Licensing Officer.
- 15.4 Details of all new applications, variations and reviews are detailed on the council's website together with scheduled hearing dates and the results of each application.

### **Sending to Responsible Authorities**

- 15.5 New applications or applications to vary premises licences must be made to the Licensing Authority with statutory notices served on each of the responsible authorities.

### **Making a representation**

- 15.6 Responsible authorities and interested parties may make representations on applications for premises licences, their variation or review applications. The Act defines "Interested parties" as the bodies or individuals who are entitled to make representations to licensing authorities on applications for the grant, variation or review of premises licences. In addition, interested parties may themselves seek a review of a premises licence. Interested parties are defined in paragraph 7.1. Other than those that qualify as interested parties, the council will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.
- 15.7 Representations regarding an application may be positive or negative, although only negative representations, relevant to the licensing objectives, would result in a Licensing Sub-Committee hearing and determination of an application.

### **Irrelevant, frivolous, vexatious representations**

- 15.8 Any representation which in the opinion of the Senior Licensing Officer is, on the balance of probabilities, irrelevant (does not relate to the licensing objectives), frivolous or vexatious shall not be considered. The Senior Licensing Officer is empowered to make a decision, which would result in the representation not going before the Licensing Sub-Committee.
- 15.9 In cases of doubt as to whether a representation is irrelevant, frivolous or vexatious the Senior Licensing Officer will consult with the Chairman of the Licensing and Control Committee or with legal advisors as appropriate.

### **Registering to speak, or be represented, at a Committee Hearing**

- 15.10 Any person making a relevant representation that wishes to speak or be represented at a Licensing & Control Committee hearing is expected to inform the Licensing Authority of their intention at least five working days before the hearing. Failure to do so may result in such a person not being heard, although the Chair may exercise their discretion and allow the person to speak.

### **Mediation**

- 15.11 Where a Responsible Authority or an interested party (such as a local resident or residents' association) has made a valid representation about an application or for a licence to be reviewed, the Licensing Authority will seek to encourage direct contact between the parties to try and achieve agreement. This process will not override the right of any responsible authority or interested party to ask that the Licensing & Control Committee consider a valid representation.

### **Licence Reviews**

- 15.12 The 2005 Act provides a clear focus on the promotion of the three statutory Licensing Objectives which must be addressed when licensing functions are undertaken. The Act provides tough powers, in the form of the review procedure, to enable the Licensing Authority to bring the minority of badly managed premises, which are failing to promote the licensing objectives, into line with the best.
- 15.13 A Premises Licence may be reviewed by the Licensing Authority of its own volition. The Responsible Authorities and/or interested parties can trigger a Review of a Premises Licence but must provide evidence to the Licensing Authority to substantiate any allegations. In every case, the representation must relate to particular premises where a Premises Licence has been granted and it must be relevant to the promotion of the Licensing Objectives.

15.14 Following an application from an interested party or Responsible Authority the Licensing Authority will normally grant an application for Review unless the grounds on which the Review is sought:

- Are frivolous or vexatious
- Are substantially the same as a previous application (unless sufficient time has passed to consider the matter again)
- Are substantially the same as representations made when the premises licence application was considered (unless sufficient time has passed to consider the matter again)
- “Will certainly not” cause the authority to revoke or suspend a licence, or to reserve or amend, or attach conditions.

and will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the authority’s Statement of Principles.

15.15 Once a valid application for a Review has been received by the Licensing Authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt on its website. The Licensing Authority must carry out the Review as soon as possible after the 28 day period for making representations has passed.

15.16 The purpose of the Review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:

- add, remove or amend a licence condition imposed by the Licensing Authority;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the Premises Licence for a period not exceeding three months;
- revoke the Premises Licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

15.17 In particular, the Licensing Authority may also initiate a Review of a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying

for licences in a speculative manner without intending to use them.

- 15.18 Once the Review has been completed, the Licensing Authority will, within 5 working days, notify its decision to:
- the licence holder
  - the applicant for review
  - the Gambling Commission
  - any person who made representations
  - the Chief Officer of Police or Chief Constable; and
  - Her Majesty's Commissioners for Revenue and Customs

### **Appeals**

- 15.19 The avenues of appeal against decisions by a Licensing Authority are set out in sections 206 to 209 of the Act and include rights with regard to premises licence application rejections and where applications are granted. Appeals may also be made against transfer and review decisions.
- 15.20 The Licensing Authority will give clear and comprehensive reasons for any rejection of an application or grant of licence or any other decisions. The reasons for any decision will be made public at the hearing.
- 15.21 The Licensing Authority will provide full written details of the decision with its reasons to all parties within five working days. From receipt of the written decision, the parties have 21 days to lodge an appeal at the magistrates' court.

## **16. CASINOS**

- 16.1 There are no existing licensed casinos within the Borough and currently the Gambling Act 2005 prevents the Licensing Authority from accepting new applications
- 16.2 Under Section 166 of the Act the Licensing Authority may pass a resolution not to issue any casino premises licences. The Licensing Authority has not passed such a resolution but should it decide to do so in the future, it will update this Policy Statement.

## **17. BINGO PREMISES**

- 17.1 There is no official definition for bingo in the Gambling Act 2005. However, from a licensing point of view, there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act.

- 17.2 Where children are allowed to enter premises licensed for bingo, they should not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, the Licensing Authority will apply conditions to ensure that:
- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 17.3 It is noted that under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.
- 17.4 The imposition of the restrictions that apply to such premises in the codes of practice that are published on the Gambling Commission's website will be considered and the guidance issued on particular issues will be taken into account in relation to the suitability and layout of bingo premises.
- 17.5 The Gambling Commission has issued Codes of Practice relating to Bingo premises and the Licensing Authority expects all applicants to comply with these codes. The Licensing Authority will not look favourably upon an application where an applicant seeks a Bingo Premises Licence with the sole intention of placing Category B2 Gaming Machines only in the premises with no provision for facilities for bingo, as this is not considered to be in the spirit of the Act. Applicants and premises licence holders are reminded of the Gambling Commission's operator licence conditions requiring that bingo is provided as the primary activity in any premises that hold or apply for bingo premises licence.

## **18. BETTING PREMISES**

- 18.1 The Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing. Currently in the Borough there is no provision of off-course betting – Tracks. However, there are a number of Licensed Betting Shops.
- 18.2 The Licensing Authority will, as per the Gambling Commission's Guidance,

take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

- 18.3 Tracks are sites such as racecourses and dog tracks where races or other sporting events take place. There are currently none licensed in the Borough. However, the Licensing Authority recognise that tracks are different from other premises in that there may be more than one Premises Licence in effect, and that the track operator may not be required to hold an Operator's Licence as there may be several premises licence holders at the track who will need to hold their own Operator Licences. As children and young persons will be permitted to enter track areas where facilities for betting are provided (e.g. dog racing and/or horse racing), the Licensing Authority will expect premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. The Licensing Authority will expect applicants to consider very carefully the measures they are proposing to put in place to meet the Licensing Objectives,

## 19. ADULT GAMING CENTRES (AGC)

- 19.1 An adult gaming centre premises licence allows the provision category B, C and D gaming machines in adult only arcade premises. No one under 18 is permitted to enter such premises.
- 19.2 Consequently, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect sufficient measures to be in place to ensure
- under 18 year olds do not gain access to the premises
  - the Licensing Objectives are promoted
  - the Mandatory Conditions and the Gambling Commission's Codes of Practice are complied with

Such measures could include:

- CCTV
- Minimum staffing levels
- Door supervision
- Induction training for new staff and refresher training for existing staff
- Refusals register
- Proof of age schemes (e.g. Think 21)
- Third party test purchasing
- Location of entry to premises
- Infra-red Beam positioned across the entrance to the premises.
- Self-barring schemes
- Provision of information leaflets / helpline numbers for support organisations such as GamCare

This list is neither mandatory nor exhaustive

19.3 Where an Adult Gaming Centre is situated in a complex, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access. In particular, the Licensing Authority will not look favourably on situations where child orientated machines or facilities are sited close to the entrance to an Adult Gaming Centre.

## 20. LICENSED FAMILY ENTERTAINMENT CENTRES (FEC)

20.1 Family Entertainment Centres can be run under the authority of a Premises Licence or a Permit. A licensed Family Entertainment Centre can offer category C and D gaming machines. A permitted Family Entertainment Centre can only offer category D (low stakes and prizes) machines.

20.2 A Family Entertainment Centre Premises Licence allows the holder to offer family friendly arcade facilities at a venue. They usually provide a range of amusements such as computer games, penny pushers and category D low stakes & prizes gaming machines but may also provide a separate section set aside for adult only gaming machines (Category C) with higher stakes and prizes.

20.3 At such premises the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect licence holders and new applicants to have sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

20.4 Consequently, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect sufficient measures to be in place to ensure

- under 18 year olds do not gain access to the adult only areas
- the Licensing Objectives are promoted
- the Mandatory Conditions and the Gambling Commission's Codes of Practice are complied with

Such measures could include:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

20.5 The Licensing Authority will ensure compliance with all conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated and any mandatory or default conditions .

## 21. DEMAND

21.1 In accordance with the Gambling Commission's guidance the Licensing Authority recognises that unmet demand is not a relevant criterion in considering an application under the Act and cannot consider whether the application is to be permitted in accordance with law relating to planning or building.



## PART D – PERMITS, NOTICES & REGISTRATIONS

### 22. STATEMENT OF PRINCIPLES

- 22.1 The Gambling Act 2005 introduced a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications. Where a Permit is granted, the Licensing Authority will issue the Permit as soon as is reasonably practicable.
- 22.2 The Act states that a Licensing Authority may prepare a Statement of Principles that it will apply when exercising its functions specifying matters it will consider in determining the suitability of the applicant for a permit.
- 22.3 The basic principles this Licensing Authority will consider all permit applications by are that the applicant must clearly set out the types of gaming that it is intended to offer and that the applicant should be able to demonstrate:
- An understanding of the limits to stakes and prizes that are set out in the regulations;
  - How to ensure that the gaming offered is within the law
  - Policies that outline the steps to be taken to protect children from harm.
- 22.4 When making decisions on any permit the Licensing Authority will have regard to the Licensing Objectives and any Gambling Commission guidance.
- 22.5 It should be noted that there are conditions in the Gambling Act 2005 by which permit holders must comply, but the Licensing Authority cannot attach conditions to a permit.

### 23. UNLICENSED FAMILY ENTERTAINMENT CENTRE PERMITS (uFEC)

- 23.1 Unlicensed Family Entertainment Centres (uFEC) are defined in the Act as premises which provide category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are “unlicensed” in that they do not require a premises licence but do require a permit to authorise the provision of category D machines. It should not be confused with a “licensed family entertainment centre” which requires a premises licence because it contains both category C and D gaming machines.

- 23.2 The Licensing Authority must be satisfied that the premises will be used as an unlicensed Family Entertainment Centre and Sussex Police must be consulted on all applications.
- 23.3 When determining a permit, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and will have regard to the three Licensing Objectives.
- 23.4 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues. The Licensing Authority will expect applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling, which is permissible in unlicensed FECs;
  - The applicant's previous history and experience of running similar premises;
  - Applicants must produce a DBS check dated within one calendar month of the date of the application being submitted to the Licensing Authority. The Disclosure will reveal the existence and content of any criminal record (not spent under the terms of the Rehabilitation of Offenders Act) held in the name of the applicant.
- 23.5 Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.
- 23.6 When considering any convictions revealed in an application, the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and "spent" convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.
- 23.7 Statement of Principles for Unlicensed Family Entertainment Centres – As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:
- A scaled plan of the premises indicating the location of Category D machines, Automated Teller Machines and any appropriate notices that are to be displayed;
  - The approximate number of Category D machines that will be provided;
  - Evidence that staff will be/are trained to have a full understanding of the maximum stakes and prizes that are permissible;
  - Evidence that staff training will be recorded by way of a Premises Logbook which should be signed and dated by staff on receiving their training to prove that training has been undertaken and understood;

- Training for staff as regards dealing with suspected truant school children on the premises;
  - Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises;
  - The amount of space around gaming machines to prevent jostling of players or intimidation;
  - Details of opening hours;
  - Approximate numbers of staff employed.
- 23.8 The Licensing Authority can grant or refuse a permit but cannot attach conditions to this type of permit. Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is a reason for such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing, or both, and will have a right of appeal against any decision made.
- 23.9 With regard to renewal applications, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.
- 23.10 Where the Permit has been granted, the Licensing Authority will issue the permit as soon as is reasonably practicable, and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed.
- 23.11 The Licensing Authority recommends that applicants for unlicensed FEC Permits consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive, specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

## 24. GAMING MACHINE PERMITS FOR PREMISES LICENSED FOR ALCOHOL

24.1 Premises licensed for the sale of alcohol for consumption on the premises are entitled to provide gaming machines.

### **Notification - Automatic entitlement for two machines**

24.2 The holder of the Premises Licence, issued under the Licensing Act 2003, that has served a formal Notification on the Licensing Authority, is entitled to provide up to 2 gaming machines of Category C or D. The notification must be accompanied by the prescribed fee and the licence holder must comply with any relevant Codes of Practice issued by the Gambling Commission.

24.3 The Licensing Authority may remove the authorisation if:

- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
- Provision of the machines is not compliant with the mandatory conditions relating to location and operation of machines;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act;
- An offence under the Gambling Act has been committed on the premises; or
- The premises are mainly used for gaming.

24.4 The Licensing Authority will expect the applicant to comply with any Codes of Practice issued by the Gambling Commission and consider such measures to ensure that the under 18s do not have access to the adult only gaming machines. The Licensing Authority recommends considering such measures as:

- Siting adult machines close to the bar;
- Siting adult machines where staff can monitor them;
- Appropriate notices and signage;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

### **Permit – Three or more machines**

24.5 A Licensed Premises may provide more than 2 machines but is then required to have a valid permit issued by the Licensing Authority. The Authority will consider such applications based upon the Licensing Objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant”. This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, and will expect the applicant to satisfy the Authority that there will be sufficient measures to

ensure that under 18 year olds do not have access to the adult only gaming machines.

- 24.6 Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

- 24.7 There is no statutory limit on the number of machines which may be applied for. However, it is the Licensing Authority's policy that a licensing hearing will consider any application for three or more machines where Officers are of the opinion that the premises is not suitable for the number of machines applied for.
- 24.8 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of machines.

## **25. PRIZE GAMING PERMITS**

- 25.1 Prize Gaming Permits must be obtained where a Casino or Bingo Operating Licence is not in effect. However, a casino is not entitled to provide bingo without a Prize Gaming Permit. As children and young persons may participate in equal chance prize gaming, and given that the premises will particularly appeal to children and young persons, the Licensing Authority has prepared a Statement of Principles that it proposes to apply in exercising its functions which specifies matters that the Licensing Authority propose to consider in determining the suitability of an applicant for a Prize Gaming Permit.
- 25.2 The Gambling Act 2005 sets out a number of conditions that the permit holder must comply with. The Licensing Authority cannot attach further conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated at the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public at the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set

out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and

- participation in the gaming must not entitle the player to take part in any other gambling.

25.3 The Licensing Authority will require detailed information when an applicant applies for this Permit, as follows:

- A scaled plan of the premises indicating the location of the machines, other prize gaming facilities, etc., and any appropriate notices that are to be displayed;
- Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
- Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
- A basic DBS check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current Operator's Licence issued by the Gambling Commission);
- Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
- Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises;
- The amount of space around gaming machines to prevent jostling of players or intimidation;
- Details of opening hours;
- Approximate numbers of staff employed.

25.4 Where an applicant provides evidence that he/she has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.

25.5 When considering any convictions revealed in an application, the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place, and any other factors which may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and "spent" convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.

25.6 In making its decision on an application the Licensing Authority will have regard to the Licensing Objectives and will take into account, after

consultation, any representations the Police may make. The grounds for decision-making as regards renewals are the same as for initial applications.

- 25.7 Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it, stating the reasons and offering the applicant an opportunity to make representations orally, in writing, or both.

## **26. CLUB GAMING & CLUB MACHINE PERMITS**

- 26.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit or a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming, i.e. poker, bingo, etc. A Club Machine Permit will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a Club Machine Permit only.

- 26.2 To qualify for these special club permits, a members club must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include:

- working men's clubs
- branches of the Royal British Legion
- clubs with political affiliations.

- 26.3 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that any under 18 year olds do not use the adult only gaming machines. These measures may include:
- The machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised;
  - Notices and signage
  - The provision of information leaflets/helpline numbers for organisations such as GamCare.

- 26.4 Before granting the permit, the Council will need to satisfy itself that the premises meet the requirements of a members' club, and that the majority of members are over 18.

- 26.5 The Licensing Authority may only refuse an application on the grounds that:
- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
  - The applicant's premises are used wholly or mainly by children and/or young persons;

- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - A permit held by the applicant has been cancelled in the previous ten years;
  - An objection has been lodged by the Gambling Commission or Sussex Police.
- 26.6 There is a fast-track procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police. The grounds upon which the Licensing Authority can refuse a permit is reduced. The grounds on which an application under the process may be refused are:
- That the club is established primarily for gaming;
  - That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - That a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled.

## 27. TEMPORARY USE NOTICES

- 27.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 months period for gambling where there is no Premises Licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a Temporary Use Notice would include:
- Hotels
  - Conference centres
  - Sporting venues.
- 27.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 27.3 Only persons or companies holding a relevant operating licence can apply for a Temporary Use Notice to authorise the particular class of gambling permitted by their Operating Licence.
- 26.4 A Temporary Use Notice must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a Temporary Use Notice will be available in a separate guidance note.
- 26.5 The Act makes a special reference, in the context of Temporary Use Notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more Temporary Use Notices than permitted under the Act. The Licensing Authority considers that the determination of what constitutes “a set of premises” will be a question of



fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises. The Licensing Authority will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

## **28. OCCASIONAL USE NOTICES**

- 28.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a full Premises Licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a Temporary Use Notice. The application may be made in writing to the Licensing Authority by the person responsible for the administration of the events on a track, or by an occupier of the track.
- 28.2 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will, however, consider the definition of a “track” and whether the applicant is entitled to benefit from such notice.

## **29. SMALL SOCIETY LOTTERY REGISTRATIONS**

- 29.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 29.2 The Act creates two principal classes of lotteries: Licensed Lotteries and Exempt Lotteries. Licensing Lotteries are Large Society Lotteries and lotteries run for the benefit of Local Authorities. These will be regulated by the Gambling Commission. Within the class of Exempt Lotteries, there are four subclasses, one of which is Small Society Lotteries.
- 29.3 A Small Society Lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in Worthing and want to run such lottery.
- 29.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 29.5 To be “non-commercial” a society must be established and conducted:
- For charitable purposes;
  - For the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or

- For any other non-commercial purpose other than that of private gain.
- 29.6 The other types of exempt lotteries are:
- Incidental Non-Commercial Lotteries
  - Private Lotteries
  - Customer Lotteries
- Guidance on the different categories of lotteries can be obtained from the Public Health & Regulation Licensing Team.
- 29.7 The National Lottery is not licensed by the Gambling Act 2005, and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

### **Small Society Lotteries**

- 29.8 Small Society Lotteries are registered and dealt with by the Licensing Authority. Promoting or facilitating a lottery falls within one of the following categories:
- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
  - Small Society Lotteries (registered with the Licensing Authority); and
  - Exempt Lotteries.
- 29.9 Lotteries permitted to be conducted without a licence from the Gambling Commission and these are:
- Small Society Lotteries (registered with the Licensing Authority);
  - Incidental Non-Commercial Lotteries;
  - Private Lotteries: (Private Society Lottery, Work Lottery, Residents' Lottery);
  - Customer Lotteries.
- 29.10 Societies may organise lotteries if they are licensed by the Gambling Commission, registered with the Licensing Authority or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits are all available by contacting the PH&R Licensing Team.
- 29.11 Applicants for lottery licences must apply to the Licensing Authority in the area where the principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area, it will inform the Society as soon as possible, and where possible, will inform the other Licensing Authority.
- 29.12 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by

the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration.

29.13 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society and in particular may require a copy of the society's constitution.

29.14 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.

29.15 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled, to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

29.16 With regards to where Small Society Lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all small society lotteries it registers:

- Tickets should not be sold in a street – street includes any bridge, road, land, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
- Tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence conditions imposed by the Gambling Commission upon operators of large lotteries.

### 30. GAMBLING RELATED HARM & ITS EFFECTS

- 30.1 Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It is not just the gamblers themselves who experience these harms; individuals, families and communities are all affected. Research published by Citizens Advice suggests that, for every problem gambler there are on average between six to ten additional people who are also directly affected.
- 30.2 Harmful gambling can cause a wide variety of health and social issues, such as alcohol and drug misuse, financial difficulties, mental health issues, loss of employment, domestic abuse and family breakdown. The Gambling Commission estimates there are 430,000 people with a serious gambling addiction in the UK. If you include those they deem at risk of addiction, the number rises to more than two million. Of these, around 55,000 are children and young people aged 11 to 16.
- 30.3 The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.
- 30.4 There is evidence to show that certain groups are more at risk of experiencing gambling-related harm than others; these include: people living in deprived areas, individuals from certain ethnic minority groups (such as Asian/Asian British, Black/Black British and Chinese/other ethnicity), children and young people, those with mental health issues, those with alcohol or drug issues, and people who are homeless. Children are also particularly affected by problem gambling by a family member.
- 30.5 Research conducted by Leeds University in 2016 looked specifically at identifying groups of society that could be considered vulnerable to problem gambling:
- **Young people** – rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (*Wardle, 2015*)

- **Minority ethnic groups** – There is consistent evidence that those from certain ethnic backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox.
- **Unemployed and constrained economic circumstance** – generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (*Brown et al, 2011*).
- **Persons in debt** - There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (*Meltzer et al, 2012*). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.
- **Area deprivation** – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. Research has looked at the distribution of machines and licensed betting offices and suggests that there is clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (*Astbury & Wardle, 2016*).
- **Homeless** – The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.
- **Mental ill health** – There is a strong association between mental ill health and problem gambling. Associations were found between problem

gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.

Being a problem or at risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm the conclusion that the relationship between problem gambling and mental ill health may be cyclical.

- **Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (*Wardle, 2015*).

A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (*Dowling et al, 2015*). There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time.

- **Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (*Johansson et al, 2009*).

However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

- **Problem gamblers seeking treatment** – Because this group is in the process of attempting to recover from gambling problems they should be

treated as a vulnerable group in their own right (Wardle, 2015).

- 30.6 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Worthing Borough Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.
- 30.7 In the case of premises licences the Licensing Authority is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice regarding social responsibility. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:
- Combating problem gambling
  - Access to gambling by children and young people
  - Information on how to gamble responsibly and help for problem gamblers
  - Customer interaction
  - Self-exclusion
  - Employment of children and young people
- 30.8 The Licensing Authority will require all applicants to familiarise themselves with the operator licence conditions and codes of practice relating to the objective 'Protecting Children and other Vulnerable Persons from Being Harmed or Exploited by Gambling' and determine if these policies and procedures are appropriate in their circumstances. The Licensing Authority will communicate any concerns to the Gambling Commission about any absence of this required information.
- 30.9 Applicants should consider the following proposed measures for protecting and supporting vulnerable people, for example:
- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
  - training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable
  - trained personnel for the purpose of identifying and providing support to vulnerable people
  - self-exclusion schemes

- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice children or vulnerable people.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences. The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

30.10 The NHS provides online information and support for people who may be gambling problematically or affected by someone else's gambling, including a short questionnaire to help identify whether someone is gambling problematically:

<https://www.nhs.uk/live-well/healthy-body/gambling-addiction/>

30.11 Individuals can access information and support through the Gambling Helpline on Freephone 0808 80 20 133 or via [www.gamcare.org.uk](http://www.gamcare.org.uk) (available 24 hours a day) and at: <https://www.begambleaware.org> and information on local meetings of Gamblers Anonymous can be found at: [https://www.gamblersanonymous.org.uk/geocoding-search?list\\_view=1&postcode=worthing+](https://www.gamblersanonymous.org.uk/geocoding-search?list_view=1&postcode=worthing+)

30.12 Research & Information regarding problem gambling and the harm it causes can be found at:

- *People who play machines in bookmakers: secondary analysis of loyalty card survey data (Wardle, 2016)*
- *Examining the effect of proximity and concentration of B2 machines to gambling play (Wardle and Astbury, 2016)*
- *Thorley, C., Stirling, A. & Huynh, E, (2016). Cards on the Table: The Cost to Government Associated with People who are Problem Gamblers in Britain. Available online at: [www.ippr.org/files/publications/pdf/Cards-on-the-table\\_Dec16.pdf](http://www.ippr.org/files/publications/pdf/Cards-on-the-table_Dec16.pdf)*
- *Citizens Advice. (2018). Out of Luck – An exploration of the causes and impacts of problem gambling. Available online at: <https://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/consumer-policy-research/consumer-policy-research/out-of-luck-an-exploration-of-the-causes-and-impacts-of-problem-gambling/>*



- Thorley, C., Stirling, A. & Huynh, E, (2016). *Cards on the Table: The Cost to Government Associated with People who are Problem Gamblers in Britain*. Available online at:  
[www.ippr.org/files/publications/pdf/Cards-on-the-table\\_Dec16.pdf](http://www.ippr.org/files/publications/pdf/Cards-on-the-table_Dec16.pdf)
- Local Government Association & Public Health England. (2018). *Tackling gambling related harm. A whole council approach*. Available online at:  
<https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- Faculty of Public Health. (2018). *Faculty of Public Health Gambling Policy Statement*. Available online at:  
<https://www.fph.org.uk/media/1810/fph-gambling-position-statement-june-2018.pdf>

## PART E – MISCELLANEOUS

### 31. TRAVELLING FAIRS

- 31.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit, provided that certain conditions are met, and this provision continues in similar fashion under the Act.
- 31.2 Travelling fairs have the right to provide an unlimited number of Category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.
- 31.3 The Licensing Authority will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 31.4 The Licensing authority is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses the Council boundary is monitored so that the statutory limits are not exceeded.

### 32. GAMING MACHINES

- 32.1 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 32.2 Where the Licensing Authority has concerns about the manufacture, supply or repair of a gaming machine, it will bring this to the attention of the Gambling Commission.
- 32.3 The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, Category D machines by children and young persons and their separation from Category C and B machines where those are also located on the same premises.
- 32.4 The Licensing Authority seeks to discourage applications for Premises Licences for the sole purpose of obtaining the ancillary provision of additional gaming machines where the principal activity either does not take place or is minimal. The Licensing Authority believes that the Gambling Act 2005 intended to set restrictions on the number of gaming machines for certain premises and considers that the fact that the licence authorised the holder to

provide facilities for betting or bingo means that the operator must provide those facilities to qualify for the ancillary entitlement to gaming machines. Whilst this has not yet been legally contested, the Licensing Authority fully supports this view. The Licensing Authority is aware that the Gambling Commission has amended its operator licence conditions to address the issue of the primary gambling activity.

- 32.5 Worthing has a long history of providing family type gaming machines, such as penny falls and cranes. Such machines are primarily aimed at children and family type gaming. We recognise that, on the whole, such machines provide a low risk in relation to the Licensing Objectives. However, as with all gaming machines, such machines must be operated in a fair and open manner and in line with the protection of children from harm Licensing Objective.
- 32.6 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times. The Licensing Authority has concerns that the use of gaming machines in privacy booths may prevent adequate supervision and protection of vulnerable persons and problem gamblers. The Licensing Authority seeks to discourage the use of privacy screens.
- 32.7 Any non-monetary prizes within such machines must comply with the maximum prize limits laid down in the regulations prescribing gaming machine categories and entitlements. If items such as toy mobile phones (or other similar novelty items) are offered as prizes, then this Authority will expect to see clear signage (displayed on or near the machine in question) indicating that such items are toys / novelty items.
- 32.8 The Licensing Authority will bring to the attention of specific machine operators any examples of prizes which it feels are inappropriate or require clarification to prospective machine users. In addition, where it is able to do so, the Licensing Authority will undertake appropriate compliance action when it feels that prizes within penny falls, cranes and other similar machines are outside the scope of the open and fair and protection of children licensing objectives.

### **33. GAMING IN ALCOHOL LICENSED PREMISES**

- 33.1 The Licensing Authority recognises that low level gaming, such as low stakes poker, may take place in alcohol-licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. A nominated gaming supervisor should therefore supervise gaming in alcohol-licensed premises, (i.e. the Designated Premises Supervisor (DPS)) and all gaming should comply with Codes of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Licensing

Authority expects the applicant to be aware of, and adopt, these Codes of Practice and to ensure that all gaming in such premises is suitably managed.

### **34. HUMAN RIGHTS**

34.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way, which is incompatible with a right under the European Convention on Human Rights, except in certain circumstances. In carrying out its licensing functions the Licensing Authority will have particular regard to:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established in accordance with the law.
- Article 8 that everyone has the right to respect for his home and private and family life.
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence)
- Article 14 the prohibition of discrimination. The rights and freedoms within the Convention shall be secured without discrimination on any ground.

However it is important to understand that many of the rights and freedoms are subject to limitations, enabling a balance to be struck between the rights of an individual and the wider interests of a democratic society. Thus a person's individual convention rights may be lawfully interfered with but only if there is a law which permits it. The interference must also be no more than is necessary and proportionate to the aims.

34.2 The Licensing Authority recognises the importance of the Equality Act 2010. In applying the Gambling Licensing Policy the Licensing Authority will have due regard to the need to eliminate unlawful discrimination regarding age, disability, gender- reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. The Licensing authority will do all it can to promote equality of opportunity and good relations between persons of different minority groups.

### **35. DUPLICATION**

35.1 In exercising its functions under the Act the Licensing Authority will seek to avoid duplication with other regulatory regimes, particularly when attaching conditions to licence approvals.

35.2 It is recognised that there should be a clear separation of the land use planning and licensing regimes. It is expected that any necessary planning consents will be obtained prior to any licence application.

## **36. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**

- 36.1 The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing & Control Committee to administer them.
- 36.2 The Licensing Authority appreciates the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, and will delegate certain decisions and functions to sub-committees as appropriate.
- 36.3 The grant of non-contentious applications, including those licences and permits where no representations have been made, are delegated to Council Officers in accordance with statutory requirements.
- 36.4 The Licensing Authority will clearly specify in the licence application pack the information required from applicants. The Licensing Authority will not regard an application as properly made, and will not register an application as made, unless and until all such information is provided and the relevant fee has been paid.
- 36.5 The operational aspects of administering the licensing functions pursuant to the Gambling Act 2005 will be subject to periodic review.

## **37. POLICY REVIEW & SUPPORT**

- 37.1 This Policy provides guidance to members, officers, applicants, responsible authorities, objectors and interested residents on the general approach the Licensing Authority will take in terms of gambling licensing. Although each licence application must be considered separately on its individual merits, in adopting this policy, the Licensing Authority is making it clear that wider considerations other than the fitness of the applicant and suitability of the premises will be taken into account when determining an application.
- 37.2 The Policy is written in pursuance of the Gambling Act 2005 but may be revised at any time there is considered to be a need for adjustment. The Licensing Authority will comply with any statutory requirements. Where required there will be public consultation before any revision of the policy.
- 37.3 Guidance notes to accompany this policy and details about the licensing application process, including application forms, can be found on the council's website at: <https://www.adur-worthing.gov.uk/licensing-and-permits/>

Queries and advice regarding the policy and licensing in general can be accessed through:

- Email: [Licensing.Unit@adur-worthing.gov.uk](mailto:Licensing.Unit@adur-worthing.gov.uk)
- Telephone: 01273 263331

Information regarding current & past applications can be found on the council's website at:

- <https://www.adur-worthing.gov.uk/licensing-consultations/licensing-act-2003/#applications-worthing>

Worthing Borough Council's Licensing & Control Committee Hearings are held at:

- Worthing Town Hall  
Chapel Road, Worthing, BN11 1HA

The Public Health & Regulation Licensing Team is based at:

- Adur & Worthing Councils  
Portland House, Richmond Road, Worthing, BN11 1HS

**Interim Director for Communities:** Tina Favier

**Principal Author and Contact Officer:** Simon Jones

Public Health & Regulation - Team Leader Licensing

## APPENDICES

### **APPENDIX A: INFORMATION & GUIDANCE**

*The definitions and information included in following pages do not form part of this policy and are nationally set. They are included in this document to assist the reader. This document should be read in conjunction with the Gambling Act 2005 (the Act) and Gambling Commission Guidance to Local Authorities.*

#### **GAMBLING ACT 2005**

<https://www.legislation.gov.uk/ukpga/2005/19/contents>

#### **GAMBLING COMMISSION GUIDANCE TO LOCAL AUTHORITIES**

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

#### **CATEGORIES OF GAMING MACHINE**

*Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available. Information regarding Gaming Machine categories can be found at:*

<https://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>

#### **NUMBER OF GAMING MACHINES BY PREMISES TYPE**

*Information regarding the number of Gaming Machines from the various categories that a licensed premises is entitled to provide can be found at:*

[https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-A-Summary-of-machine-provisions-by-premises.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_1](https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-A-Summary-of-machine-provisions-by-premises.aspx#DynamicJumpMenuManager_1_Anchor_1)

**APPENDIX B: SUMMARY OF SOME TERMS UNDER THE GAMBLING ACT 2005**

<b>Term</b>	<b>Description</b>
ATM	Auto teller machine or cash machine
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not, and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a "book" is the act of quoting odds and accepting bets on an event. Hence the term "Bookmaker".
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack, etc.
Chip	Casinos in the UK require you use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine.
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not "gaming" see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have "touch screen" displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as "the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not".
Gaming Machine	Any type of machine allowing any sort of gambling activity, including betting on virtual events but not including home computers even though users can access online gaming websites.



<b>Term</b>	<b>Description</b>
Licensing Objectives	<p>The Licensing Objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• Ensuring that gambling is conducted in a fair and open way</li> <li>• Protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The Council will have no discretion to alter or remove these conditions.</p>
Money Prize Machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <ul style="list-style-type: none"> <li>• The position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</li> <li>• If the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</li> </ul>
Odds	<p>The ratio to which a bet will be paid if the bet wins. E.g. 3-1 means for every £1 bet, a person would received £3 of winnings.</p>
Off-course betting operator	<p>Off-course betting operators may, in addition to premises away from the track, operate self contained betting premises within a track premises. Such self-contained premises will provide facilities</p>

	for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence, such premises operate like a traditional high street bookmakers. They will, however, only normally operate on race days.
<b>Term</b>	<b>Description</b>
On-course betting operator	The on-course betting operator is one who comes onto a track temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: <ul style="list-style-type: none"> <li>• Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting;</li> <li>• Shall be divided among the winners; or</li> <li>• Shall or may be something other than money.</li> </ul> For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations of Statutory Instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act, representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act, or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.

Statement of principles document	A document prepared by the Council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

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**Re: Adur & Worthing Councils' Gambling Licensing Policies Consultation 2021**1 message

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**Richard Tuset** <richard.tuset@adur-worthing.gov.uk>

7 October 2021 at 08:59

To: Tina Favier &lt;tina.favier@adur-worthing.gov.uk&gt;

Cc: Mel Shaw &lt;mel.shaw@adur-worthing.gov.uk&gt;, Ed Hele &lt;ed.hele@adur-worthing.gov.uk&gt;, Simon Jones &lt;simon.jones@adur-worthing.gov.uk&gt;, Caroline Squires &lt;caroline.squires@adur-worthing.gov.uk&gt;

Hello

Thank you for this.

There are strong correlations between gambling establishments and deprivation. The issues with online gambling of course are also serious and growing.

Please look at the [Local Insight Report for Worthing](#). On page 46 there is the Health Assets and Hazards Index (2017) and it sets out Worthing potentially having issues with its high street offer with regard to fast food, off licences, gambling establishments etc. I'm not sure if this information can be used or incorporated....but sure we would want to be increasing healthy and less damaging options on our high streets?

On point 30.2 could addiction be higher up the list?

With thanks

Richard

**Richard Tuset**

Chief Executive's Policy, Adur and Worthing Councils

My pronouns are he/him/his.

**Email:** [richard.tuset@adur-worthing.gov.uk](mailto:richard.tuset@adur-worthing.gov.uk)**Website:** [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)**Address:** Chief Executive Office,  
Worthing Town Hall, Chapel Road, Worthing,  
West Sussex, BN11 1HA

On Thu, 7 Oct 2021 at 08:00, Tina Favier <[tina.favier@adur-worthing.gov.uk](mailto:tina.favier@adur-worthing.gov.uk)> wrote:

Richard / Caroline FYI

Just making some joins here between this refresh of the gambling policy and its reference to vulnerable people and our work on financial capability.

If we are trying to help people who are in financial difficulties, I know one of the key issues that keeps coming up is gambling.

Are there any opportunities here to add in anything into our policy to address this?

Ed can i ask you to have a chat with Mel perhaps and have a think?

Tina

**Tina Favier**

Interim Director for Communities , Adur &amp; Worthing Councils

Phone: 07850900266

Email: [tina.favier@adur-worthing.gov.uk](mailto:tina.favier@adur-worthing.gov.uk)Website: [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)

Address: Communities, Portland House, Richmond Road, Worthing, BN11 1HS



----- Forwarded message -----

From: **Simon Jones** <[simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)>

Date: Fri, 1 Oct 2021 at 13:01

283

Subject: Adur & Worthing Councils' Gambling Licensing Policies Consultation 2021

To: Cllr. Kevin Boram <[kevin.boram@adur.gov.uk](mailto:kevin.boram@adur.gov.uk)>, Cllr. Paul Mansfield <[paul.mansfield@adur.gov.uk](mailto:paul.mansfield@adur.gov.uk)>, Cllr. Sean McDonald <[sean.mcdonald@worthing.gov.uk](mailto:sean.mcdonald@worthing.gov.uk)>, Cllr. Steve Wills <[steve.wills@worthing.gov.uk](mailto:steve.wills@worthing.gov.uk)>

Cc: Catherine Howe <[catherine.howe@adur-worthing.gov.uk](mailto:catherine.howe@adur-worthing.gov.uk)>, Tina Favier <[tina.favier@adur-worthing.gov.uk](mailto:tina.favier@adur-worthing.gov.uk)>, Ed Hele <[ed.hele@adur-worthing.gov.uk](mailto:ed.hele@adur-worthing.gov.uk)>, Theresa Cuerva <[theresa.cuerva@adur-worthing.gov.uk](mailto:theresa.cuerva@adur-worthing.gov.uk)>, Jade Marshall <[jade.marshall@adur-worthing.gov.uk](mailto:jade.marshall@adur-worthing.gov.uk)>, Nadeem Shad <[nadeem.shad@adur-worthing.gov.uk](mailto:nadeem.shad@adur-worthing.gov.uk)>, Cheryl Mainstone <[cheryl.mainstone@adur-worthing.gov.uk](mailto:cheryl.mainstone@adur-worthing.gov.uk)>, Amy Bowyer <[amy.bowyer@adur-worthing.gov.uk](mailto:amy.bowyer@adur-worthing.gov.uk)>

Dear Sirs

**Re: Gambling Act 2005  
Adur District Council & Worthing Borough Council Statements of Gambling Licensing Policy  
Review Consultation - Request for Views/Comments**

For information.

Adur District Council & Worthing Borough Council are obliged, under the terms of the Gambling Act 2005, to publish their policies with respect to the exercise of its gambling licensing functions and re-examine those policies every three years. Both Councils' current policies now require reviewing. As part of the review the Councils have commenced public, authority & stakeholder consultation on their draft 'Statement of Gambling Licensing Policy'.

A draft copy of each policy can be found below and on our website at <https://www.adur-worthing.gov.uk/licensing-consultations/gambling-act-2005/>.

All proposed changes from the current policy are highlighted in orange. The policy contains the minimum of amendments and no changes to the intent or direction of the policy are included. Because it contains such minor amendments, consultation of the authorities and public has been limited to a period of four weeks between 1 October and 29 October 2021.

In addition to the public consultation on our website, the responsible authorities and a comprehensive selection of stakeholders including trade groups, charity support groups and resident associations have been written to.

Regards

**Simon Jones**

Team Leader - Licensing, Adur & Worthing Councils

Phone: 01273 263191

Email: [simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)

Website: <http://www.adur-worthing.gov.uk/licensing-and-permits/>

Address: Public Health & Regulation, Public Health & Regulation

Portland House

Worthing

BN11 1HS

