



**WATFORD
BOROUGH
COUNCIL**

LICENSING COMMITTEE

8 March 2021

7.00 pm

Contact

Alan Garside /Jodie Kloss

democraticservices@watford.gov.uk

01923 278376/4

For information about attending meetings please visit the [council's website](#).

Publication date: Friday, 26 February 2021

Committee Membership

Councillor G Saffery (Chair)

Councillor A Dychton (Vice-Chair)

Councillors S Bolton, A Grimston, I Hamid, K Hastrick, M Hofman, A Khan, R Martins, B Mauthoor, M Mills, J Pattinson, R Smith, I Stotesbury and R Wenham

Agenda

Part A - Open to the Public

1. Apologies for absence

2. Disclosure of interests

3. Minutes

The [minutes](#) of the meeting on 14 January 2021 to be approved. These will be signed once members and officers return to the Town Hall.

4. Licensing Sub-Committee minutes and update

The following Licensing Sub-Committee hearings have taken place since March 2020:

- 9 June 2020 - 132 Ridge Lane (Councillors Saffery (Chair), Dychton and Grimston)
- 13 January 2021 – Green Pitta (Councillors Saffery (Chair), Dychton and Martins)
- 8 February 2021 – Twisted Monkey (Councillors Saffery (Chair), Hofman and Pattinson)
- 10 February 2021 – Basement (Councillors Hastrick (Chair), Hamid and Mills)
- 11 February 2021 – Abaco’s Bar (Councillors Saffery (Chair), Dychton and Smith)
- 18 February 2021 – Batista’s (Councillors Bolton (Chair), Martins and Stotesbury)

The respective chairs of the sub-committees are asked to agree the minutes to be signed when members and officers return to the Town Hall.

5. Review of Licensing Act 2003 Statement of Licensing Policy (Pages 4 - 120)

Report of the Senior Licensing Officer

6. Hackney Carriage and Private Hire Policy 2021-2026 (Pages 121 - 328)

Report of the Business Compliance Officer

Agenda Item 5

Part A

Report to: Licensing Committee

Date of meeting: Monday, 8 March 2021

Report author: Senior Licensing Officer (AY)

Title: Review of Licensing Act 2003 Statement of Licensing Policy

1.0 Summary

1.1 In its role as the licensing authority under the Licensing Act 2003 the council has a duty to prepare, and keep under review, a Statement of Licensing Policy (SLP). This policy was last reviewed in 2018.

1.2 At a meeting on 19 October 2020 the Licensing Committee asked officers to create a Cumulative Impact Assessment (CIA) in order to retain a Cumulative Impact Policy within the town centre.

1.3 A draft SLP and CIA were brought before the Committee on 14 January 2021 and it was agreed to put these documents out to consultation.

1.4 This report details the results of the consultation and any amendments that need to be made to the draft SLP and CIA as a result of the consultation.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Legal challenge from failure to properly adopt the policy or follow legislation and Government guidance	Failure to meet requirements under the Licensing Act and policy not being able to be implemented.	Ensure that the policy is reviewed and adopted before 1 April 2021.	Treat	2

Legal challenge from failure to specify evidence used in drawing up policy and the cumulative impact assessment	Failure to meet requirements under the Licensing Act and policy not being able to be implemented.	Scrutinise evidence obtained and presented, with reasons as to why the evidence is relevant	Treat	2
Legal challenge from failure to properly consult	Negative perception of council and its licensing functions, and challenge through the courts.	Carry out consultation in accordance with legal requirements under the Licensing Act 2003 and in accordance with the Government's published principles of consultation.	Treat	2
Policy is unreasonable, irrational, discriminatory etc.	Legal challenge through the Courts	Ensure that the results of the public consultation are taken into account in the final Statement of Licensing Policy.	Treat	2
Further legislation or reported cases arising during course of consultation and adopting policy	Policy may be outdated as soon as it is published	Monitor situation and, if necessary, take amendments to subsequent committee meetings	Treat	2

3.0 Recommendations

- 3.1 That the Committee approves any amendments to the draft SLP and CIA as a result of the consultation.
- 3.2 That the Licensing Committee recommends that the new SLP, attached at appendix 1, and CIA, attached at appendix 2, be adopted by the Council, as the licensing authority, at its meeting on 16th March 2021.

Further information:

Austen Young
austen.young@watford.gov.uk

Report approved by: Justine Hoy, Head of Community Protection

4.0 Detailed proposal

- 4.1 The council is the licensing authority under the Licensing Act 2003 for alcohol, regulated entertainment and late night refreshment within the Borough. It is required to prepare, consult and keep under review a Statement of Licensing Policy (SLP) that sets out how it approaches its responsibilities under the Act, so that applicants, other statutory bodies and local bodies can ascertain its general approach to particular situations.
- 4.2 In preparing its SLP, the council must have regard to the statutory guidance published under the Act by the Secretary of State. This is known as the s.182 Guidance and was most recently updated in April 2018.
- 4.3 The Policing and Crime Act 2017 amended the Licensing Act by allowing councils to publish a Cumulative Impact Assessment (CIA) to support a Cumulative Impact Policy, in order to specifically publish the evidential basis for such policies. Before this Act, the concept of cumulative impact had been covered by the s.182 Guidance but not specifically by legislation. Many councils, including Watford, had adopted Cumulative Impact Policies on the basis of the guidance.
- 4.4 The relevant sections of the Policing and Crime Act came into force on 6 April 2018. The s.182 Guidance was amended to state that there were no transitional provisions for Cumulative Impact Policies and as such any such policy should be reviewed within 3 years of the enactment of the legislation. This 3 year window expires on 6 April 2021. Officers have been working on reviewing the council's SLP in line with the s.182 Guidance before this deadline.
- 4.5 On 17 October 2020, the Licensing Committee agreed for officers to start looking into drawing up a CIA.
- 4.6 On 14 January 2021, the Licensing Committee agreed the draft documents that were to go out for public consultation. The documents that were to be consulted on were an amended SLP and the draft CIA.
- 4.7 The Committee is asked to consider approving the amended SLP attached at appendix 1 and the CIA attached at appendix 2 and recommending that the Council formally adopts this policy at its meeting on 16th March 2021. This is necessary

because it is the Council that are the licensing authority, and so the Council needs to be approve the policy.

5.0 Consultation

5.1 Method of consultation

5.2 The consultation ran from 18th January until 14 February 2021. The following parties were consulted directly by email:

- Hertfordshire Constabulary (mandatory)
- Hertfordshire Safeguarding Children Partnership Team
- Hertfordshire Fire & Rescue Service (mandatory)
- Hertfordshire County Council Trading Standards
- Home Office Immigration Enforcement
- Hertfordshire County Council Public Health (mandatory)
- Watford Borough Council Development Management
- Watford Borough Council Community Protection (for both the Licensing and Environmental Health teams)
- Watford Borough Council Events Team
- Watford Borough Council Economic Development
- Watford BID

5.3 The following parties were consulted directly by letter:

- 299 premises licence and club premises certificate holders *
- 543 residents within the town centre
- 21 residents' associations within the Borough

* All premises licence and club premises certificate holders were contacted, but it should be noted that some licence holders hold more than one licence so were only contacted once.

5.4 The consultation was published on the council's website with a link to a survey to assist in collecting responses. This page also included an explanation as to what is meant by the term 'cumulative impact' and a brief explanation of the current policy. All consultees were invited to contact the licensing team in writing either by email, letter, or via the online survey, with responses sent by email or via the survey being the preferred method.

5.5 A press release was also published in the Watford Observer on 30th January 2021 to highlight the consultation.

5.6 Residents in the town centre were contacted directly to seek their views on the proposed cumulative impact policy and to consult those residents that would no

longer be covered by this policy to ask what they would like to see replace the current policy.

- 5.7 Residents' associations were contacted and a press release issued in order to draw attention to the consultation. This included the town centre residents' association as representative of all residents within the town centre. This approach was a broad approach to include users of the town centre.

5.8 Survey responses

- 5.9 The responses to the survey are attached at appendix 3. The responses to the survey were broadly in support of the proposed policy, although some specific comments were received which officers wish to comment on. The responses to these are as follows.

- 5.10 Q3 Do you agree with the proposal NOT to change the approach to dealing with license issues relating to petrol stations and garages?

The respondents disagree with petrol stations being able to sell alcohol. The council must respect that it is legal for some petrol stations to sell alcohol, provided that they are not primarily used as a garage. Where a licence has been granted to a premises in the past, and that premises is now deemed to be primarily used as a garage, the licence will be of no effect. It is considered that the broad approach, including the option of requesting sales data as evidence to establish use, is appropriate. It should be noted that a ban on all petrol stations selling alcohol would need to be introduced by national legislation.

- 5.11 Q4 Do you agree with the proposal NOT to change the approach to dealing with licence issues relating to circuses?

One respondent advised that circuses must leave the area clean and tidy. The council must acknowledge that not all circuses require licences and this specific part of the policy focusses on the circumstances when circuses would require a licence. Litter controls may be appropriate to be attached to a licence through conditions, and any licence application would be subject to consultation where this issue can be raised. Officers advise that the last licence issued for a circus was in 2012 and there is no recent evidence that this is a significant issue.

- 5.12 Q5 Do you agree with the analysis of the Police data contained within the draft Cumulative Impact Assessment?

One respondent advised that the town is the sum of its components and must be considered as a whole. It is not proposed to extend a cumulative impact policy across the whole of the Borough. It is a legal requirement to publish the evidence upon which we base a cumulative impact policy, and no evidence has been received

from responsible authorities, such as the Police, or any other party to suggest that there are issues with cumulative impact in other areas of the Borough. The evidence upon which the policy is based can be scrutinised and this approach is considered reasonable in promoting the licensing objectives. Adopting an unreasonable approach may lead to the policy being challenged and even quashed.

5.13 Q8 Do you think that the four original Sensitive Licensing Areas should be retained?

One respondent raises concern over street drinking, and names a specific premises (redacted for the purpose of this report). Officers can advise that details of the premises have been passed to the Police and the council's Business Compliance Officer. Officers do wish to clarify that as a council we do work with the Police to address issues of anti-social behaviour, such as street drinking, and the Sensitive Licensing Areas do exist partly because of historical issues with street drinking.

5.14 Q9 Do you agree with the approach of the Sensitive Licensing Areas in that licensing officers will seek conditions to: minimise the risk of anti-social behaviour from the availability of high-strength alcohol to street drinkers; minimise the risk of nuisance from premises applying for significantly different hours to existing premises, and; minimise the risk of litter and other associated public nuisance from a concentration of late-night takeaways?

One respondent raises concern over littering, and names a specific premises (redacted for the purpose of this report). Officers can advise that details of this issue have been passed to Environmental Health and the council's Business Compliance Officer. Officers can advise that our pool of model conditions does include conditions to clean specified areas outside of premises, although each application must be considered on its own merits and conditions should be proportionate, and requiring each licence holder to clean the pavement for up to 50 feet from their premises may not be held to be appropriate or proportionate in each case.

5.15 Q11 If you are in support of creating a new Sensitive Licensing Area in the Town Centre (question 10), are there any other issues apart from minimising the risk of anti-social behaviour from the activities of street drinkers, the risk of nuisance from premises applying for significantly different hours to existing premises, and the risk of litter and other associated public nuisance from late-night takeaways that you would like to see addressed through policy for these areas?

One respondent raises concern over littering and customers using outside areas. As mentioned in the paragraph above, the pool of model conditions does include conditions regarding the cleaning of outside areas. It is a condition of pavement licences, although issued under a separate regime, that the relevant licensed areas should be kept clean.

5.16 Q16 Do you believe that the conditions laid out in policy LP8 are sufficient to promote the licensing objective relating to public nuisance?

One respondent advises that they want enforcement to be swifter and tougher. Officers do need to advise that there must be the evidence available to justify taking any enforcement action, and sometimes this does require evidence to be obtained and analysed, which can take time. The punishments are set by legislation or the courts if any party is convicted of an offence. The compliance policy for Community Protection, which includes licensing and Environmental Health, is due to be reviewed this year and this feedback is more appropriate for that policy and our general approach to enforcement and achieving compliance.

5.17 Q19 Do you agree with the proposal NOT to change the current approach to representations against applications?

Officers will take the comments about contacting having direct contact with the licensing team on board and making it easier to contact the licensing team and will review the webpage content and correspondence templates.

5.18 Q23 Please tell us any other comments on our policy

- Officers have taken on board the comments regarding mentioning homophobia only. The policy has been amended accordingly in order to promote equality generally and clarify the full position when identifying aggravating factors for a sub-committee to consider when a licence is up for review. These changes can be found in policy LP13 on page 39 of the policy at appendix 1. The proposed policy continues to go further than the Government Guidance; this only specifically highlights the organisation of racist activity or the promotion of racist attacks as requiring serious consideration when a licence is reviewed. The clarification that has been added is explicit and all-encompassing ensuring that the policy fulfils the council's duty under the Equality Act 2010.
- Issues with a particular location and street drinkers have been passed to the Police and the council's Community Safety Co-ordinator for information.
- With regards to the litter comments, officers have already covered in earlier paragraphs that the pool of model conditions includes conditions regarding cleaning the area immediately outside of their premises, as well as displaying signage for customers to dispose of their litter responsibly, which can be attached to a licence either voluntarily by the applicant, or by a licensing sub-committee should they consider it appropriate to do so. However, officers do need to advise that away from the immediate vicinity of the premises, the Government Guidance does state that people are responsible for their own actions, and if someone decides to litter in someone's garden it is the customer who is responsible for their actions and therefore is liable for any offence.

5.19 Responsible authority responses

5.20 The Police responded that they had no specific comments over the proposed policy, although they did add that the shape of the Night-Time Economy (NTE) post Covid-19 is unknown.

5.21 It is acknowledged that the shape of the town following Covid-19 is a valid and legitimate concern. Officers do wish to confirm that while the proposed policy does include a cumulative impact policy, it is possible for a licensing sub-committee hearing an application within this area to depart from the policy, and not all applications will be required to be determined by a hearing. Without reviewing this policy at this time, the council would lose the existing control over the town centre. It is not proposed to refuse all licensed premises and steps have been taken to identify where exemptions can be made, and what types of premises we are interested in attracting to the town centre as part of the NTE, which it should be noted is largely based upon our existing policy. The CIA must be reviewed at least every three years, and the SLP at least every five years, so neither policy is necessarily permanent and may be reviewed to take into account the changing nature of the town and its environment at any time.

5.22 Environmental Health responded that the Cumulative Impact Policy should be retained. They advised that the town centre area contains many residential premises and the current policy allows for sufficient controls to be put in place to limit the impact of premises that are applying to be licensed. The removal of the policy would make it more difficult to promote the licensing objectives, particularly in relation to public nuisance, in this part of the Borough.

5.23 Licence holders responses

5.24 One response was received from a club who hold a club premises certificate. It should be noted that this club does not fall within the town centre. They did not raise any specific concerns or comments on the proposed policy. Their response is attached at appendix 4

5.25 Other responses

5.26 One response was received from a resident who advise that they live on the High Street. They did raise some specific comments and queries which officers wish to address. Their comments are attached at appendix 5.

5.27 In response to the comments regarding busking and street entertainment, officers must first advise that busking is not licensable under the Licensing Act 2003, to which this policy specifically relates. However, such activities may require a licence or permission under other legislation, such as a street trading consent or street

collection permit if collecting for charity. These are different pieces of legislation and have their own separate policies. It should be noted that the council can not request any private land-owner to accept entertainers onto their land.

- 5.28 There are two specific elements regarding customers of pubs and bars frequenting Palace View. The first, relating to intoxicated customers, could be argued to support the approach for a cumulative impact policy within the town centre for drinking establishments selling alcohol because we do not wish to add to this problem. The comments do not name a specific premises, suggesting that it is the cumulative impact of more than one premises in the town centre. With regards to the comments about drug use, officers can advise that these comments have been passed to the Police.
- 5.29 Finally, with regards to their comments regarding delivery drivers, these comments have been passed to Environmental Health. With certain food premises being required to close to customers during the various lockdowns and tier restrictions, demand for delivery services has increased significantly. It must be noted that the comments concern drivers using this location all day, and there has been no suggestion that these drivers are only using licensed premises or not.

5.30 Miscellaneous changes

- 5.31 Following the close of the consultation, officers have updated the policy to take into account the details of the consultation, which were left out of the consultation copy. Some formatting and numbering changes have also occurred in order to bring consistency throughout the document. All changes made to the draft policy that was sent out for consultation are highlighted in the attached policy for clarity. Policy LP4, which concerns the council's Sensitive Licensing Areas, has also been amended following the results of this consultation. Further details can be found in paragraph 6.3.
- 5.32 Prior to starting the consultation, officers were asked if it would be possible to include maps of the various licensing policy areas within the SLP. This feedback has been taken on board and maps are now provided. These were not included within the original draft document because the maps had not yet been finalised, and the consultation would shape the final policy areas. It is not considered that these make a significant change to the SLP and the purpose of the maps is to help understand the policy.

6.0 Proposed policy

- 6.1 After considering the results of the consultation, the SLP has been amended where appropriate. There have been no changes made to the CIA. The SLP is attached at appendix 1. The CIA is attached at appendix 2.

6.2 Residents and businesses were specifically asked through the consultation whether a special policy be adopted for the following locations since it was proposed that they would no longer be covered by a cumulative impact policy:

- Albert Road South
- Church Street
- Clarendon Road, between The Parade and Beechen Grove
- George Street
- King Street, between High Street and Exchange Road
- Market Street, between High Street and Exchange Road
- New Street
- Wellstones
- Queens Road, between High Street and Beechen Grove

6.3 The responses to the consultation do suggest that designating these locations as a Sensitive Licensing Area (SLA) is appropriate. There have been specific comments raised regarding litter and street drinking, which already are the focus of the SLA policy, as well as comments regarding adding extra roads and locations as and when needed. Although designating the areas as an SLA does not mean that there can be a presumption of refusal as there would be under a cumulative impact policy, this approach does focus on highlighting specific concerns for applicants to take into consideration when applying for licences within these areas, as well as highlight conditions that they may wish to volunteer. Although the council would not wish to force blanket conditions on all premises, we would consider this approach to be reasonable in promoting the licensing objectives, notwithstanding that each application would still need to be considered on its own merits, and any concerns over an application within these areas would be recommended to be raised with the applicant first in order to mitigate those concerns.

6.4 Specific mention has been made of the pool of model conditions in this report. Members are reminded that the pool of model conditions is a separate document to the SLP. It is drawn up by officers in consultation with the responsible authorities as well as using examples of good practice or discussions with other licensing authorities to address known or emerging issues. It is this pool of model conditions that officers will use when being consulted on applications within an SLA, and these conditions will be reviewed as and when needed in order to remain relevant and enforceable.

7.0 Implications

7.1 Financial

7.2 The Shared Director of Finance comments that any financial implications will be contained within existing budgets.

7.3 **Legal Issues** (Monitoring Officer)

7.4 The Group Head of Democracy and Governance comments that the legal implications are contained within the report and appendices.

7.5 **Equalities, Human Rights and Data Protection**

7.6 Under s149 (1) of the Equality Act the council must have due regard, in the exercise of its functions, to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them
- foster good relations between persons who share relevant protected characteristics and persons who do not share them.

7.7 As this is a change to an existing policy, an equalities impact analysis has been undertaken. The analysis is attached as appendix 6 to this report. The main conclusions of that analysis are that there are no significant impacts on any one particular group from the implementation of this policy. The application process is set out in legislation, including how applications are to be determined.

7.8 **Community Safety/Crime and Disorder**

7.9 Section 17 of the Crime and Disorder Act 1998 requires the council to give due regard to the likely effect of the exercise of its functions on crime and disorder in its area and to do all it reasonably can to prevent these. The prevention of crime and disorder is one of four licensing objectives that guides all licensing decisions, and which we must aim to address through policy and the implementation of the Licensing Act 2003. We have adopted a policy based on evidence from the Police with steps that we consider promote this licensing objective.

Appendices

Appendix 1 – Draft Statement of Licensing Policy (2021-2023)

Appendix 2 – Draft Cumulative Impact Assessment (2021-2024)

Appendix 3 – Online survey results

Appendix 4 – Response from Club Premises Certificate holder

Appendix 5 – Resident's response

Appendix 6 – Equalities Impact Assessment

Background papers

Results of the council's consultation on the proposed statement of licensing policy
Licensing Act 2003 (as amended)
Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)
Watford Borough Council's Statement of Licensing Policy (2018-2023)

APPENDIX 1



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

NOVEMBER 2018
(REVISED APRIL 2021)

Comments are invited on this document to:

Community Protection
Watford Borough Council
Town Hall
Watford
Hertfordshire
WD17 3EX

Tel: 01923 278476
Fax: 01923 230765
Email: licensing@watford.gov.uk

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PROLOGUE

Watford Borough Council is the licensing authority under the Licensing Act 2003, and is required to publish and keep under review a policy setting out its approach to its responsibilities under the Act.

It is intended that this policy will be used by a wide range of people within the Borough – from organisations who need authorisations under the Act; residents and others who may be affected by their activities, and by the statutory bodies with responsibilities under the Act.

This policy is in force from 20th November 2018 until 19th November 2023, unless revised beforehand. We hope that organisations and individuals will use it before making licence applications, and that residents and statutory bodies will use it when responding to licensing applications or existing licensed activities.

In drawing up the policy, we have consulted with:

- Local residents and their representatives
- Local community, cultural and entertainment organisations
- Holders of various licences for premises in the Borough who will be affected by it
- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- Hertfordshire Trading Standards
- Hertfordshire Local Safeguarding Children Board
- Watford Community Safety Partnership
- The Home Office
- Watford Business Improvement District
- One Watford

Our consultation was conducted between 6th July 2018 and 17th August 2018, during which time we wrote to:

- 20 residents' associations;
- 329 licensed premises;
- over 450 residents within the town centre;
- over 1000 residents within the Sensitive Licensing Areas;
- all 36 local ward councillors; and
- the statutory responsible authorities.

We placed details on our website and a public advertisement, and issued a press release which was published in the Watford Observer on 6th July 2018.

It was approved by the full Council – the Licensing Authority – on 16th October 2018.

Our licensing committee will consider each Spring how the policy has operated, and whether any changes to it are needed.

This policy was revised effective from 1st April 2021, to run until 19th November 2023. The revision was with regards to the adoption of a cumulative impact assessment for the town centre.

The following parties were consulted directly over this revision:

- Local residents and their representatives
- Local community, cultural and entertainment organisations
- Holders of various licences for premises in the Borough who will be affected by it
- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- Hertfordshire Trading Standards
- Hertfordshire Local Safeguarding Children Partnership
- Watford Community Safety Partnership
- The Home Office
- Watford Business Improvement District

Consultation on the revisions was conducted between 18 January and 14 February 2021 during which time we wrote to:

- All parties listed above
- All licence holders and club premises certificate holders (total of 299 people and organisations)
- 543 residents within the town centre affected by the policy change
- 21 residents' associations within the Borough

We placed details on our website and issued a press release which was published in the Watford Observer on 30 January 2021 inviting people to contact us in writing should they have any comments to make, including directing them to an online survey to assist in responding.

The revised policy was approved by the full Council – the Licensing Authority – on 16 March 2021.

The Borough of Watford

Watford Borough Council is situated in the county of Hertfordshire, which contains ten district councils in total. The council area has a population of now 96,600 (mid-year estimate (2016) making it one of the smallest in the county in terms of population and one of the most densely populated in the country.

Watford Borough was granted a Royal Charter in 1922. Traditionally a market town, it has developed into an attractive sub-regional shopping centre and important centre for cultural and recreational facilities. Watford has a catchment area population of approximately 500,000 within a travel time of 20 minutes from the town centre (CACI Ltd 2001).

Situated in the south west of Hertfordshire, Watford has several locational advantages due to its excellent communication links. The M1 motorway, with direct links to the town centre, and the London to Glasgow railway pass through the Borough. London Euston can be reached in 20 minutes, while the nearby M25 motorway provides road access to the major airports at Heathrow, Gatwick, Stansted and Luton.

Watford has major A-road links to adjoining areas and is also connected to the underground rail network with the Metropolitan Line terminus adjacent to Cassiobury Park. A branch line railway serves St. Albans Abbey.

Watford Borough covers an area of 2,142 hectares (8.3 sq. miles). Watford is a major town in the region. It is a sub-regional shopping destination, centred around the Intu Shopping Centre in the town centre, and has one of the most vibrant night-time economies in Hertfordshire. Upgrading works to the pond and surrounding area were completed in 2014, and improvement works to the intu centre and associated High Street improvement works were completed late 2018 and early 2019. It was traditionally a centre for the printing industry and now boasts the headquarters of a number of nationally known firms. Unemployment figures are well below Great Britain's average. However there are pockets of deprivation, characterised by a high concentration of minority ethnic groups, single parent families, low income households and a high incidence of long term health problems.

Potential operators should however refer to the District Plan and the emerging Local Development Framework (through our Development Management Team or on our website at www.watford.gov.uk) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place.

Further information about the Borough is contained in the Watford Local Plan 2006-2031 Part 1 Core Strategy which can be obtained from the Council's offices or at:

https://www.watford.gov.uk/info/20012/planning_and_building_control/1051/watford_local_plan

INTRODUCTION

We recognise that the four objectives of the Licensing Act – prevention of crime and disorder; public safety; prevention of nuisance; and child protection – are paramount.

Our vision is to create a safe and family-friendly environment within the Borough, particularly within the town centre. Whilst we recognise that each application must be considered on its individual merits and must be granted in the absence of any relevant representations, policies will be implemented to achieve our overall aims.

In September 2008 we launched a 24-hour strategy for the town centre, and following public consultation, we began to tackle some key issues. In January 2009 we launched our Cultural Study to remodel the town centre – particularly The Parade – to act as a stimulating focal point for culture and heritage within the borough. The Cultural Plan saw physical improvements to the Pond and the Parade area and the creation of an events space; works which were completed in 2014.

The events space has seen events such as the Big Beach, the Big Screen and the Big Skate, and the Town Centre as a whole has hosted an 'Imagine Watford' Arts festival on a number of occasions. The council has adopted a Cultural Strategy to run from 2018 until 2025 which seeks to **grow** sustainable opportunities for creative enterprise, cultural provision, and participation for our local communities. The council is also working on a Town Centre Vision, which will build on the extension to the INTU centre and the associated improvement works to the High Street between Clarendon Road and Market Street. This Statement of Licensing Policy will be used to help deliver the Town Centre Vision and accordingly may need to be reviewed before its expiry in 2023 as the Vision develops.

This approach and initiatives above led to us being awarded Purple Flag accreditation for our management with our partners of our town centre night-time economy in September 2012. The Purple Flag accreditation was renewed in 2016, and again in 2018. The accreditation was due to be reconsidered in 2020, but was delayed due to the Covid-19 pandemic.

Where we have discretion because relevant representations have been made about licensing applications, we may also take into account the following factors to fulfil our vision:

- (1) what contribution the application can make to creating a family-friendly town centre, specifically in terms of offer to a wide-range of customers; family-friendly policies and facilities; operating hours; and pricing;
- (2) entertainment aimed at over-25 year olds;
- (3) links with other activities in the town, to encourage day-time users to stay in the evening;
- (4) provision of a full food menu and not only alcohol;
- (5) the controlled and safe sale of alcohol;

- (6) transport/dispersal provision, particularly during periods when public transport is unavailable;
- (7) style and type of venue. The licensing authority wants to attract only high-quality operators who can provide a family-friendly environment, characterised by a range of activities and offers that would appeal to families of all backgrounds. A family-friendly environment may (but need not) be characterised by:
 - a range of alcoholic and soft drinks suitable for all ages;
 - a food menu catering for different tastes and needs, available throughout the duration of the premises' operating times;
 - facilities suitable for assisting customers with young children, such as high-chairs and baby-changing facilities, and facilities for family groups such as suitably laid-out seating/table areas;
 - a range of activities or entertainment that appeals to a range of age groups, whether provided at the same time or at separate times.
- (8) involvement in local community events and organisations.
- (9) commitment to involvement in community safety partnership initiatives.
- (10) use of street pavement licences for outdoor table areas.

Promoting and celebrating Watford's diverse cultures

We are keen to promote the artistic and cultural life of the town, and licensing will be approached with a view to encouraging new and innovative forms of public entertainment that are consistent with the licensing objectives and this aim.

We encourage greater live music, dance, theatre and other forms of entertainment for the wider cultural benefit of the community. We note that the Live Music Act 2012 already exempts live and recorded music from the need for a licence in specific circumstances and that certain elements of "regulated entertainment" defined in schedule 1 to the Licensing Act has also been deregulated¹.

For those activities that will still require licensing, we will seek to strike a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities and we will not allow the views of vocal minorities to predominate over the general interests of the community.

We will as far as possible avoid measures that deter live music, dance, theatre and entertainment, for example by imposing conditions that have indirect costs of a disproportionate nature.

¹ [The Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013](#)

We are aware of the community value of a broad range of cultural entertainments, particularly live music, theatre and dancing. We want to encourage them for the benefit of all. We have issued a premises licence for the town centre for the use of community and other groups, and enquiries should be addressed to our events team at events@watford.gov.uk.

GENERAL CONSIDERATIONS

Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licence-holder. However, as a matter of policy, we expect every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

We will consider every application, on its own merits. We will have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act (available from <https://www.gov.uk/business-and-industry/beer-sales>). Where it is necessary to depart from the guidance – either in this policy or at any other time – we will give clear and cogent reasons for doing so.

We will consult with relevant stakeholders on the operation of this policy where appropriate, in advance of an annual report each Spring to our Licensing Committee on the operation of the Act. We will also take advantage of other forum, such as Pubwatch and Police Licensing Unit liaison meetings.

PRE-APPLICATION CONSIDERATIONS

Our experience in administering the licensing regime since 2005 shows us that many disputes start from poor communication – for example, the Act doesn't always allow applicants to fully explain their proposals, leading residents to misunderstand what is being proposed. In that case, formal representations are made and licensing hearings held to simply clarify what is being proposed.

We would strongly encourage applicants to hold pre-application discussions with us, other relevant statutory bodies and local residents or businesses before submitting all but the most straightforward applications.

Applicants should note that all applications are detailed on a weekly email bulletin, which is published on our website. Applications for the grant and variation of premises licences and club premises certificates are also circulated by letter to the fifteen nearest properties to the premises affected by the application, to ensure those potentially affected are aware of the application. Applicants are requested to submit a copy of their public notice to our officers after it has been published in a local newspaper.

Licensing is about the regulation of licensed premises, qualifying members' clubs and temporary events. We may only impose conditions on premises licences and club premises certificates in one of two circumstances:

- (1) where the applicant volunteers them as part of their operating schedule; or
- (2) on receipt of relevant representations from potentially affected parties, or from responsible authorities .

We have produced a separate document containing pools of model conditions for premises licences and club premises certificates. Applicants are under no compulsion to use these when preparing their operating schedules, but doing so may reduce the likelihood of representations being made about the application. Should relevant representations be received, we will (unless policy LP2 is involved) use those pools of conditions to address the concerns raised before we consider whether to refuse an application.

Terms and conditions attached to premises licences or club premises certificates in these circumstances will be reasonable, proportionate, and relevant and will be focused on matters within the control of the individual licence-holders and others granted relevant permissions. Conditions will be tailored to the style and characteristics of the individual premises. These matters will centre on the premises and places being used for licensable activities and in the vicinity of those premises or places.

Our officers will draft appropriate conditions for premises licence and club registration certificates from the information supplied in operating schedules accompanying premises licence and club premises certificate applications.

We recognise that we have no statutory power to place conditions where a temporary event notice has been given and no objections have been received from the **Police** or Environmental Health, but urge premises users to take note of the guidance in this policy in appropriate circumstances.

Where no representations have been received, we must grant the authorisation in the terms sought.

**POLICY LP1
PREMISES DEFINITIONS**

For the purposes of policy LP2 and LP3, we define licensed premises as set out below:

Premises	Use
Restaurants	The sale of food and drink for consumption on the premises with full waiter service and/or full food menu throughout the trading period, and which typically has only incidental background music. Alcohol sales are not predominant over other activities. It may occasionally include the provision of other licensable activities such as recorded or amplified music and limited facilities for the provision of dancing.
Public houses, wine bars or other drinking establishments	Primarily for the sale of alcohol and food for consumption on the premises, and which may include the provision of other licensable activities. Will include a “drinking up period” between the last sale of alcohol and the closing time of the premises.
Café-bars	The sale of food and or light refreshments, and where alcohol sales are not a predominant feature of the premises
Hotel bars	The sale of alcohol and/or food, either to hotel residents or to non-residents
Night-clubs	Primarily for the provision of licensable activities at night (typically including music and dancing), where alcohol sales are a strong feature
Off-licences	The sale of alcohol for consumption away from the premises
Pavement licences	The sale of alcohol and/or food on the highway outside of other premises licensed for such activities
Qualifying clubs	Qualify for a club premises certificate under the Licensing Act 2003
Take-aways	The provision of late night refreshment (hot food and drink) between 11 pm and 5 am for consumption away from the premises
Other entertainment venues	The sale of alcohol and provision of late night refreshment (hot food and drink) is either absent or only ancillary to other licensable activities

**POLICY LP2
LOCATION AND OPERATION OF PREMISES**

(1) The table below sets out our approach to licensing premises when we have received relevant representations to a licensing application, notwithstanding that each application will be considered on its merits:

Premises type	Cumulative impact zone (see also policy LP3)	Town centre (within the ring road)	Leisure or shopping area	Residential area
Café-bars	Will generally be granted according to the application			
Hotel bars	Will generally be allowed alcohol sales and late night refreshment to residents 24-hours a day and to non-residents on the same basis as restaurants (see below)			
Night-clubs (including lap-dancing clubs*)	Where exceptions to policy apply, will generally be allowed licensable activities to 1 am only and until 10.30 pm on Sunday (other than for special occasions)	Will generally be allowed licensable activities to 1 am only and until 10.30 pm on Sunday (other than for special occasions)	Will generally be allowed licensable activities to 1 am only (other than for special occasions)	Will generally be allowed licensable activities to midnight only (other than for special occasions)
Off-licences	Will generally be allowed alcohol sales to 8 pm only		Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop	Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop
Other entertainment venues not listed	Will generally be granted for the hours and activities requested			May be limited to midnight
Pavement licences*	Will generally be allowed alcohol sales to 10 pm only		Will generally be granted according to the application	Will not generally be granted for alcohol sales in residential areas outside pubs, but will if outside restaurants and café-bars
Public houses, wine bars and	Where exceptions apply, will	Will generally be allowed alcohol	Will be allowed alcohol sales to midnight only (other than for special occasions).	

* We have published separate policies about pavement and about sex entertainment venue licences, which are available on our website and from our licensing team.

other drinking establishments	generally be allowed alcohol sales to midnight only, and until 10.30 pm on Sunday (other than for special occasions).	sales to midnight only, and until 10.30 pm on Sunday (other than for special occasions).	
Qualifying clubs	Where exceptions apply, will generally be granted for the hours and activities requested	Will generally be granted for the hours and activities requested	
Restaurants	Will generally be allowed licensable activities to 2 am only (other than for special occasions)		Will generally be allowed alcohol sales to midnight only (other than for special occasions)
Take-aways	Will generally be allowed late-night refreshment sales to 1 am only (other than for special occasions)	Will generally be allowed late-night refreshment sales to 1 am only	Will generally be allowed late-night refreshment sales to midnight only (other than for special occasions)

- (2) Officers will make a recommendation of the type of operation and location of the business, using the preceding tables. However, it will be for the sub-committee to determine if they agree with the recommendation when considering the application before them, and they may decide to depart from the recommendation. Departure from the recommendation should be explained with detailed reasons.
- (3) Where alcohol is sold for consumption on the premises, our policy will be to generally grant an additional 60 minutes between the end of any sales of alcohol and the closing time of the premises (which we refer to as the “terminal hour”).
- (4) Where we have considered representations for licences that do not involve alcohol sales, we reserve the right to set a final hour for licensable activities and for the closing time of the premises (the “terminal hour”).

Justification for LP2

We recognise that flexible licensing hours for alcohol sales can help to reduce concentrations of customers from leaving premises simultaneously, and to reduce conflict at late-night take-aways and taxi ranks. At the same time, we recognise that taxis/private hire vehicles (and private vehicles) are effectively the only form of post-midnight transport in the Borough.

We are adopting this policy with the Government’s recommendations at paragraph 14.51 of the statutory guidance in mind. This states that the Government acknowledges different licensing approaches may be appropriate for promoting the licensing objectives

in different areas, and licensing authorities – in consultation with others – are best placed to make those decisions subject to the overriding principle that opening hours must be not pre-determined without giving individual consideration to the merits of each application.

This justifies a more restrictive approach in residential areas when relevant representations have been made. A more restrictive approach for take-aways within the LP3 and town centre areas is justified to reduce conflict late at night and encourage dispersal, and for off-licences to reduce the availability of alcohol being drunk on the streets (“pre-loading”) during the evening.

PETROL FILLING STATIONS

Section 176 of the Licensing Act prohibits alcohol sales from premises that are used primarily as, or are part of premises that are primarily used, as garages for one or more of the retailing of petrol or derv; or the sale and maintenance of vehicles.

If premises that are primarily used as a garage are granted a licence, that licence is “of no effect” and alcohol may not be lawfully sold.

It follows that we must be satisfied whether or not any premises are used primarily as a garage before we grant a licence for it. This is not to restrict the granting of a licence in such cases but for all parties to be clear as to whether the licence is an effective one or not. This policy is intended to be applied flexibly, as we are aware many pubs and restaurants have car parks attached where customers may drink alcohol and then drive away, and that customers will drive to supermarkets for example to buy alcohol, many of which have car parks.

Policy LP2A

- (1) In determining applications for garages, we require applicants to demonstrate that their premises are not primarily used as a garage. Such evidence must be based on sales and footfall data over the previous two years to show that petrol and derv sales, and vehicle maintenance and sales, are not the premises’ main feature to show the intensity of use. Where such information is not available (because for example the premises have only just started trading), we will consider imposing a condition requiring this information to be provided to the licensing authority on a regular basis for the following two years to ensure the premises are not primarily a garage.
- (2) Where insufficient evidence exists to establish primary use, we will decide whether or not grant a licence and deal with any subsequent issues using our enforcement powers in conjunction with other responsible authorities.
- (3) Where relevant representations have been made and a premises licence is granted in these circumstances, we shall treat it as an off-licence for the purposes of policy LP2 and grant hours accordingly.

Justification for LP2A

Paragraph 5.22 of the statutory guidance issued under the Act makes it clear that we must decide whether or not any premises is used primarily as a garage. We are aware that different licensing authorities take a number of different approaches to this question. This approach allows us to obtain the necessary information for us to reach that decision.

CIRCUSES

It is clear that authority is needed under the Licensing Act should a circus sell alcohol or provide late night refreshment.

In addition, The Legislative Reform (Entertainment Licensing) Order 2014 deregulated entertainment in travelling circuses provided that the following qualifying conditions are met:

- the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- the entertainment takes place between 08.00 and 23.00 on the same day;
- the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- the travelling circus has not been located on the same site for more than 28 consecutive days.

The position is less clear in terms of regulated entertainment, and we are aware of extremes in approaches by licensing authorities across the country. The incidental music to a circus performance is not licensable, clowns may not necessarily be playing a dramatic role qualifying as a theatrical performance, trapeze artistes are not engaged in indoor sports and film performances are rarely included.

Policy LP2B

(1) It is our policy that entertainment in circuses is exempt in the following circumstances:

- the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- the entertainment takes place between 08.00 and 23.00 on the same day;
- the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- the travelling circus has not been located on the same site for more than 28 consecutive days.

(2) On other occasions will be need to be decided on a case-by-case basis

Justification for LP2B

It is our experience that circuses are low risk, pose no significant risk to the licensing objectives, add value to the cultural activities of the town, and are regulated by other means including compliance with the Health and Safety at Work etc. Act 1974.

POLICY LP3 CUMULATIVE IMPACT POLICY

The council have published a cumulative impact assessment that looks at the potential impact on the promotion of the licensing objectives.

This assessment was **first drawn up to take effect from 1 April 2021. The assessment is a separate document to this policy.** The assessment is required to be reviewed at least every 3 years and requires approval from the council. The data used in compiling the cumulative impact assessment is included within the assessment itself.

Cumulative impact assessment summary

A cumulative impact policy applies to these parts of the town centre:

- High Street (between The Parade and Beechen Grove)
- The Parade

This is due to the issues associated with alcohol and alcohol-related crime within these areas. The council has a statutory duty under the Licensing Act and under section 17 of the Crime and Disorder Act 1998 (as amended) to seek a reduction in crime and disorder. We aim to achieve this through encouraging more restaurants, cafes, food establishments and venues offering entertainment licensable activities and would positively encourage applications for those type of premises whilst discouraging alcohol-led premises. Whether there is a need or not for further premises of a particular type, in accordance with the Secretary of State's guidance at paragraph 14.19, will not be a consideration.

A map showing the area to which the cumulative impact policy applies is included at appendix 2 of this policy.

Policy LP3

- (1) When we have received relevant representations about an application for a pub, night-club or bar (as defined in policy LP1) in this part of the town centre, our starting point will be to refuse the application.
- (2) Where relevant representations about an application for a restaurant, café-bar, other entertainment venue, café or premises providing other non-alcohol licensable activities (as defined in policy LP1) are received, our starting point will be to grant the application subject to conditions to address those representations.
- (3) Where exceptions can be shown and we have received relevant representations, variations to extend the hours of alcohol-led premises will not generally be allowed until the premises have been operating for at least 12 months without having an adverse impact on the licensing objectives.
- (4) Where relevant representations have been received, we will consider granting applications which limit the hours or operation to those set out in policy LP2.

- (5) Where an exception is made, the licensing committee may consider attaching specific conditions to the relevant authorisation requiring the use of door supervisors to monitor and control access to the premises and assist with dispersal, to install and maintain an electronic identification entry system which meets the reasonable requirements of Hertfordshire Constabulary, to make a monetary contribution to the town centre taxi marshal scheme (or such a replacement scheme which may be introduced to assist in the dispersal of customers from the town centre) and that the premises will actively participate in the town centre Pubwatch scheme and/or the Pubwatch radio scheme (or such a replacement scheme which may be introduced to assist in communication between venues).
- (6) Where relevant representations have been received in relation to applications for late-night refreshment premises that provide a delivery service, we shall consider imposing a condition that those deliveries are only made to a fixed physical address.

Exceptions to LP3

- (1) Exceptions will not be made on the grounds that:
 - the building design is of a high standard; we would expect all applicants will want to ensure the highest design standards possible;
 - that the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol;
 - the premises are small. Even small premises can contribute to crime, disorder and nuisance.
- (2) We will consider whether to grant an application, even when relevant representations have been received, where:
 - the supply of alcohol shall only be ancillary to a substantial table meal; or
 - where the supply of alcohol shall only be by waiter/waitress service to seated customers; or
 - where the supply of alcohol for consumption on the premises does not extend past 10pm on any day.
- (3) In any case where an applicant wishes an exception to be considered, the responsibility is with them to show why it should be considered and not on our licensing committee to show why an exception should be made.

Justification for LP3

Tackling violent crime continues to be a strategic priority across Hertfordshire and for Safer Watford, our local community safety partnership.

With our partners we have introduced a number of measures to help prevent more people becoming victims of crime:

- Additional policing resources at times of peak volumes (with an impact on policing at other times of the week)
- Town centre CCTV and requiring town centre premises to install CCTV
- Employing Council and police licensing enforcement officers
- Establishing door supervisor liaison arrangements
- Playing an active part in the town centre Pubwatch scheme (which includes a radio network linked to the CCTV control)
- Establishing a night-time economy focus group
- Implementing a late-night taxi marshal scheme
- Encouraging the installation of electronic identification checking systems at the entrances to licensed premises

This has included positive and significant measures with the licensed trade and others including:

- Achieving and maintaining Purple Flag status for the LP3 area and aspirations to develop that further
- Improving The Parade during 2013 – 2014 allowing an ambitious programme of cultural events such as the Big Beach, the Big Screen, the Big Skate and Imagine Watford to take place since mid-2014
- Organising Best Bar None / the Watford Food and Drink Awards in partnership with the Business Improvement District for a number of years

We recognise that the correct approach is to work with and not to penalise good operators and to review the licences of poor operators. We have granted applications when it has been right to do so.

We are satisfied, on receipt of numerous representations from the police and the Watford Town Centre Residents' Association, and in conjunction with police crime statistics submitted for consideration in the cumulative impact assessment, that the level of violent crime, anti-social behaviour and nuisance caused by people visiting pubs and bars in the area defined in policy LP3 undermines the crime prevention, public safety and prevention of nuisance objectives. This policy accords with section 14 of the Secretary of State's guidance to consider the contribution to cumulative impact made by different types of premises within the area.

POLICY LP4 SENSITIVE LICENSING AREAS

We have identified **five** Sensitive Licensing Areas within the Borough. These are areas where we are particularly likely to make representations ourselves suggesting additional conditions to reduce any impact on the licensing objectives to address concerns about:

- availability of stronger-strength alcohol to street drinkers leading to anti-social behaviour in the immediate vicinity of the premises
- alcohol and/or late-night refreshment being available at times that are significantly different from other premises in that area likely to have an adverse impact on the licensing objectives
- litter and other nuisances from a concentration of late-night take-aways

The Sensitive Licensing Areas are:

- (1) Whippendell Road, between its junction with Cassio Road and Hagden Lane
- (2) Queens Road, between **High Street** and Loates Lane
- (3) Market Street, between **High Street** and Merton Road/Cassio Road; and
- (4) St Albans Road, between the A41 and Leavesden Road.
- (5) **Town centre, specifically:**
 - **Albert Road South**
 - **Church Street**
 - **Clarendon Road, between The Parade and Beechen Grove**
 - **George Street**
 - **King Street, between High Street and Exchange Road**
 - **New Street**
 - **Wellstones**

We may add to these areas where evidence of the problems identified above exist. We may consider the introduction of a cumulative impact policy within those areas should any of the licensing objectives begin to be adversely affected. **The Sensitive Licensing Area for the town centre was added as of 1st April 2021, and the Sensitive Licensing Areas for Market Street and Queens Road were expanded at this time as well.**

Maps showing these areas can be found at appendix 3 of this policy.

We believe that this policy has been effective in dealing with the issues mentioned above and that policy LP4 should be retained.

Policy LP4

- (1) Where an application for alcohol sales or late-night refreshment has been received in a Sensitive Licensing Area, the licensing authority will consider making representations and will strictly apply policies LP6, LP7, LP8 and LP9 in relation to those premises.
- (2) Where additional representations have been made by other parties, our strict starting point in these areas will be to consider whether conditions will be

appropriate to address those concerns or whether a refusal is justified on the basis that the licensing objectives would be undermined.

Justification for LP4

The Sensitive Licensing Areas are a mix of commercial and residential properties in densely built-up areas. Each has a relatively high number of licensed premises (12 in Whippendell Road; five in Queens Road; 18 in Market Street; and 40 in St Albans Road – nine restaurants; eight late-night take-aways; two pubs; and 21 off-licences with several more on roads directly connecting to St Albans Road – all figures accurate up to 31/10/20). Although the concentration of premises has caused considerable concern in terms of the three issues identified above leading to licence reviews or significant levels of representations against licence applications, levels of recorded crime, disorder, anti-social behaviour and nuisance are not significantly different from other parts of the Borough.

We believe that the approach outlined in Policy LP4 has been effective in dealing with the issues listed above and that it needs to be retained.

Crime figures were provided by the Police when the policy was reviewed in 2018 which showed an overall increase in offences of violence against the person and anti-social behaviour in the Sensitive Licensing Areas between 2013, when the policy was first introduced, and March 2018. Violence and sexual offences and anti-social behaviour continue to be at high levels within these areas when compared to other areas of the Borough (data up to November 2020 – data can be verified through <https://www.police.uk>), although not sufficient enough to warrant a cumulative impact assessment. There is a high occurrence of theft and shoplifting. It is acknowledged that making comparisons based upon the figures alone does not give the true picture because the way that crimes are recorded has changed over the years. However, the council's Community Safety Co-ordinator confirms that there are continuing problems within these areas, and, along with the Police, supports the retention of these areas as they are a recognised tool in the management of alcohol related anti-social behaviour.

With regards to the town centre, there is one licensed premises in Albert Road South, five premises on Clarendon Road, and four premises on King Street. Although licensed premises are not found in each location, it is acknowledged that these roads connect to the High Street and The Parade, both of which are subject to a cumulative impact policy, and are used as routes both in and out of the town centre. We are advised through consultation with residents that there are concerns regarding street drinking and litter within the town centre and we have adopted this policy in these areas as a safeguard for these locations.

PLANNING PERMISSION

The use of any licensed premises or places is subject to planning controls. There are several differences between licensing and planning control. The most significant is that planning is concerned with how land is used and its impact on the surrounding amenity, whilst licensing concentrates on protecting public safety in its widest sense.

New occupiers are not normally required to obtain planning permission unless there is a material difference in the use of the premises, before use of it begins. Material changes by existing operators may also require additional planning permission, and advice should be sought from the planning authority.

To avoid the risk of the planning authority raising representations against a proposed licensing application, applicants are advised to ensure they have the correct planning consents in place before making a licensing application.

Policy LP5

- (1) Where representations have been made by the Local Planning Authority on grounds that the application will undermine the licensing objectives unless planning permission has been obtained, and we resolve to grant a premises licence or club premises certificate, it shall be subject to a condition that it will be of no effect until the appropriate planning permission has been granted by the Local Planning Authority.

Exceptions to LP5

- (1) Exceptions to this policy may be considered where, for example, the applicant has simultaneously applied for a licence and planning permission.

Justification for LP5

The Secretary of State's guidance in paragraph 14.64 and 14.65 reinforces the view that planning and licensing are separate regulatory regimes and that licence applications may be made before a planning application. However, in the light of experience, whilst wishing to ensure the independence of the two regimes we also wish to see consistency between the two.

LICENSING AND OTHER LEGISLATION

Operators of licensed premises will have to comply with planning, environmental health, health and safety at work, fire safety and building control legislation when opening or adapting premises licences.

We will seek to avoid confusion or duplication by not imposing licensing conditions that are required under other legislation, except where they can be exceptionally justified to promote the licensing objectives.

TEMPORARY EVENTS

Most temporary events will not present any problems – for example, a temporary event notice may be needed to allow a special occasion in a pub or restaurant to be celebrated, or for wine to be sold at a parent-teacher association dinner.

In other circumstances, there may be slightly more risks involved. In these cases, we recommend that organisers consider the following points.

It would be helpful for organisers to give at least three months' notice to hold all but the smallest events, to allow us to help plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard. The law states that at least ten working days' notice must be given (or five working days in the case of "late" notices) but the less time that is given will increase the likelihood of the police objecting.

Our Safety Advisory Group, consisting of the emergency services and other statutory agencies such as the highways authority, advise and co-ordinate planning for public events in the borough, whether or not a premises licence or a temporary event notice is needed. Event organisers are encouraged to use the Safety Advisory Group as part of their event planning process and may find it useful to refer to the Watford Event Guide. Contact can be made through our Events team by email to events@watford.gov.uk.

Conditions may be added to a temporary event notice for existing licensed premises if representations have been made by the police or Environmental Health. Event organisers should be aware that an event cannot take place if an objection is made to a "late" temporary event notice, whereas objections to "standard" temporary event notices will usually result in the notice being considered by a licensing sub-committee.

The cumulative impact policy adopted by the council at policy LP3 does not apply to temporary event notices, and therefore any objections submitted by the Police or Environmental Health within this area will be considered on their own merits by a licensing sub-committee, unless all parties agree that a hearing is not necessary. However, it is acknowledged that the Secretary of State's guidance does state that it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within any cumulative impact assessment when objecting to a notice.

When organising any small-scale event (whether or not requiring a temporary event notice), organisers are recommended to consider:

- the fire alarm in the premises – how does it work? Has it been tested and maintained? Are all staff aware of how to raise the alarm in an emergency?
- fire extinguishers – are the correct number and type available? Have they been serviced within the last year?
- is emergency lighting needed and is it suitable for the purpose? Has it been tested and maintained?

- have any crime prevention measures been considered – for example, are steps taken to regularly bank large amounts of cash during the event, or to keep it in a secure location? Are there a suitable number of stewards or door supervisors available?
- have nearby occupiers been considered – have you notified neighbours of the event and provided a contact telephone number?
- have you considered noise reduction measures (such as keeping windows and doors shut or turning noise down late at night)? Have you considered how visitors will arrive and leave the event?
- have you considered whether you need to make any provision for First Aid should anyone need it, and the means for calling the emergency services?

Organisers of temporary events should be aware that although a licence or authorisation may not be needed under the Licensing Act, other legislation might apply. This can include:

- Health and Safety at Work etc. Act 1974
- Fire Precautions Act 1971
- Environmental Protection Act 1990.
- Anti-Social Behaviour Act 2003.

The licensing authority's licensing enforcement officer and the police have powers to enter premises where temporary event notices are in force to ensure the crime prevention objective is not being undermined.

Organisers of large, occasional events that do require a premises licence (as opposed to the temporary event notice provisions) are advised to have regard to documents such as:

- The Event Safety Guide
<https://www.thepurpleguide.co.uk/>
- Managing Crowds Safely (HSE 2000)
<http://www.hse.gov.uk/pubns/books/hsg154.htm>
- 5 Steps to Risk Assessment:
<http://www.hse.gov.uk/risk/controlling-risks.htm>
- The Guide to Safety at Sports Grounds
<https://sgsa.org.uk/greenguide/>

DESIGNATED PREMISES SUPERVISORS

We strongly believe in the value of working in partnership with the Police, other agencies and designated premises supervisors to promote the licensing objectives that may be associated with licensed premises.

Designated premises supervisors (and the holders of premises licences or club premises certificates) for any other premises may be invited to a meeting where the police or licensing authority feel it is appropriate – for example, where there has been a prior history of the premises being run badly, or following a licence review or enforcement action.

We do not expect the premises supervisor to be physically present at the premises at all times it is open. However, we expect the premises supervisor to be able to exercise sufficient management control over the premises and for the responsible authorities to be able to contact them easily in the event of problems at the premises. We would also expect premises supervisors to give specific written authorisation to their staff who are authorised to sell alcohol on their behalf in accordance with paragraphs 10.29 – 10.35 of the Secretary of State's guidance.

THE LICENSING OBJECTIVES PREVENTION OF CRIME AND DISORDER

We strongly recommend that before submitting applications involving premises licences or club registration certificates, you should discuss crime prevention procedures with the police, and consider inviting a police crime reduction officer or a licensing authority officer to conduct a crime prevention audit.

Not only does this demonstrate your commitment to reducing crime and disorder within Watford, but would also reduce the likelihood of the police making representations on those grounds.

We strongly encourage all premises licence holders to play an active role in local schemes such as Pubwatch, in order to share information and exchange best practise with other venues and the responsible authorities under the Act. Not adopting this co-operative approach could lead to adverse representations being made to licensing applications from the responsible authorities.

The council also has adopted a cumulative impact policy at policy LP3 to address alcohol-related crime, by discouraging alcohol-led venues and encouraging more diverse venues that offer mixed licensable activities.

Policy LP6

- (1) Where relevant representations have been made, we shall either consider the report of a crime prevention assessment where voluntarily produced as part of the operating schedule, or consider whether to require one to be conducted and the recommendations implemented as conditional on the grant of a licence or certificate.
- (2) Where relevant representations have been made, we will particularly consider the following:
 - the ability of the person in charge of the premises to monitor the premises at all times it is open for licensable activities, particularly the sale of alcohol for consumption on the premises;
 - the training given to staff in crime prevention measures and licensing law appropriate to those premises;
 - physical security features installed in the premises. This may include matters such as the position of cash registers, where alcohol is stored in 'off-licences', the standard of CCTV that is installed, the use of toughened drinking glasses in pubs and clubs and secure storage of waste materials; or the use of electronic scanning equipment on entry;
 - the employment of licensed door supervisors. We recommend that at least one male and one female door supervisor is employed where the venue has a policy of searching customers; and consideration given to industry standards in terms of ratio of doorstaff;

- management attitudes and practices, such as the willingness to stagger trading hours with nearby competing businesses to avoid all of their patrons subsequently competing for the limited public transport late at night, their willingness to limit sales of bottled alcohol for immediate consumption, and the use of responsible pricing promotions;
- any other such measures as may be appropriate, such as participation in a local Pubwatch or Shopwatch scheme, 'music wind—down policies', restrictions on 'happy hours';
- use of plastic or polycarbonate glasses either as a matter of routine or during particular times of high risk;
- the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- the likelihood of any anti-social behaviour, violence, public order or policing problem if the licence is granted.

Justification for LP6

We are under a statutory duty under the Licensing Act to promote the prevention of crime and disorder, and have a duty under the Crime and Disorder Act 1998 to seek a reduction in crime and disorder throughout the Borough.

PUBLIC SAFETY

We are aware that applicants are legally responsible for complying with a range of legislation relating to public safety, such as the Health and Safety at Work Act 1974, the Regulatory Reform (Fire Safety) Order 2005 and conducting suitable and sufficient risk assessments of their activities under both.

A failure to comply with these provisions could lead to representations being submitted by the statutory responsible authorities, particularly the Health and Safety at Work enforcing authority or Hertfordshire Fire & Rescue Service.

Applicants are advised to seek appropriate advice on public safety matters either before opening or making variations to licensed premises.

We want to ensure the safety of everyone on licensed premises. In some cases, setting an occupancy limit for premises may be an important factor in promoting public safety where other legislation, such as the Regulatory Reform (Fire Safety) Order, is not sufficient.

Policy LP7

(1) Where a relevant representation relating to occupancy limits and its impact on public safety is received, we will consider setting an occupancy limit for nightclubs and other premises where regulated entertainment is to be provided. In doing so we will consider:

- advice from Hertfordshire Fire & Rescue Service to ensure any occupancy limit we set does not exceed that which would be considered acceptable for fire safety purposes;
- the design and layout of the premises;
- the nature of the premises, event or licensable activities being provided, including known busy times, special events or promotions;
- the provision or removal of temporary structures such as staging or furniture;
- the number of staff available to supervise customers both ordinarily and in emergencies, and the training they are to be given;
- the customer profile;
- the applicant's crowd management strategies and policies.

(2) We will not consider imposing conditions that duplicate, enhance or 'gold-plate' existing health and safety requirements except in the following circumstances:

- where relevant representations have been received that a specific hazard has not been addressed by a suitable and sufficient risk assessment;

- where relevant representations have been received, to require equipment of a particular standard to be provided, and maintained and checked on the premises at specified intervals. We would not however require possession or production of specific certificates relating to such equipment where this is already covered by other legislation.
- (3) Other relevant factors we may take into account and which may not be adequately addressed by other legislation could include:
- access by emergency services;
 - facilities for disabled people, particularly in an emergency;
 - prior notification to the emergency services of special events;
 - lighting levels;
 - staffing levels, including the numbers of licensed door supervisors;
 - seating arrangements;
 - special effects such as pyrotechnics, imitation firearms, lasers, real flame, strobe lighting, etc;
 - temporary electrical installations;
 - safety checks (before, during and after regulated entertainment);
 - First Aid facilities for members of the public.

Justification for LP7

Applicants are under a duty to comply with Health and Safety at Work and associated legislation. In some cases, where other legislation does not adequately address risks posed from licensable activities, we shall address those risks through the premises licence or club premises certificate.

PREVENTION OF PUBLIC NUISANCE

We are determined to protect the amenity of residents and businesses in the vicinity of licensed premises. For these purposes 'vicinity' is taken to mean the immediate area around licensed premises where the individual's residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside.

The statutory guidance issued by the Secretary of State makes clear that 'nuisance' has the broad definition retained at common law. When deciding whether something is a nuisance, consideration must be given to the following:

- it is a person's basic right to peacefully enjoy their property, but there is no right to total silence
- trivia cannot be taken into account when determining nuisance
- isolated acts, unless extreme, cannot be considered a nuisance. The problem must normally be continuous and regularly occurring
- the person complained of needs to substantially affect the enjoyment of comfortable living, that is it must interfere with a person's use, enjoyment or rights connected with their land. In the case of noise complaints the loss of a good night's sleep would be sufficient to meet these criteria. There would however have to be consideration for
 - (a) the time the noise occurs
 - (b) the area and
 - (c) any precautions taken to minimise the disturbance.
- nuisance can only be established in law if there is material interference with comfort from normal standards. It does not give protection to abnormally sensitive people. The problems of noise or smell must therefore be considerable.
- neighbourhood character needs to be taken into account. What might be a nuisance in a residential area may not be so in the town centre and vice-versa.

POLICY LP8

(1) In considering all licence applications where appropriate representations have been received, we will consider any necessary measures to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application including;

- the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music; noise from ventilation equipment, and human voices. Such measures may include the

installation of soundproofing, air conditioning, acoustic lobbies, keeping external windows and doors closed and sound limitation devices;

- the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will be of greater importance between 10 pm and 7 am than at other times of the day;
- the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
- the steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- the steps taken to identify food and drink packaging from the premises in question and the steps to reduce litter as far as is reasonably practicable (particularly from off-licences and late night refreshment establishments);
- the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons;
- whether licensed taxis or private hire vehicles are likely to disturb local residents;
- the installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
- the use of gardens and other open-air areas, including those used for smoking;
- delivery and collection areas and times;
- the siting of internal and external lighting, including security lighting that is installed inappropriately;
- whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including flyposters, smoking materials or illegal placards) in the vicinity of the premises;
- the steps taken or proposed to be taken by the applicant to limit or prevent the impact of odour from the operation of the premises upon neighbouring premises. Such measures may include limits on the operation of extract units from kitchens, maintaining such units, and keeping external windows and doors closed.

- the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence-holders.

PROTECTION OF CHILDREN FROM HARM

Other than the sale of alcohol, we wish to encourage licensable activities that are suitable for people of all ages, including children.

We strongly encourage applicants to give full details of proposed adult entertainment on their application forms to allow the responsible authorities to assess the merits of the proposal. Policy LP9 is intended to be strictly applied.

Alcohol sales to those under 18

We expect applicants for the sale of alcohol to adopt an acceptable age verification scheme in order to comply with the The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014. We would expect applicants to adopt as a minimum a "Challenge 21" scheme, and that the only accepted identification to be a passport, driving licence or Proof of Age Scheme (PASS) card. We would expect premises licence holders and/or designated premises supervisors to have an appropriate training scheme in place for their staff.

Remote alcohol sales

Where alcohol is sold remotely such as via the internet or telephone ordering, age verification should take place both when the sale takes place (that is, when it is ordered), and when it is delivered to ensure both the buyer and the recipient are over the age of 18.

Policy LP9

- (1) Where we receive relevant representations, we may impose conditions to restrict entry by children under 18:
 - to all or part of the licensed premises;
 - at certain times of the day;
 - when certain licensable activities are taking place; or
 - by children under specific ages unless accompanied by an adult.
- (2) Where we receive relevant representations we may impose conditions relating to the advertising or external display of licensable activities that may be harmful to children.
- (3) We will particularly take into account where:
 - significant authorised gambling is taking place such as gaming machines or poker games (taking note that under-18s and alcohol are generally prohibited from most licensed gambling premises anyway)
 - there is a history or likelihood of under-age sales or consumption of alcohol

- activities or entertainment (whether licensed under the 2003 Act or not) of a clearly adult or sexual nature
 - criminality at the premises likely to harm children
 - licensable activities are taking place during times when children under 16 may be expected to attending compulsory full-time education
 - other hazards to children that are not sufficiently controlled
 - events or activities are specifically targeted at those under 18 without appropriate safeguarding measures being proposed (eg running youth discos without a sufficient dispersal plan to ensure young people can leave the premises and get home safely)
- (4) Where we receive representations that an application does not appear to have sufficient safeguards to prevent the sale and/or delivery of alcohol to people under 18, we will impose appropriate conditions (modified if necessary) from our pool of model conditions.

Film exhibitions

We would expect operating schedules for the display of films to include a stipulation that children will be restricted from viewing age-restricted films certified by the British Board of Film Classification (BBFC) in line with the mandatory condition under the Licensing Act for showing films to children under 18.

Where it is proposed to show films that are not classified by the BBFC (such as at amateur film festivals), our officers will determine the classifications in accordance with the current guidelines published by the BBFC.

Policy LP10

- (1) We will only consider substituting a classification by the BBFC for one of our determination in the light of exceptionally strong representations that the BBFC classification provides insufficient protection for children. Those making representations in this respect will be expected to provide compelling reasons as to which other classification should be substituted in place of the BBFC's.
- (2) We will determine the classifications of films that have not been classified by the BBFC, in line with the BBFC's current guidelines.

Justification for LP10

The BBFC are the acknowledged experts with the experience and expertise who have been entrusted by the Government to classify films for viewing by all sections of society. As such, we should not lightly overturn its decisions, and we have not had previous cause to do so under either the Licensing Act or its predecessor Cinemas Act 1985.

REPRESENTATIONS ABOUT APPLICATIONS

Representations may be made by people who live, or are involved in a business, within the Borough of Watford about an application for a new licence/certificate, a variation to an existing licence/certificate or when a licence/certificate is reviewed. Representations may be positively in support of an application, or may oppose an application.

Representations may also be made by organisations representing such bodies, such as residents' associations or chambers of commerce. Organisations such as churches, schools or hospitals may also make representations.

Ward councillors may represent 'interested parties' in their role as a representative of the community, make representations either in their own right, or may make representations as a member of the licensing authority about any relevant application, but may not sit on the committee dealing with that particular application.

We shall not generally make representations ourselves where other responsible authorities have done so. We shall generally only make representations where we have evidence that is not in the possession of anyone else; where an application conflicts with our statement of licensing policy; or in order to improve upon conditions that might be offered in an operating schedule and which has not been resolved through negotiation.

We recommend that representations should:

- (1) be made in writing (a legal requirement)
- (2) indicate the name and address of the person or organisation making the representation
- (3) indicate the premises to which the representation relates
- (4) indicate the proximity of the premises to the person making the representation
- (5) clearly set out the ground for making the representation.

Representations can only be considered if they are concerned with one of the four licensing objectives:

- (1) crime prevention;
- (2) public safety;
- (3) prevention of nuisance;
- (4) prevention of harm to children.

In accordance with statutory regulations, we will forward copies of representations to the applicants in order that they may respond. Representations which have not been

previously withdrawn are included in reports that are considered by councillors at hearings and are published on our website.

In some exceptional and isolated cases, we may consider that an interested party has a genuine and well-founded fear of intimidation from divulging their name and/or address to the applicant. We will consider an alternative approach in these circumstances providing we are satisfied that the circumstances justify such an action and the representations or concerns are not frivolous or vexatious.

Policy LP11

- (1) Where a person has made a valid representations or a valid application for a licence to be reviewed, we will where practicable attempt to arrange a voluntary mediation meeting to address, clarify and try to resolve issues of concern.
- (2) We may reject representations if it appears the representations are frivolous (lacking in seriousness) or vexatious (made repeatedly on the same or similar grounds). Where a representation is not accepted because it is frivolous or vexatious, we will give reasons why that is the case in writing. In such cases, our officers will make the determination, giving interested parties the benefit of the doubt where appropriate.
- (3) Decisions as to whether representations are irrelevant, frivolous or vexatious must be made objectively and not on the basis of any political judgement. Accordingly, our officers will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or sub-committees, giving the maker of the representation the benefit of the doubt. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. A report will be made to the licensing committee indicating only the general grounds of the representation and the reason it was rejected.

COMPLAINTS AGAINST LICENSED PREMISES

We will investigate complaints against any licensed premises, including in conjunction with other responsible authorities where appropriate. In the first instance, we encourage complaints to be raised directly with the licence-holder or business concerned.

Policy LP12

- (1) Where a person has made a valid representation or a valid application for a licence to be reviewed, we will where practicable attempt to arrange a voluntary mediation meeting to address, clarify and try to resolve issues of concern.
- (2) This process will not override the right of any person to ask that the licensing committee consider their valid representations or an application for a licence review, or for any licence holder to decline to participate in a mediation meeting.

LICENCE REVIEWS

It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, local residents or businesses and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. Responsible authorities are encouraged to give an early warning of concerns about problems identified at the premises concerned and of the need for improvement although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to request a review.

Policy LP13

(1) We can only review a licence where it is alleged that the licensing objectives are not being kept. An application for a licence review is an acknowledgment that existing systems have broken down. We view particularly seriously applications for the review of any premises licence where it involves the:

- use of licensed premises for the sale or distribution of illegal drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale or distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase or consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the carrying out of, or the organisation of, sexual abuse or attacks;
- use of licensed premises for the carrying out of, or the organisation of, the discrimination, harassment or victimisation of people or a community with protected characteristics (as defined by the Equality Act 2010). The protected characteristics are:
 - (a) age
 - (b) disability
 - (c) gender reassignment
 - (d) marriage and civil partnership
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex

(i) **sexual orientation;**

- use of licensed premises for the sale of smuggled tobacco or goods;
 - the use of licensed premises for the sale of stolen goods;
 - where the police are frequently called to attend to incidents of disorder;
 - prolonged and/or repeated instances of public nuisance and/or anti-social behaviour;
 - where serious risks to public safety have been identified and the management is unable or unwilling to correct those;
 - where serious risks to children have been identified;
 - continuous breaches or contraventions of licence conditions;
 - not operating the premises according to the agreed operating schedule.
- (2) Representations made by another department which is a responsible authority will be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual. In every case, an evidentiary basis for the allegations made will need to be laid before the licensing authority.
- (3) We would not expect a responsible authority which is also alleging criminal conduct on the part of a licence holder, (such as allowing underage sales of alcohol), to first exhaust the relevant legal powers at their disposal before making an application for a review.
- (4) Where a review follows convictions or the failure of a prosecution in the criminal courts, it is not for the licensing committee to attempt to go behind the finding of the courts, which it will treat as a matter of undisputed evidence before it.
- (5) It is envisaged that the responsible authorities will use the review procedures effectively to deter unlawful activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance - could be seriously considered.
- (6) We will expect that any party making an application for a licence to be reviewed will prove the facts that they are relying on to support their allegations on the balance of probabilities, that is, that it is more likely than not that the circumstances being complained of did actually occur. Because of the potentially serious consequences to a licence holder following a licence review, mere anecdotal or hearsay evidence will not be sufficient.
- (7) In considering our response to an application for a review, we will adopt the approach set out at appendix 1.

ENFORCEMENT AND COMPLIANCE POLICY

We no longer conduct regular pre-programmed premises inspections. We will instead conduct inspections where there are concerns about the ability of the designated premises supervisor or premises licence holder to promote the licensing objectives or to meet the conditions on their permission.

Enforcement

We have a long-established licensing enforcement policy based around the principles of consistency, transparency and proportionality set out in the Government's statutory Regulators' Compliance Code, which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.

Our compliance policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated and minor offence may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety may result in a referral for prosecution.

We continue to work actively with other responsible authorities in enforcing licensing legislation. We share information about licence-holders and licensed premises under the Crime and Disorder Act 1998, and expect to be closely consulted when any enforcement action may be required.

As a council we have also signed up to the Hertfordshire Better Business for All Partnership Charter which is a voluntary undertaking between Hertfordshire Regulatory Services and all local businesses, irrespective of size or resources. It aims to support a relationship between businesses and regulators built upon trust, understanding and a desire to improve together in terms of compliance with regulation and support of business growth.

THE LICENSING COMMITTEE

Our Licensing Committee will consist of fifteen Councillors that will sit at least once annually.

The Chair of the Licensing Committee shall be elected at the annual meeting of the Licensing Authority in May. The Chairs of the licensing sub-committees shall be elected at the meeting of the sub-committee.

We will ensure that members and officers are appropriately trained to carry out their duties under the Licensing Act. In accordance with the Council's Constitution, no councillor shall sit on any licensing committee unless they have received appropriate training.

Scheme of delegation

Sub-committees of three councillors will sit to consider applications where valid representations have been received. Where a sub-committee does not have all three members present, it may only meet with the approval of the chair of the licensing committee in consultation with the Group Head of Democracy and Governance

Applications referred to sub-committees will be accompanied with a report prepared by our officers. This will include recommendations relating to the operating schedule, representations, the Licensing Act and other legislation, statutory guidance, national and local policy, good practice, or recommended conditions that could be considered to alleviate any concerns raised in the representations.

The Licensing Committee will also sit to determine general licensing policies not associated with the Licensing Act 2003, such as those policies under taxi and private hire vehicle legislation.

The Licensing Committee and its sub-committees will also sit to determine matters arising under the Gambling Act 2005.

The full Licensing Committee will hear and consider any representations relating to a proposed Early Morning Restriction Order, and will make its recommendation to the Council acting as the Licensing Authority. A specific protocol will be approved and published for this purpose in advance of the committee hearing should this be necessary.

Our licensing officers will deal with all other licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary. Officers will also

- (1) make representations on its behalf in appropriate cases. It will normally be clear that there is a separation of roles between officers who make representations and those who process the application
- (2) review and certify unclassified films in accordance with policy LP10, with the power to refer applications to a licensing sub-committee in cases of doubt.

- (3) consult with the responsible authorities they think are relevant to application for minor variations to premises licences and club premises certificates. They will also consult with the chair of the Licensing Committee before deciding whether to allow or refuse the application
- (4) suspend a premises licence or club premises certificate under sections 55A(1) or 92A(1) of the Act for non-payment of annual fees, and to specify the date (with at least two working days' notice) on which this takes effect
- (5) impose existing conditions from a premises licence or club premises certificate on a temporary event notice where all parties agree under section 106A of the Act that a hearing is not necessary.

Role of councillors

Local councillors play an important role in their local communities. They can act on behalf of people who might be affected by licence applications. Local councillors with a prejudicial interest in an application may attend sub-committee or committee meetings to make representations, answer questions or give evidence (providing other parties may also do so). Councillors must however withdraw from the meeting immediately afterwards and on no account play a part in the decision-making process.

The licensing sub-committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

This does not apply to applications made by the Council itself for licences or permissions under the Act. In those circumstances, it is unlikely that councillors would have a disclosable pecuniary interest in the matter before them, as defined in the Localism Act 2011.

Committee decisions

The Licensing Committee will refer to the licensing authority any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a licensing sub-committee shall be accompanied with clear, cogent reasons for the decision. A summary of the decision shall be posted on the licensing authority's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the licensing authority.

RELATIONSHIP TO OTHER POLICIES AND LEGISLATION

- (1) Although the four objectives are the only matters that the licensing authority may take into account when making licensing decisions, as a public body the licensing authority is also required:
- Under the Crime and Disorder Act 1998 to have due regard of the crime and disorder implications of any of its decisions, including the adoption of this policy;
 - To implement the Licensing Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the rights contained in the European Convention on Human Rights and Fundamental Freedoms;
 - To implement the Licensing Policy in a manner consistent with its legal requirement under the Equalities Act 2010.
- (2) This policy will also integrate with other Council policies and strategies such as:
- (a) Council Plan 2020-2024
 - (b) Watford Local Plan 2006-2031 Core Strategy (adopted 2013)
 - (c) Protecting Our Communities & Managing Crime 2018
 - (d) Watford Cultural Strategy 2018-2025
 - (e) Environmental Health and Licensing Services Compliance Policy 2016 – 2021

APPENDIX 1

Licence review guidelines

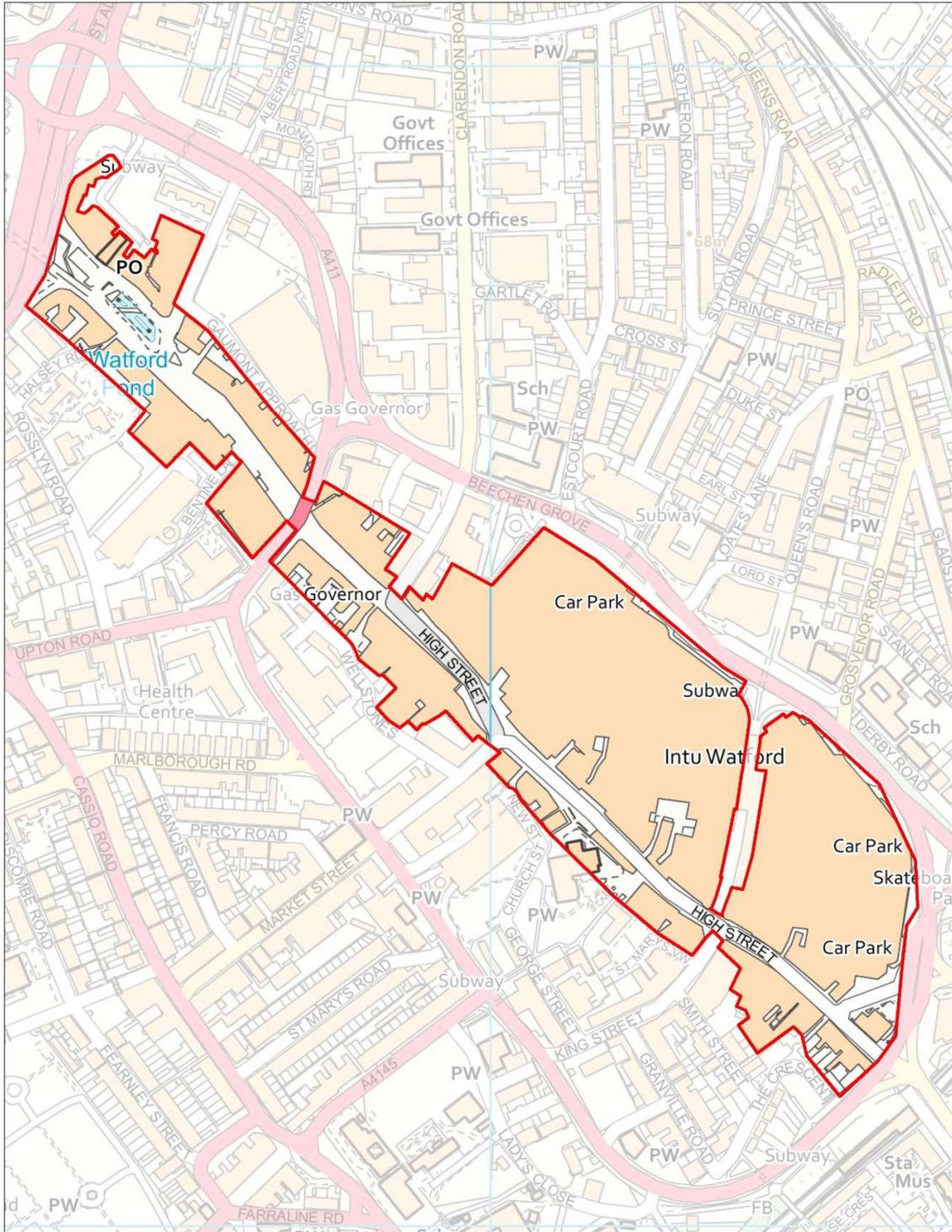
The Licensing Committee and Sub-Committees **will apply the guidelines below**, when holding a licence review, to maintain a degree of consistency and transparency in decision-making. The Committee reserves the right to amend and republish these guidelines in the light of operational experience.

	Aggravating factors	Mitigating factors
Prevention of crime and disorder	<ul style="list-style-type: none"> • Failure to heed police advice • Encouraging or inciting criminal behaviour associated with licensed premises • Serious injury results • Previous track record 	<ul style="list-style-type: none"> • Minor breach of condition not justifying a prosecution • Confidence in management ability to rectify defects • Previous track record • Voluntary proposal/acceptance of additional condition
Prevention of public nuisance	<ul style="list-style-type: none"> • Noise late at night in breach of condition • Previous warnings ignored • Long and prolonged disturbance • Excessive nuisance during unsocial hours (relating to locality and activity concerned) 	<ul style="list-style-type: none"> • Noise limiting device installed • Licence-holder apologised to those disturbed by nuisance • Hotline complaints telephone available • Short-term disturbance • Undertaking/commitment not to repeat activity leading to disturbance • Willingness to attend mediation • Voluntary acceptance/proposal of additional conditions
Public safety	<ul style="list-style-type: none"> • Death or serious injury occurred • Substantial risk in view of a responsible authority to public safety involved • Previous warnings ignored • Review arose out of wilful/deliberate disregard of licence conditions 	<ul style="list-style-type: none"> • Minor or technical breach of licence condition • Confidence in management to rectify defects • Confidence in management to avoid repetition of incident • Voluntary acceptance/proposal of additional condition

	Aggravating factors	Mitigating factors
Protection of children from harm	<ul style="list-style-type: none"> • Age of children • Previous warnings ignored • Children exposed to physical harm/danger as opposed to other threats • Activity arose during normal school hours • Deliberate or wilful exploitation of children • Large number of children affected • Children not allowed on premises as part of operating schedule 	<ul style="list-style-type: none"> • Conduct occurred with consent of person with parental responsibility for child • Short duration of event • No physical harm • Short-term disturbance • Undertaking/commitment not to repeat activity • Voluntary acceptance/proposal of additional conditions • Children permitted on the premises as part of operating schedule • Not involving under-age exposure to alcohol
Following enforcement action by responsible authorities	<ul style="list-style-type: none"> • Penalty imposed by court • Previous warnings ignored • Offender previously convicted or cautioned for same or similar offence • Offences over prolonged periods of time • Offences resulted in significant danger or nuisance • Offences as a result of deliberate actions or reckless disregard of licensing requirements • Offence likely to be repeated 	<ul style="list-style-type: none"> • Compensation paid by offender or agreement towards mediation • Voluntary acceptance/proposal of additional conditions • Offence disposed of by way of simple caution or penalty notice for disorder (“fixed penalty notice”) • First offence or warning • Single offence • No danger to the public or nuisance • Offences merely administrative in nature • Offence unlikely to be repeated
POSSIBLE OUTCOMES		
<ol style="list-style-type: none"> (1) To take no action (2) To issue a written warning (3) To modify the conditions of a premises licence or club premises certificate, including the addition of new conditions or deletion of old conditions (4) To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate (5) To remove the designated premises supervisor from the licence (6) To suspend the licence for a period not exceeding three months (7) To revoke the premises licence or withdraw the club premises certificate 		

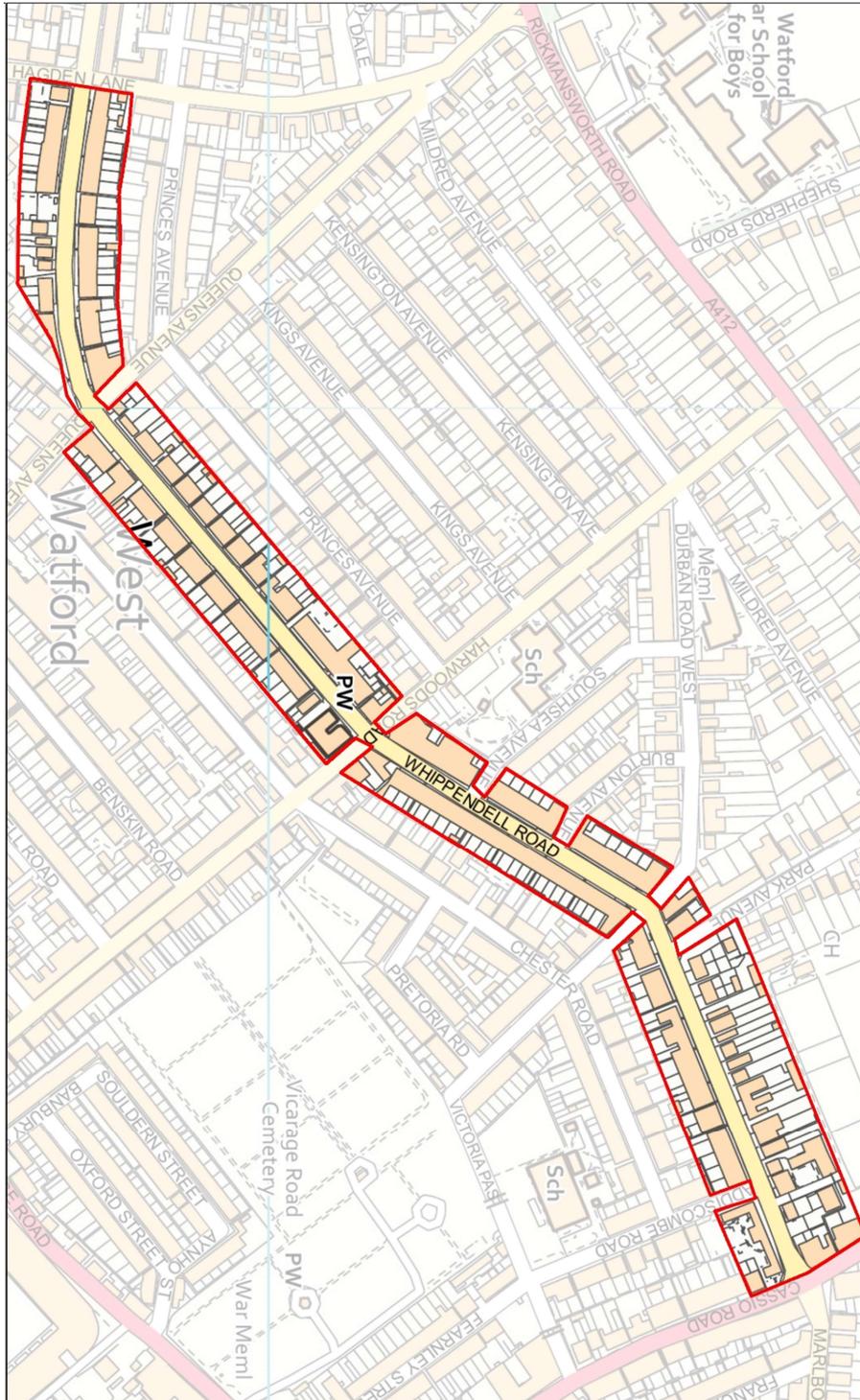
APPENDIX 2

Cumulative impact policy area

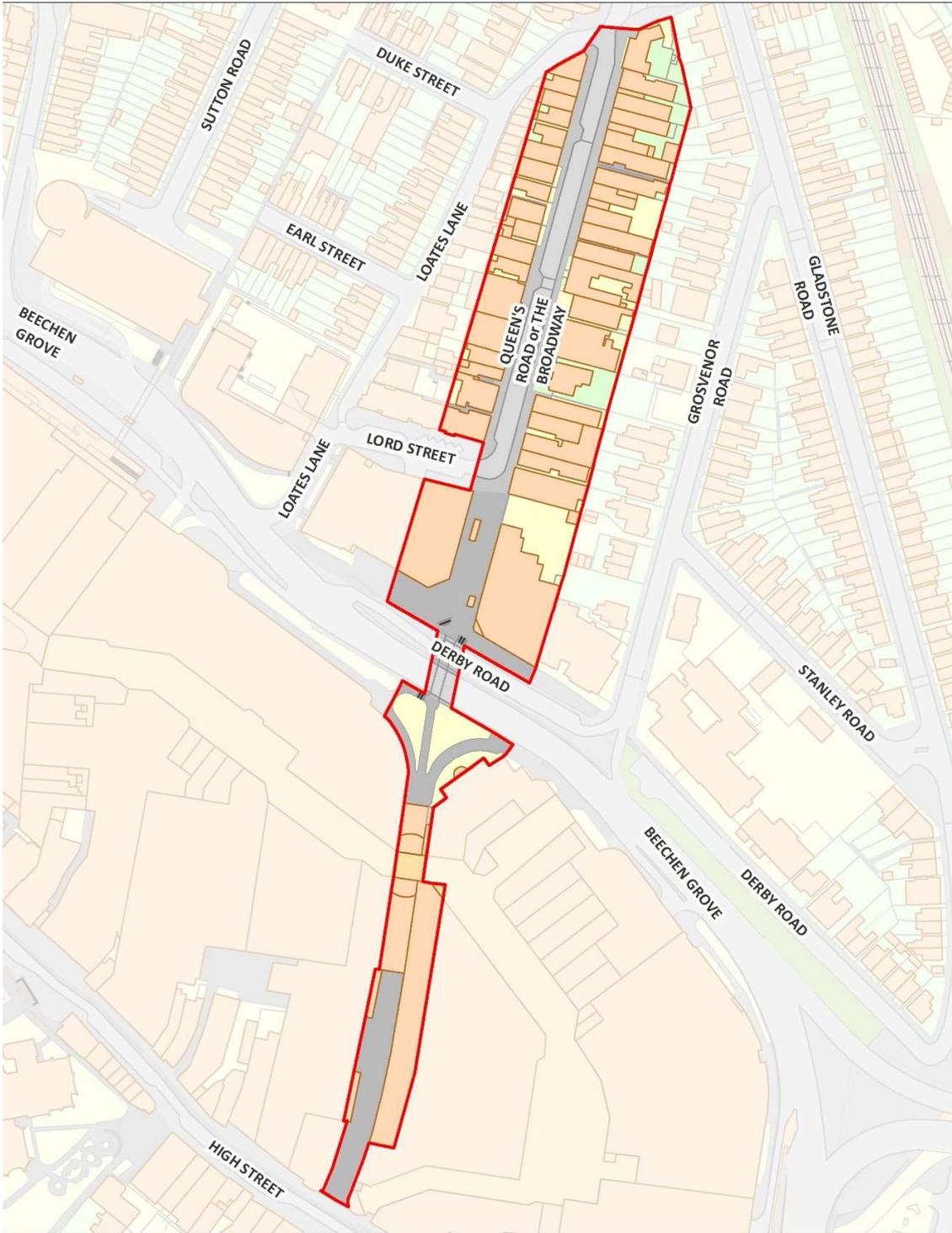


APPENDIX 3

Sensitive licensing area - Whippendell Road



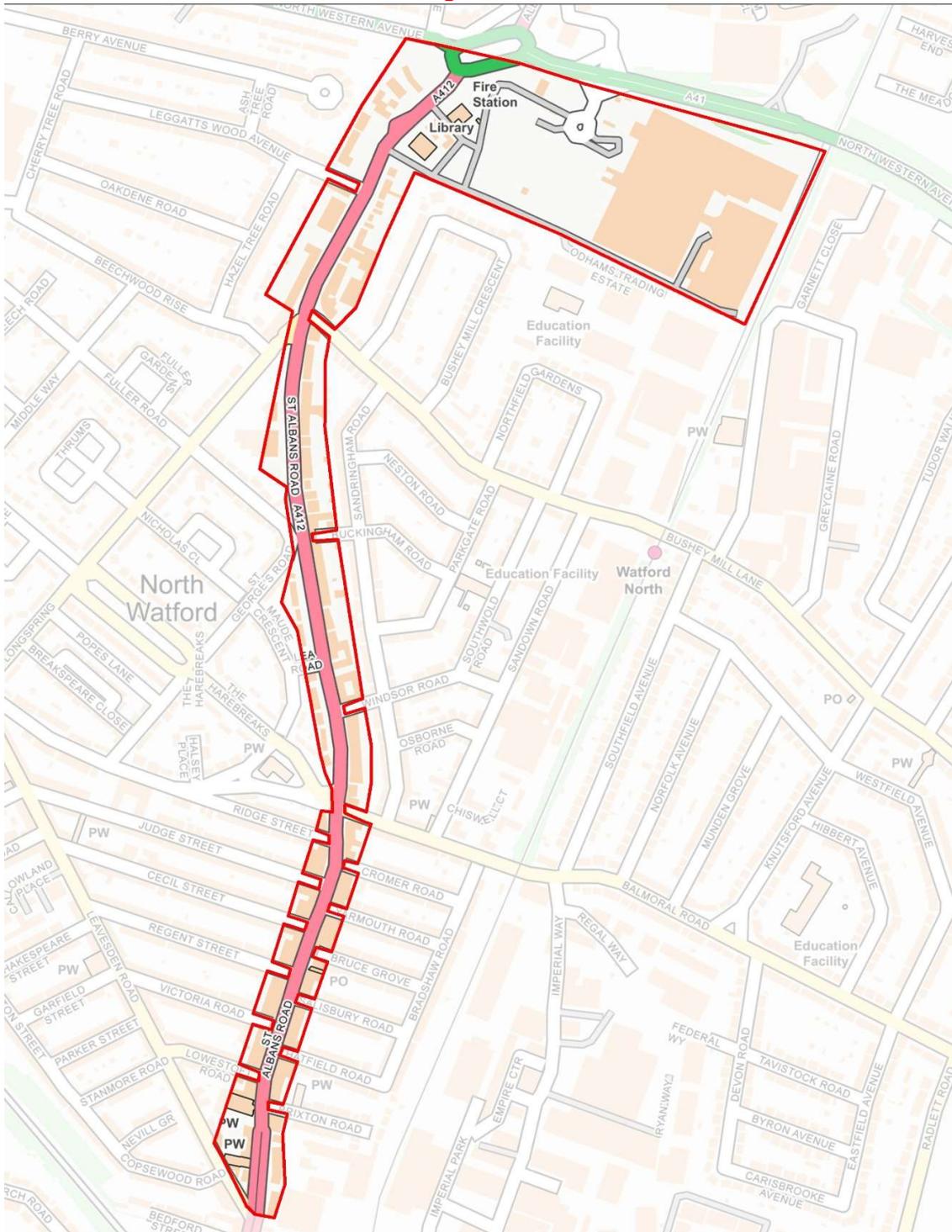
Sensitive licensing area – Queens Road



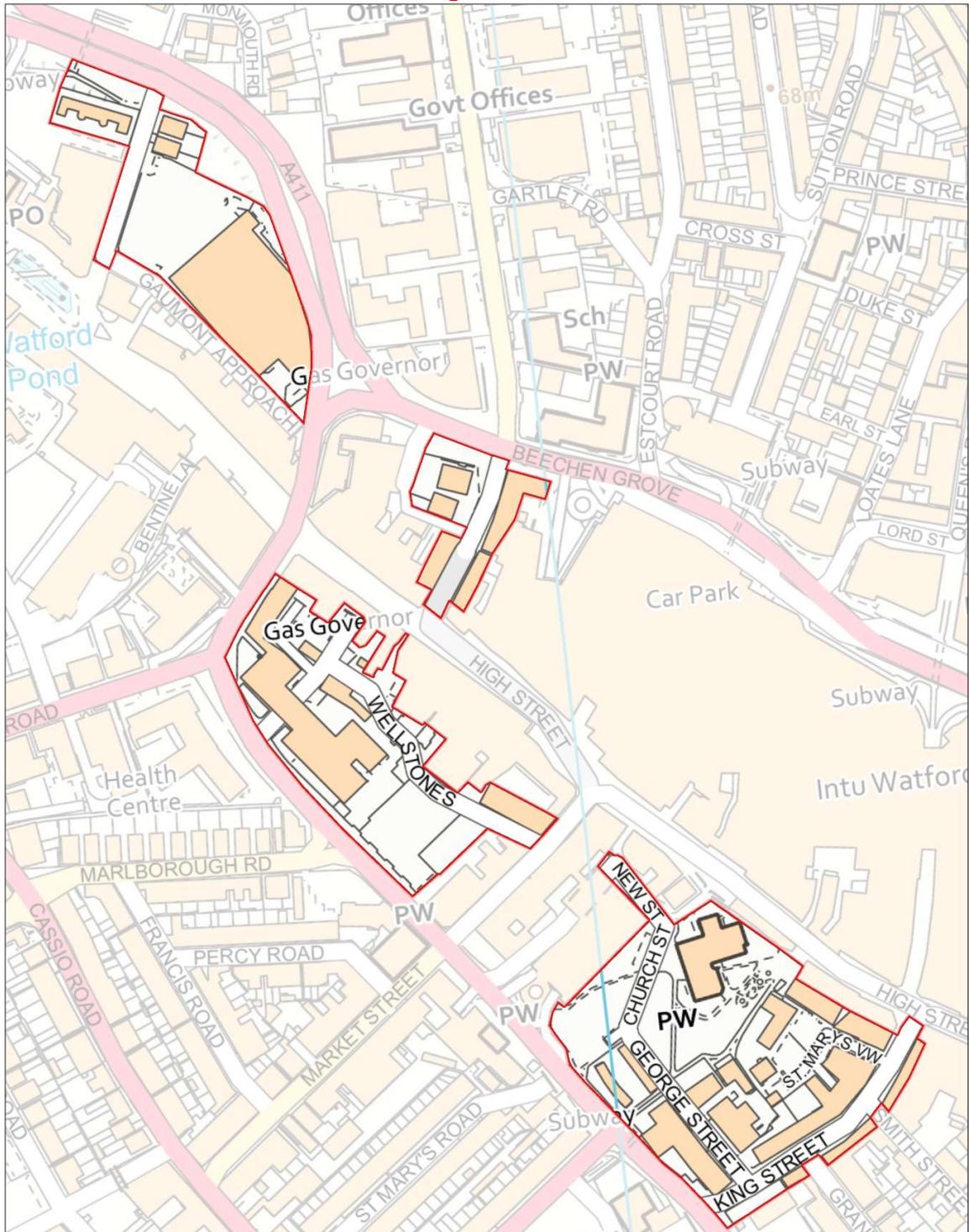
Sensitive licensing area – Market Street



Sensitive licensing area – St Albans Road



Sensitive licensing area – Town Centre



APPENDIX 2



LICENSING ACT 2003

CUMULATIVE IMPACT ASSESSMENT

APRIL 2021

Comments are invited on this document to:

Community Protection
Watford Borough Council
Town Hall
Watford
Hertfordshire
WD17 3EX

Tel: 01923 278476
Email: licensing@watford.gov.uk

Cumulative Impact Assessment

The concept of cumulative impact has been described within the guidance issued by the Government under section 182 of the Licensing Act 2003 ('the s182 Guidance') since the commencement of the Licensing Act 2003 ('the Act'). Watford Borough Council, as a licensing authority, has had a special policy in place since the commencement of the Act in 2005 relating to the town centre, which has been referred to as a cumulative impact policy.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to place cumulative impact policies on a statutory footing by introducing section 5A of the Act. The amended legislation came into force in April 2018

This cumulative impact assessment is being published under these provisions of the Act. The assessment is required to be reviewed every three years from the date it came into force. The Act sets out which parties must be consulted on the assessment.

The term 'cumulative impact' is described within the s182 Guidance as:

"the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area"

The s182 Guidance goes on to state that if the type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high, then problems of nuisance and disorder may arise, as well as from concentrating a large number of drinkers in a particular area when leaving a particular area.

Covid-19 Statement

This assessment is being compiled using data collated up to and including October 2020. It is recognised by the licensing authority that the Covid-19 pandemic will have influenced data collection over the period of March to October 2020, due to the effect that the national lockdown had on the Borough and the country as a whole, with all but essential services being required to shut and people being encouraged to stay at home. This will have an effect on the analysis of the data. Data from this period is included for transparency and openness, but it does need to be considered against the wider national picture. Any long-term effects of the pandemic upon public and business behaviour are likely to be established over the forthcoming months and years.

Findings of the Cumulative Impact Assessment

In studying the data obtained, provided in this assessment, the licensing authority does consider that the number of alcohol-licensed premises within the High Street and The Parade is such that it is likely that granting further authorisations which allow the consumption of alcohol on the premises (whether this is for consumption only on the premises, or both on and off the premises) would be inconsistent with the licensing authority's duty to promote the licensing

objectives, specifically the licensing objective of the prevention of crime and disorder. The crime statistics provided by the police show that the High Street and The Parade have significantly higher crime statistics, particularly for alcohol-related crime, than other areas of the borough. The peak time for these offences occurring is during the night-time economy. Therefore, the council has adopted a cumulative impact policy for the High Street and The Parade.

The cumulative impact policy shall apply to any application for a new premises licence or club premises certificate. The policy cannot be retroactively applied to existing licensed premises, but may be taken into consideration for any variations of existing authorisations, with special consideration given where there are representations concerning the licensing objective of crime and disorder, or any application to increase the capacity of a premises or the availability of alcohol sold at the relevant premises.

The policy does not apply to temporary event notices, although the s182 Guidance does state that it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within this assessment when objecting to a notice.

The policy does not change the fundamental way in which decisions are made under the Act. Each application is required to be considered upon its own merits and goes through a public consultation. Should there be relevant representations submitted against an application, which are not withdrawn, and the matter is brought before a licensing sub-committee for determination, it will be for the committee to decide if the policy should be engaged and applied. It is possible for the licensing sub-committee to make an exception to policy where they consider it appropriate to do so. Where no representations are received against an application, even for an application within the policy area, the Act requires that the application be granted. It will still remain the responsibility of the licensing sub-committee to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

The cumulative impact policy shall not apply to the following premises:

- 1) where the supply of alcohol shall only be ancillary to a substantial table meal
- 2) where the supply of alcohol shall only by waiter/waitress service only to seated customers
- 3) where the supply of alcohol does not extend past 10pm on any day

In any other case where an applicant wishes to be considered as an exception to the policy, the responsibility is with them to show why they should be considered and not on the licensing committee to show why an exception should be made.

Exceptions to policy will not be made on the grounds that:

- 1) the building design is of a high standard; we would expect all applicants will want to ensure the highest design standards possible;
- 2) that the applicant is of good character; it is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol;
- 3) that the premises are small; even small premises can contribute to crime, disorder and nuisance

Where an exception is made, the licensing committee may consider attaching specific conditions to the relevant authorisation requiring the use of door supervisors to monitor and control access to the premises and assist with dispersal, to install and maintain an electronic identification entry system which meets the reasonable requirements of Hertfordshire Constabulary, to make a monetary contribution to the town centre taxi marshal scheme (or such a replacement scheme which may be introduced to assist in the dispersal of customers from the town centre) and that the premises will actively participate in the town centre Pubwatch scheme and/or the Pubwatch radio scheme (or such a replacement scheme which may be introduced to assist in communication between venues).

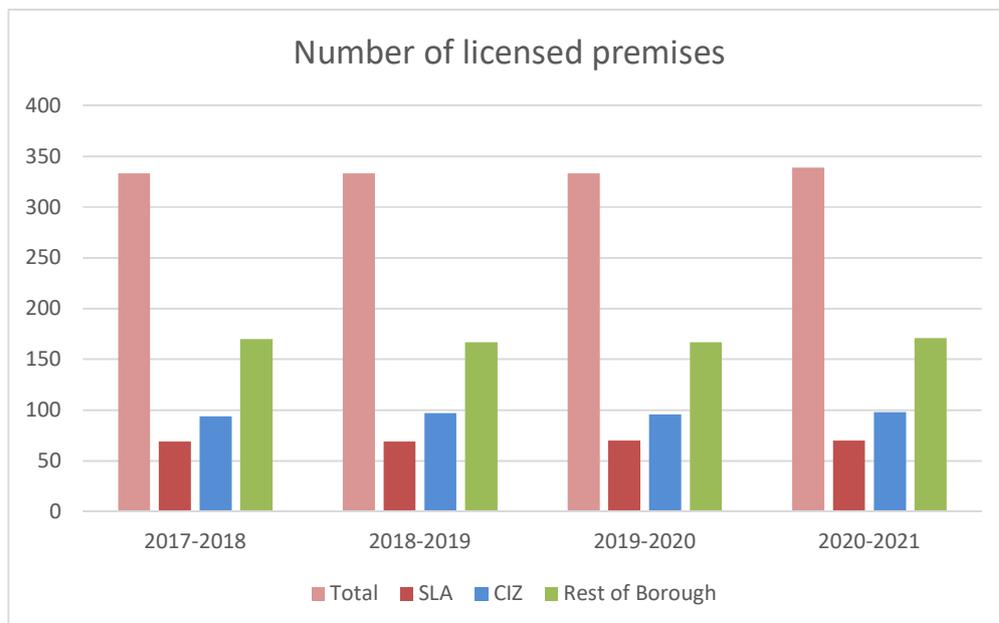
Cumulative Impact Assessment Data

Background Data

As of 31 October 2020, there were 339 authorisations issued by Watford Borough Council under the Licensing Act 2003. There were 322 premises licences and 17 club premises certificates.

The majority of licensed premises are located within the Central ward, which covers the town centre, with 143 premises being located within this ward, consisting of 142 premises licences and 1 club premises certificate.

The following graph shows the distribution of authorisations between the cumulative impact zone (CIZ), the council's sensitive licensing areas (SLA), both of which were as detailed within the council's Statement of Licensing Policy 2018-2023, and the rest of the Borough. It has been decided to compare the figures between the two policy areas simply for the ease of comparison.



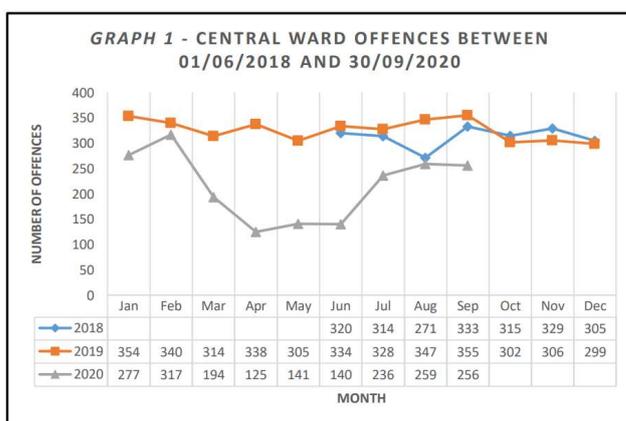
98 authorisations were in force within the cumulative impact zone, 70 authorisations were in force within the council’s sensitive licensed areas, and 171 authorisations were in force in the rest of the borough. The figures have remained relatively similar over the reporting period, with no significant increases or decreases in figures.

Most data has been gathered for the financial years of 2017-2018 to 2020-2021 (up to 31/10/2020). This is to allow for comparison between different sets of data, and to identify any trends. It should be noted that the council’s Statement of Licensing Policy 2018-2023 took effect from November 2018.

Data supplied by Hertfordshire Constabulary

Data was supplied by Hertfordshire constabulary with regards to crime statistics. The police data relates to the period of 01/06/2018 and 30/09/2020. The Police refer to this area as CC1 Central Ward with regards to recording locations of crimes and offences.

In this period, 8054 offences were committed within the ward between the dates specified. It is noted that offence numbers were generally similar for both 2018 and 2019, with a noticeable exception for Aug 2018. This data is presented within the police’s graph 1. It is also acknowledged that 2020 saw offence numbers drop between March and June due to COVID-19 lockdown restrictions, but started to rise when premises began to re-open.



Offence Category	Count of Offences
THEFT	3149
VIOLENCE AGAINST THE PERSON	1777
NON-CRIME	738
PUBLIC ORDER OFFENCES	544
ARSON AND CRIMINAL DAMAGE	388
DRUG OFFENCES	325
VEHICLE OFFENCES	325
NON-NOTIFIABLE	203
ROBBERY	147
BURGLARY	137
SEXUAL OFFENCES	125
MISCELLANEOUS CRIMES AGAINST SOCIETY	103
POSSESSION OF WEAPONS	93

Table 1 – Number of offences per offence category.

As can be seen by table 1, theft and violence against the person accounted for most offences at over 61% of offences.

The police advise that there were no prevalent days or times noted with regards to the offences of theft and violence against the person, with the exception of alcohol-related offences as detailed later, although it is noted that there is a reduction in the number of offences occurring between 03:00 and 08:00. This is after most licensed premises within the town centre have stopped serving alcohol or have closed, where customers would be expected to be dispersing from the town centre.

There were 611 offences recorded as being alcohol-related. For the purpose of this data collection, alcohol-related offences refer to where the offenders and / or victims have been noted on police systems as having been intoxicated. Alcohol-related offences mostly take place between 19:00 and 04:00.

Street Name	Count of offences
The Parade High Street**	314
Market Street	26
Albert Road South	25
Station Road	17
Vicarage Road***	14
Clarendon Road	13
Estcourt Road	10
St Albans Road	10

Table 2 – list of streets which have experienced 10 or more offences.

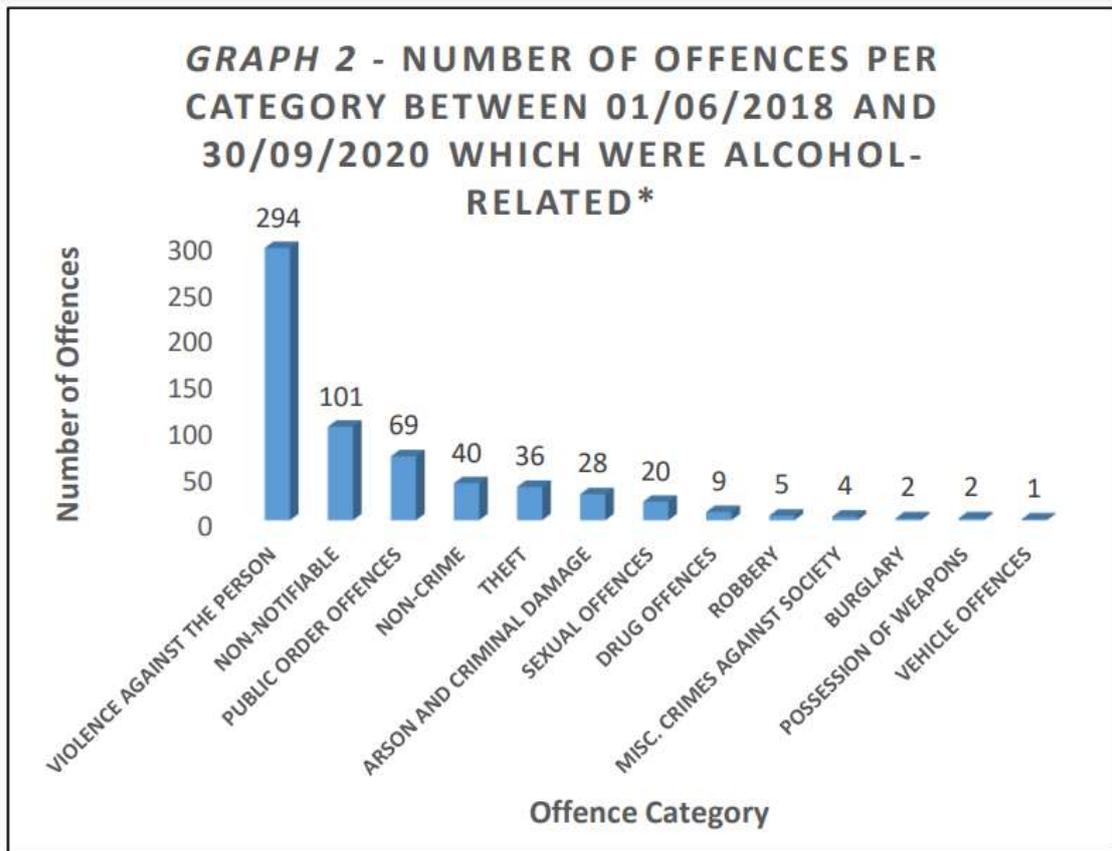
Street Name	Count of offences
The Parade High Street **	314
Market Street	26
Albert Road South	25
Clarendon Road	13
Queens Road	8
Wellstones	6
Church Street	5
George Street	1
New Street	1
King Street	1

Table 3 – list of streets of interest and offence numbers.

As can be seen by table 2, The Parade and High Street saw the most recorded alcohol-related offences. The police acknowledge that this may be expected due to the high volume of people visiting the area in comparison to other areas of the Borough, and the availability of alcohol within the vicinity. Over 50% of alcohol-related offences occur within The Parade and the High Street, and it is therefore appropriate that focus is centred on this location. For the purpose of this data, all variations of High Street / The Parade / The Parade High Street have been combined (identified by the **) Offences committed at Watford General Hospital are included within the stats for Vicarage Road (identified by ***).

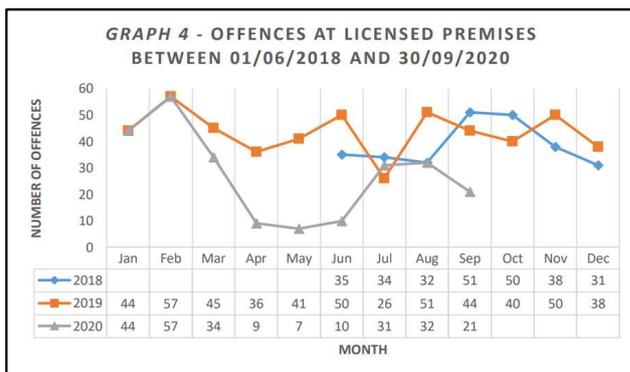
Streets of interest, as identified by table 3, are streets which are subject to specific focus from the police due to levels of crime within the area or local concerns. It is noted that The Parade and High Street appear to be justified as a location of concern.

The majority of these alcohol-related offences were classified as violence against the person, accounting for 48% of all alcohol-related crimes, as can be seen by the police’s graph 2. Again, for the purpose of this data collection, alcohol-related offences refer to where the offenders and / or victims have been noted on police systems as having been intoxicated. This shows that there is high chance of someone being attacked by someone who is intoxicated, or where the victim is intoxicated, and are more likely to be a victim of such crime than other offences.



The police data accounted for 90 licensed premises within the town centre. This discrepancy from the actual number of licensed premises issued by the council can be explained by the fact that the police are notified by the licensing authority when licences are granted and keep their own records, and this data may not be as accurate as the records held by the licensing authority through human error and not necessarily deliberate intent, One premises licence was issued by the council on 27 October 2020, which is outside of the police’s dataset. One licence has also lapsed after 30 September 2020. The council also have issued three shadow premises licences, which are licences which are not currently being used and relate to existing licensed premises.

Of the total 8054 offences committed within Central ward CC1, 1038 (13%) of offences occurred within licensed premises.



Offence Category	Count of Offences
THEFT	502
VIOLENCE AGAINST THE PERSON	283
PUBLIC ORDER OFFENCES	62
DRUG OFFENCES	46
ARSON AND CRIMINAL DAMAGE	33
NON-CRIME	31
SEXUAL OFFENCES	24
BURGLARY	14
MISCELLANEOUS CRIMES AGAINST SOCIETY	11
NON-NOTIFIABLE	11
VEHICLE OFFENCES	10
POSSESSION OF WEAPONS	7
ROBBERY	4

Table 6 – Number of offences per offence category.

It is interesting to note that offences started to increase when the national lockdown in response to Covid-19 ended, but then fell in August and September 2020, which was the period when licensed premises were allowed to open but with restrictions on how many people could meet in one group and with social distancing in place within premises, therefore reducing their capacity, and when alcohol-licensed premises had to close at 22:00.

Theft and violence against the person offences accounted for 76% of all offences committed at licensed premises, as can be seen in the police’s table 6. It must be noted that licensed premises includes not only pubs and bars but supermarkets and off-licences as well.

The police have provided a breakdown of alcohol-related offences committed at particular licensed premises at table 8, which also highlights the main trading hours of the night-time economy (NTE) between 22:00 and 04:00. DA in for the following table refers to incidents of domestic violence.

Location of Offences	All Alcohol Related*	22:00 to 04:00 Alcohol-Related*	22:00 to 04:00 Not DA	% 22:00 to 04:00 Alcohol-Related*	% 22:00 to 04:00 Not DA
Across Central Ward	611	393	336	64.32	54.99
Licensed Premises	145	107	100	73.79	68.97
Licensed - Fast food	4	3	2	75	50
Licensed - Hotel	9	7	4	77.78	44.44
Licensed - NTE	116	91	88	78.45	75.86
Licensed - Supermarket	5	1	1	20	20
Licensed - Restaurant / Café	10	5	5	50	50
Licensed - Off License	1	0	0	0	0

Table 8 – Breakdown of alcohol-related* offences across Central Ward and at licensed premises.

More than half of all alcohol-related offences within Central Ward CC1 were committed in the 6 hours between 22:00 and 04:00. This shows that the majority of alcohol-related crime, where police involvement is required, occurs during the period of 22:00 and 04:00 and is primarily focussed around night-time licensed venues. While this is somewhat to be expected given the operation of these venues, the evidence does prove that night-time economy venues are a

contributing factor to the crime statistics, more so than late night take-aways, restaurants or hotels.

Of the 98 licensed premises within the council's CIZ, 79 are located within the High Street and The Parade. Of these 79 premises, 72 allow the sale of alcohol. The breakdown of the number of premises by licensable activity are included in the table below. This data is supplied by the licensing authority.

Licensable activity	Number of premises
Supply of alcohol (consumption on premises)	20
Supply of alcohol (consumption off premises)	13
Supply of alcohol (consumption both on and off premises)	39
Late night refreshment only	7
Regulated entertainment only	0

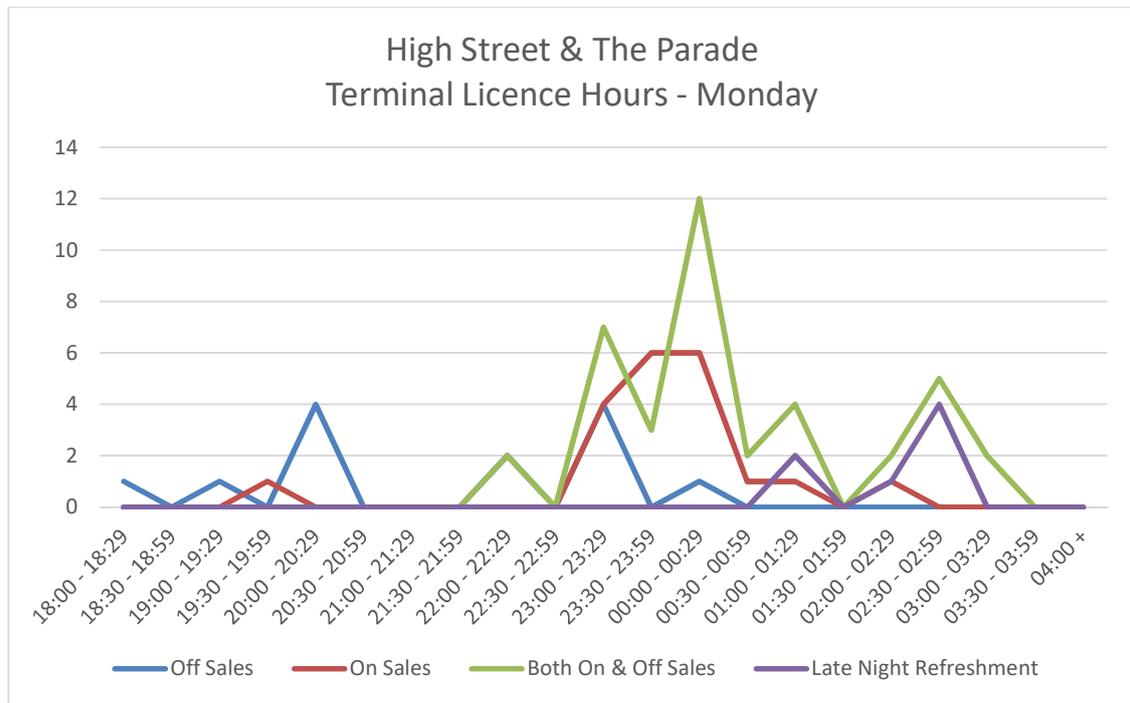
It is acknowledged that not all premises which sell alcohol only sell alcohol as a licensable activity. The full breakdown of the number of premises offering licensable activities, and which activities they can offer, is included in the following table. Again, this data is supplied by the licensing authority.

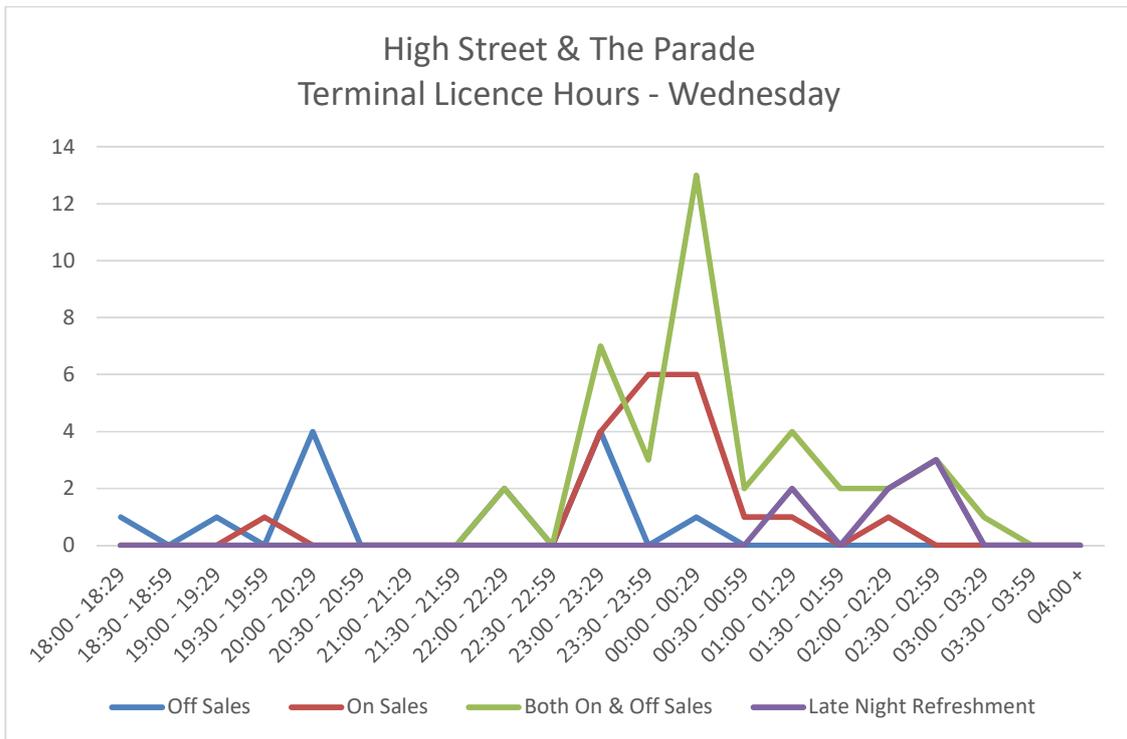
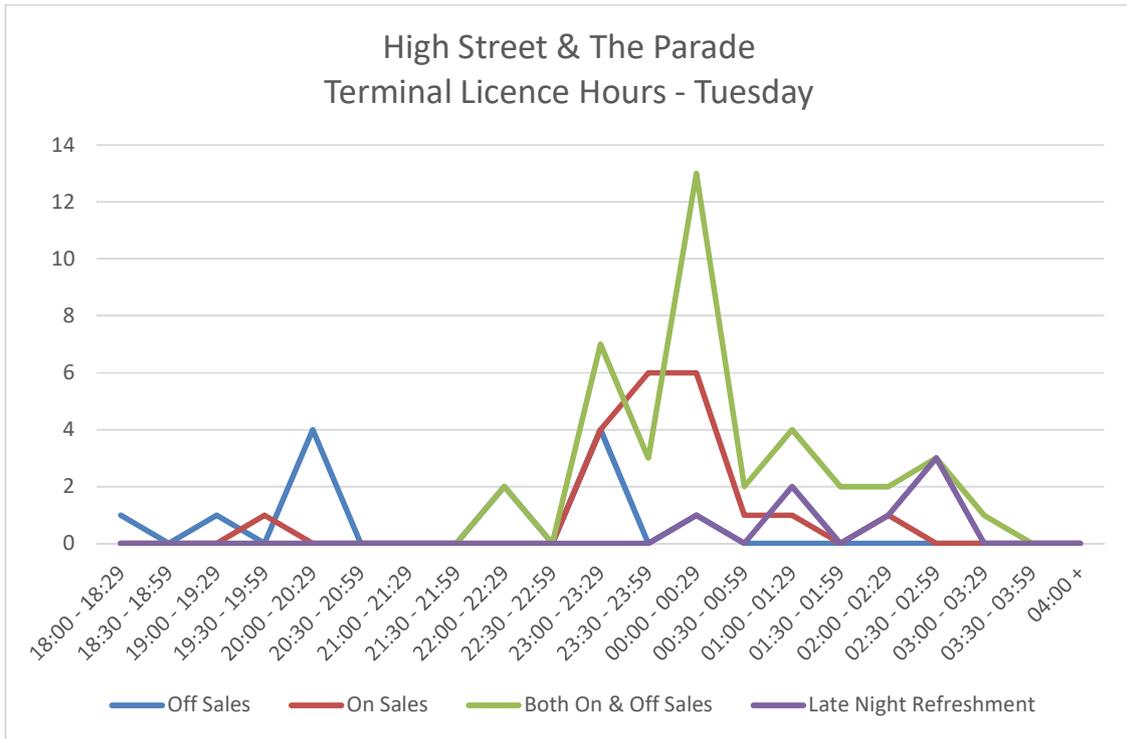
Licensable Activities	Number of Premises
Supply of Alcohol (both on- and off-sales premises) only	3
Late night refreshment only	6
Supply of Alcohol (off-sales) only	12
Supply of Alcohol (on-sales) only	4
Supply of Alcohol (both on- and off-sales) & Late night refreshment	8
Supply of Alcohol (both on- and off-sales) & Regulated entertainment	3
Supply of Alcohol (off-sales) & Regulated entertainment	1
Supply of Alcohol (on-sales) & Late night refreshment	4
Supply of Alcohol (on-sales) & Regulated entertainment	1
Regulated entertainment & Late night refreshment	1
Supply of Alcohol (both on- and off-sales), Regulated entertainment & Late night refreshment	25
Supply of Alcohol (on-sales), Regulated entertainment & Late night refreshment	11

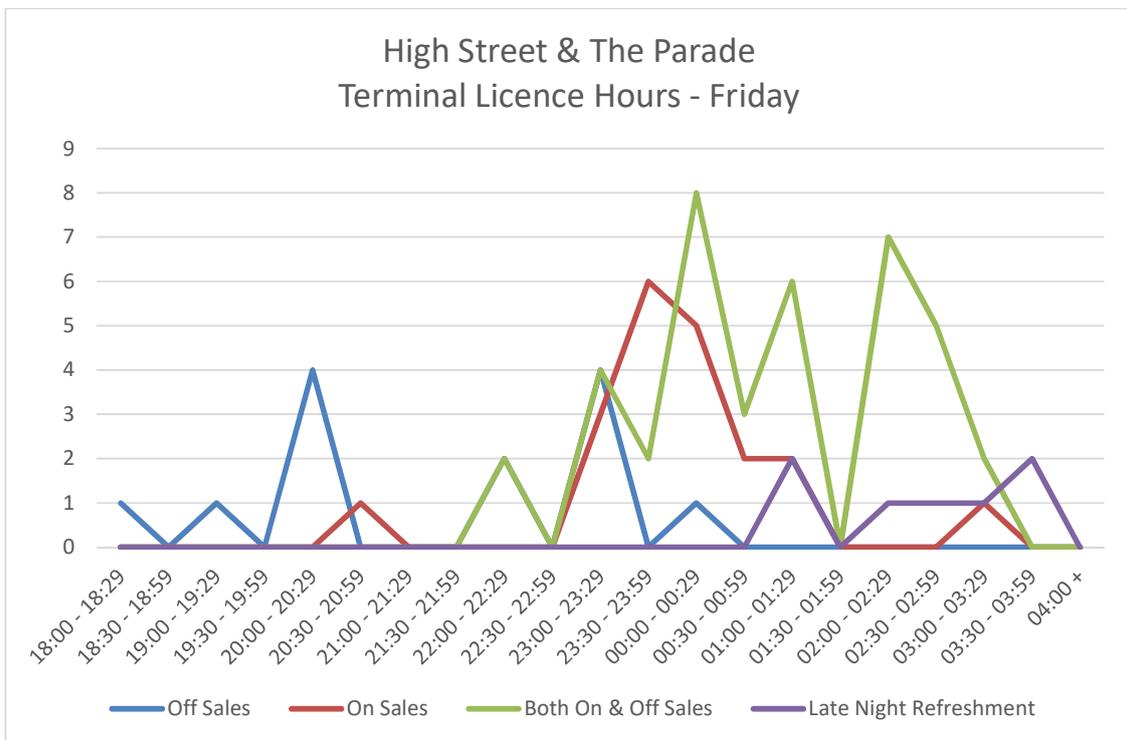
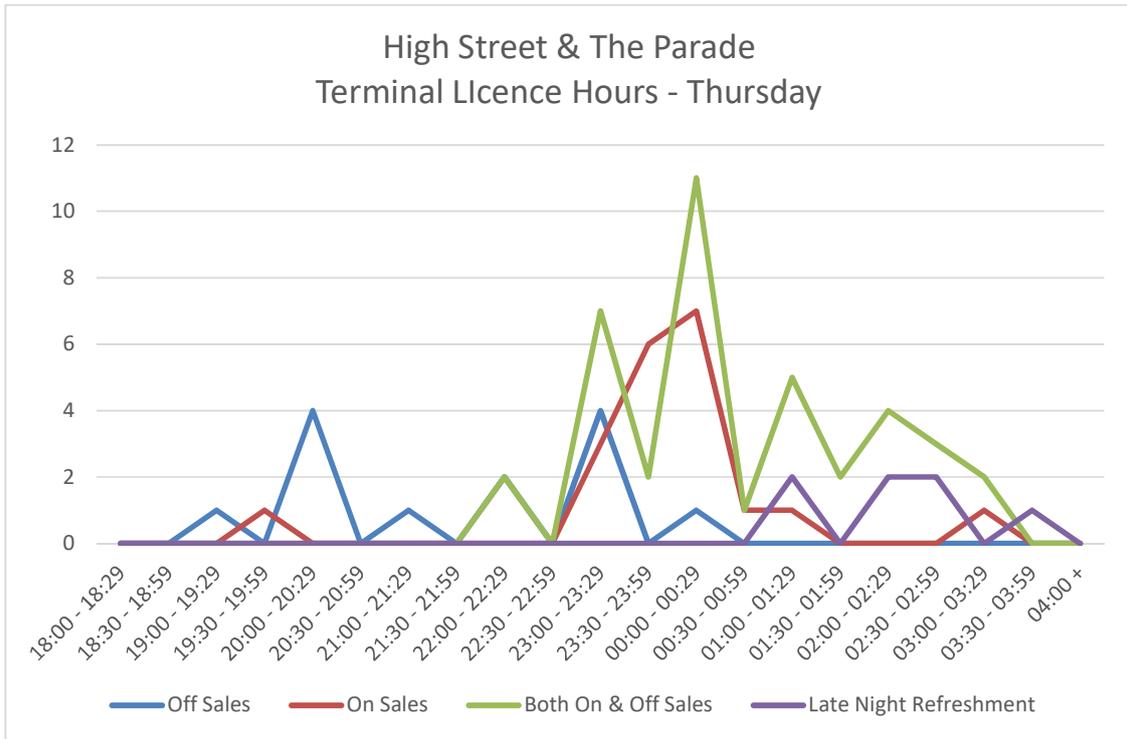
The terminal hours for these licensable activities extend later into the night closer to the weekend. The following graphs show the distribution of terminal hours for these licences for each day of the week, with noticeable peaks of later hours for alcohol sales on Thursdays, Fridays and Saturdays.

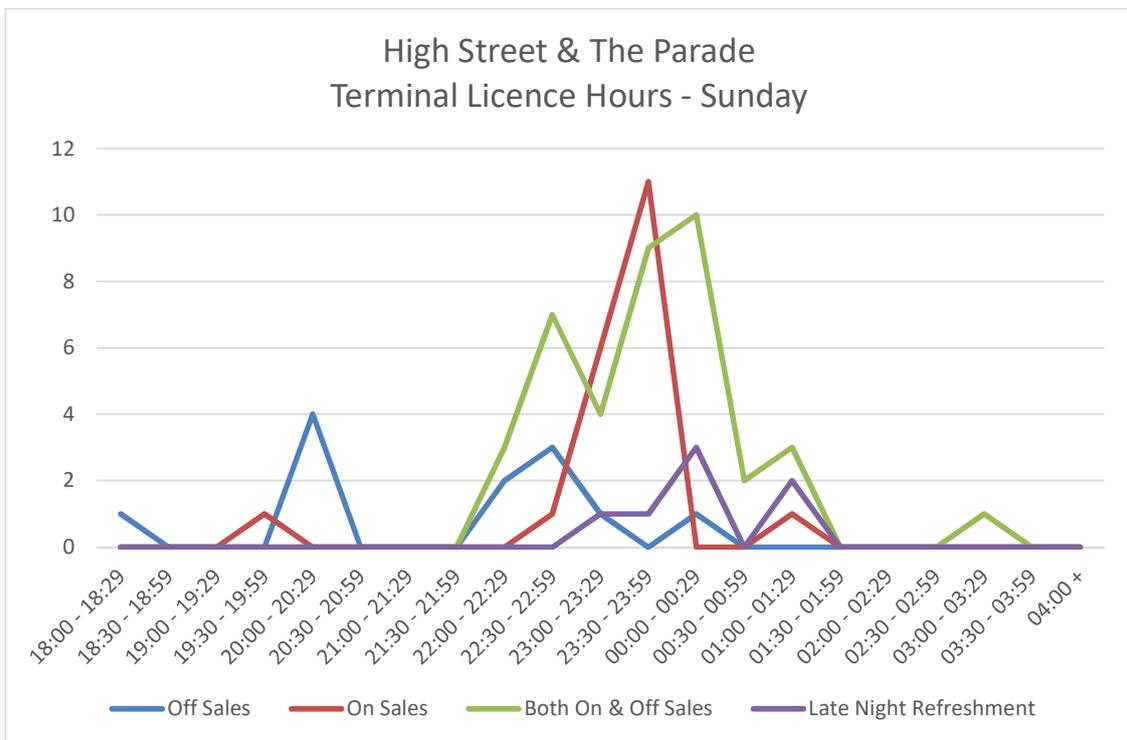
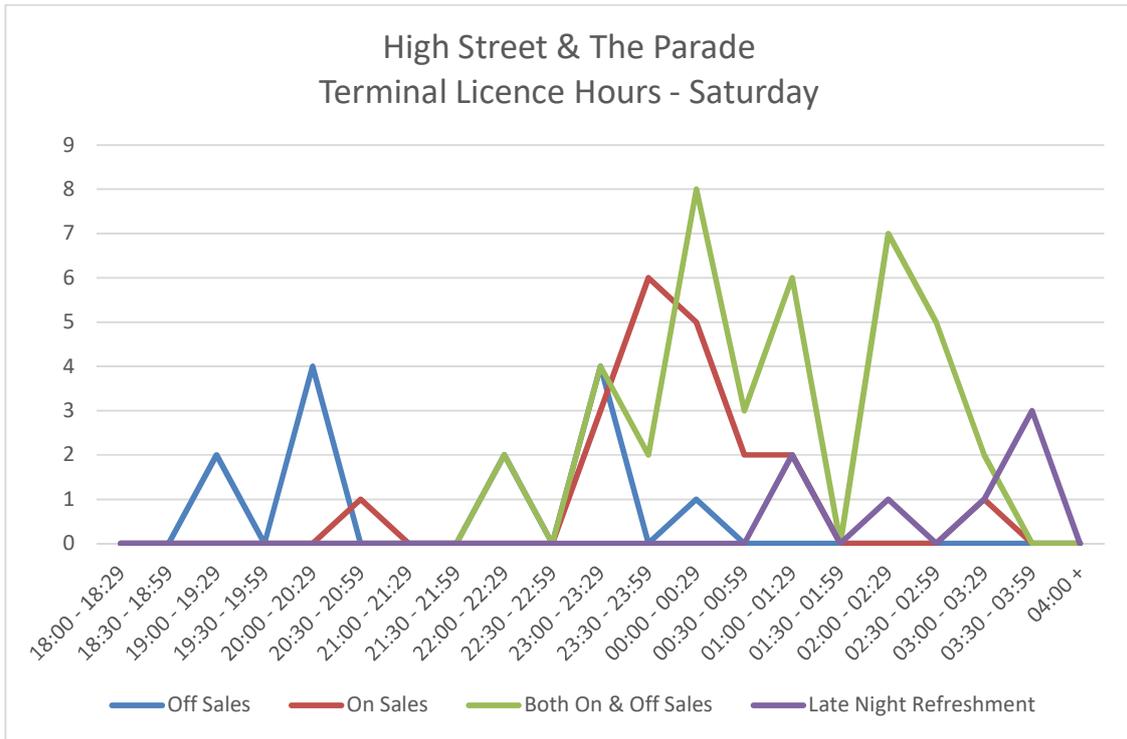
There is one premises which allows the sale of alcohol for 24 hours, and is therefore not included in these graphs. This premises is a hotel.

The majority of premises trade beyond 22:00, which appears to justify the police’s approach of classifying these premises as trading in the night-time economy. The police have advised that offence numbers tend to fall during the period of 03:00 to 08:00. As can be seen by the following graphs, this is after the terminal hour of the majority of licensed premises and this is when customers should be dispersing from the town centre.



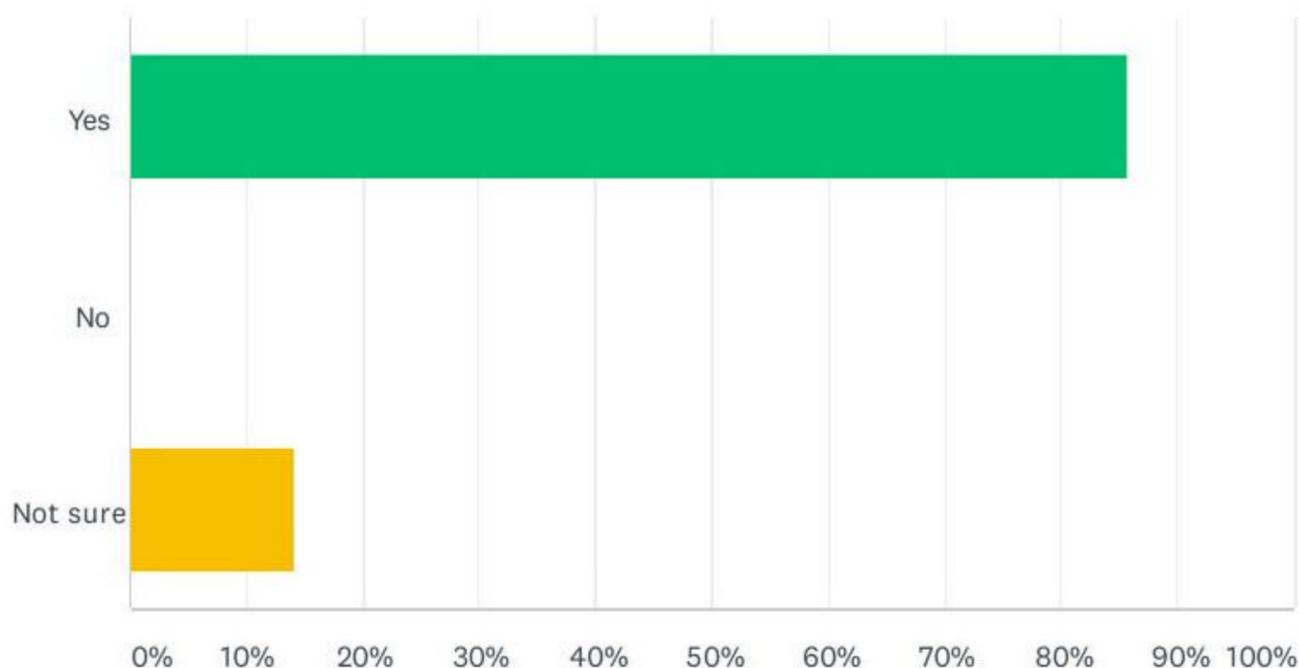






Q1 Do you agree with the proposal NOT to change the current premise definitions?

Answered: 7 Skipped: 0

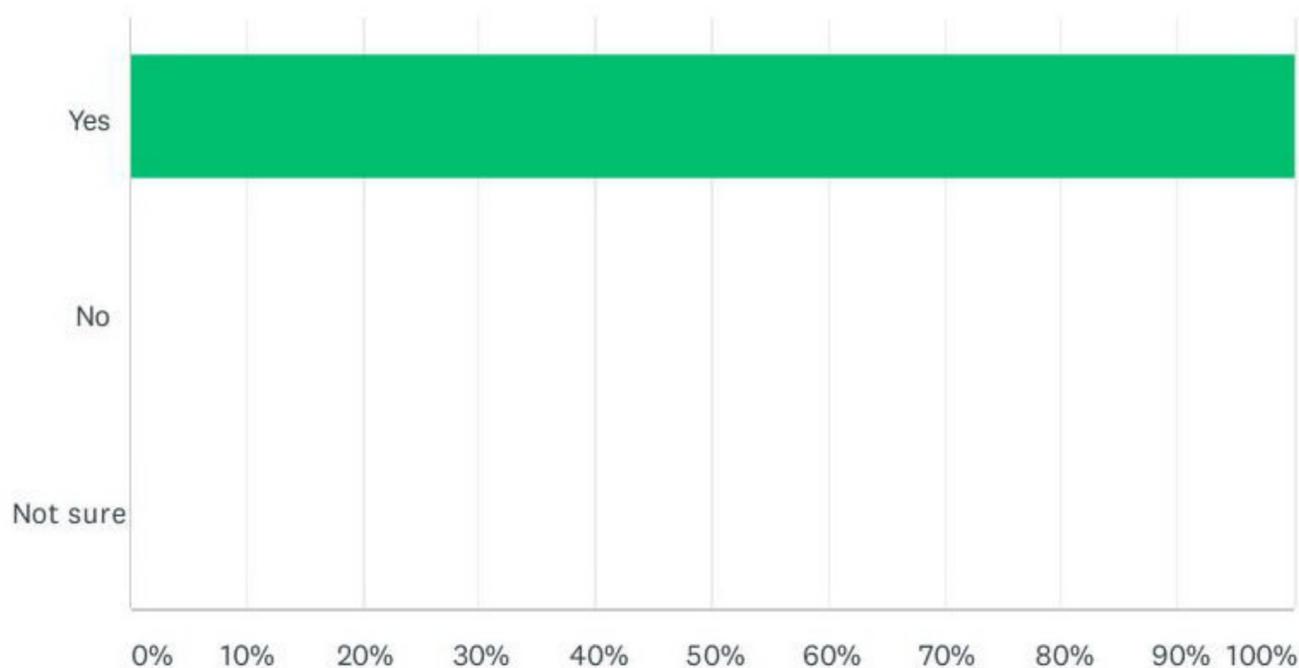


ANSWER CHOICES	RESPONSES	
Yes	85.71%	6
No	0.00%	0
Not sure	14.29%	1
TOTAL		7

#	PLEASE TELL US WHY.	DATE
1	Works well no reason to change	2/13/2021 1:39 PM

Q2 Do you agree with the proposal NOT to change the approach to dealing with different types of premises licence applications apart from the changes highlighted above?

Answered: 7 Skipped: 0

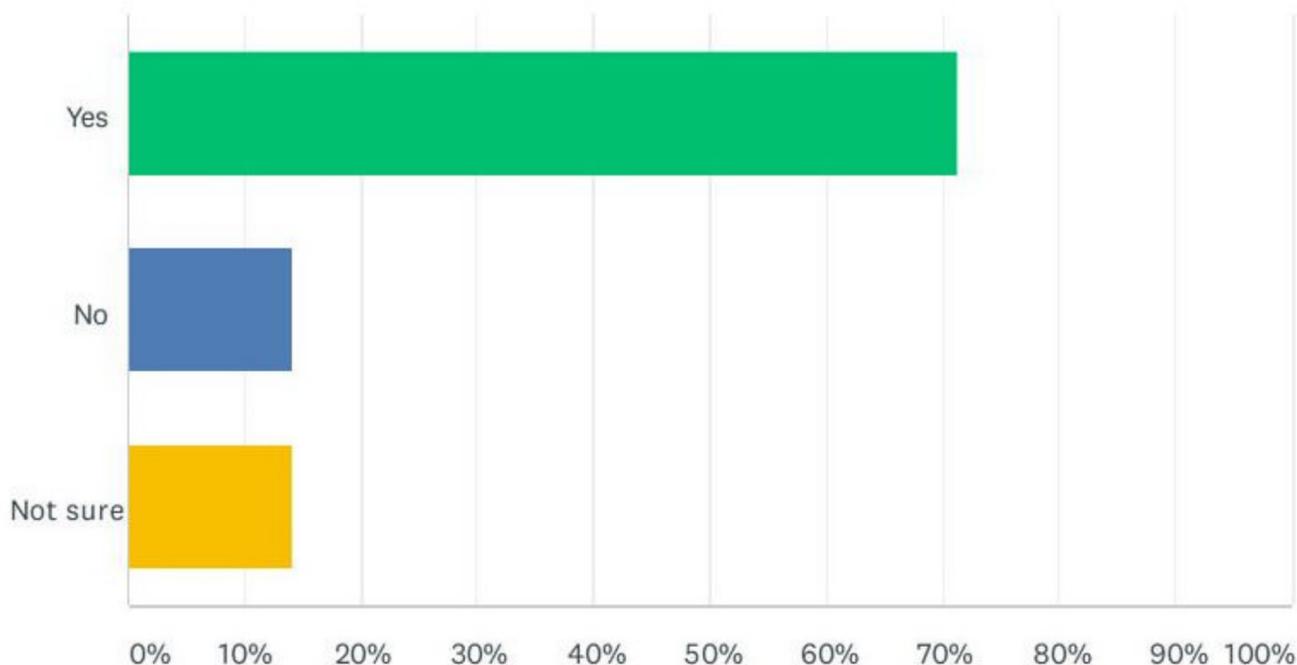


ANSWER CHOICES	RESPONSES	
Yes	100.00%	7
No	0.00%	0
Not sure	0.00%	0
TOTAL		7

#	PLEASE TELL US WHY.	DATE
1	Works ok	2/13/2021 1:39 PM

Q3 Do you agree with the proposal NOT to change the approach to dealing with license issues relating to petrol stations and garages?

Answered: 7 Skipped: 0

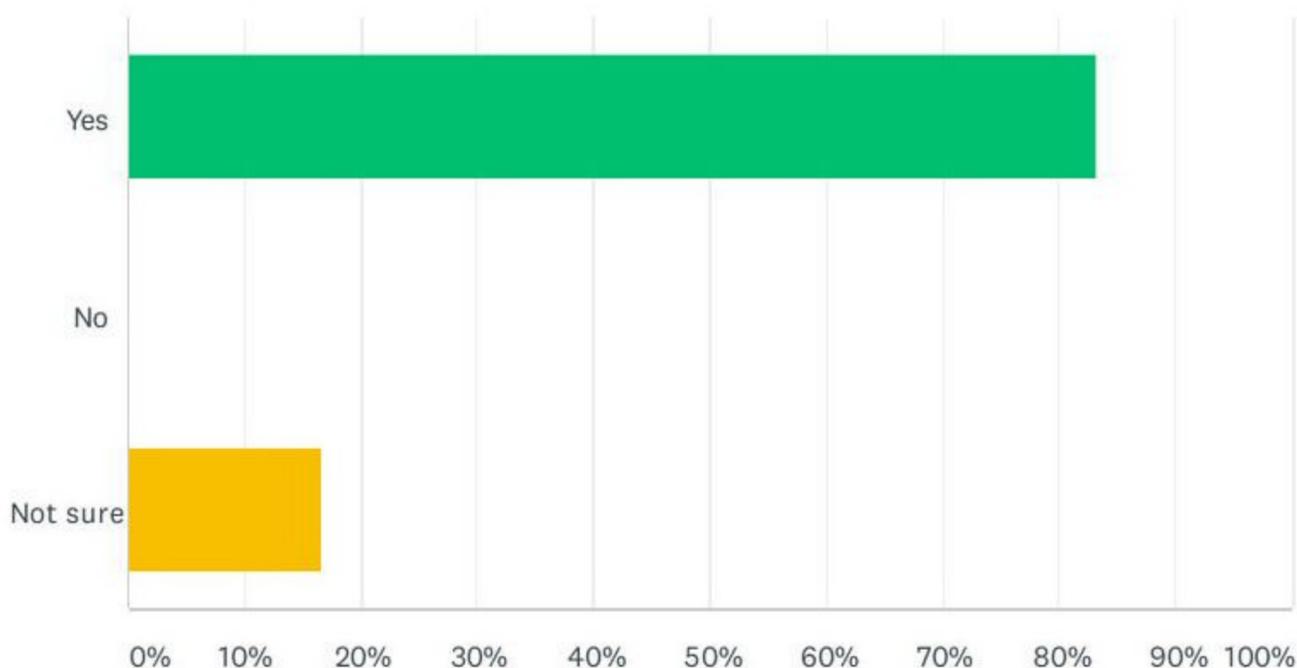


ANSWER CHOICES	RESPONSES	
Yes	71.43%	5
No	14.29%	1
Not sure	14.29%	1
TOTAL		7

#	PLEASE TELL US WHY.	DATE
1	Alcohol must not be sold at petrol stations . Petrol stations are open 24/7 so unscrupulous traders will sell alcohol to drivers . Must never happen	2/13/2021 1:41 PM
2	I disagree with sales of alcohol at petrol stations. There are already plenty of outlets available - late night supermarkets, 'corner shops' etc where alcohol can be purchased around the clock. To encourage the sale (and therefore consumption) of alcohol in a service station is unnecessary from a convenience point of view and counter productive in expecting people to drink responsibly.	1/29/2021 1:55 PM

Q4 Do you agree with the proposal NOT to change the approach to dealing with licence issues relating to circuses?

Answered: 6 Skipped: 1

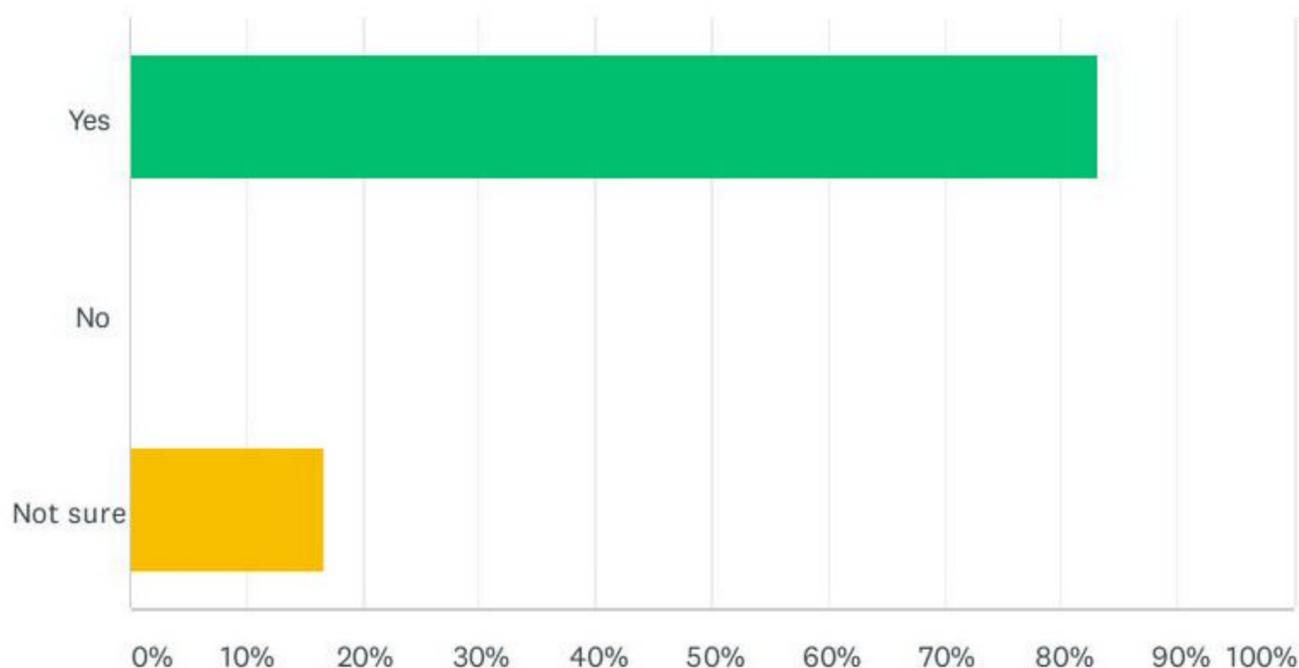


ANSWER CHOICES	RESPONSES	
Yes	83.33%	5
No	0.00%	0
Not sure	16.67%	1
TOTAL		6

#	PLEASE TELL US WHY.	DATE
1	With the exception that they must leave the area as they found it if not cleaner and tidy	2/13/2021 1:42 PM

Q5 Do you agree with the analysis of the Police data contained within the draft Cumulative Impact Assessment?

Answered: 6 Skipped: 1

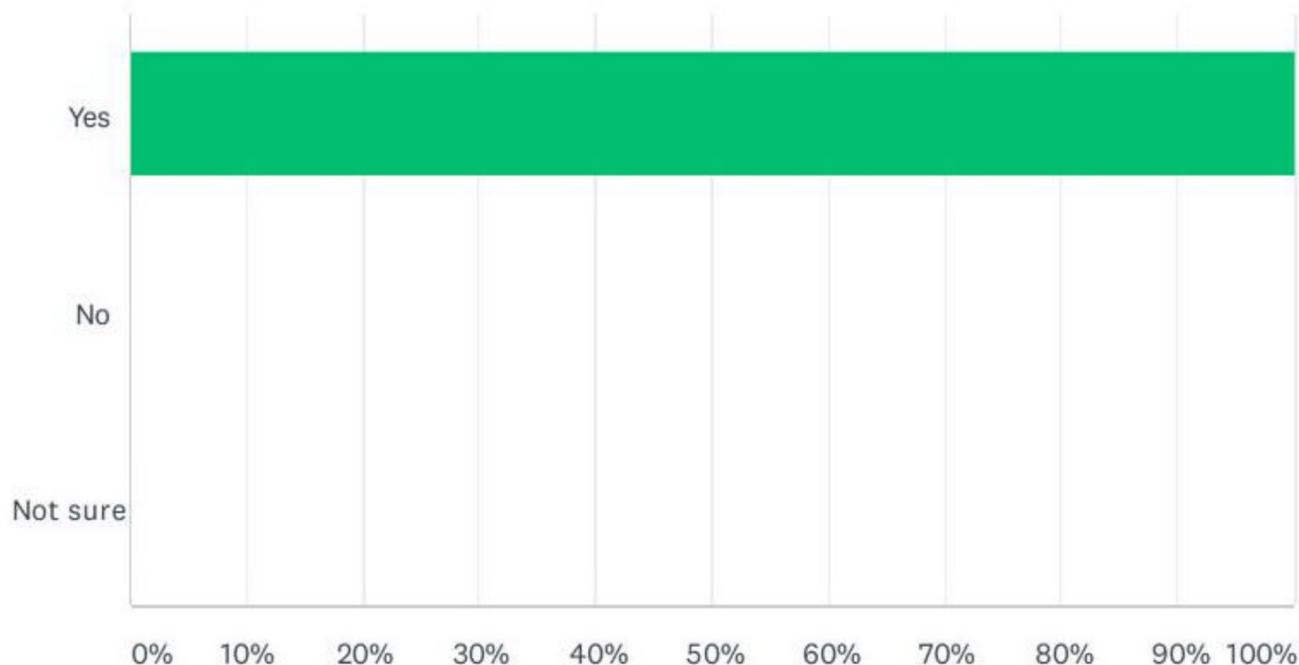


ANSWER CHOICES	RESPONSES	
Yes	83.33%	5
No	0.00%	0
Not sure	16.67%	1
TOTAL		6

#	PLEASE TELL US WHY	DATE
1	The town is the sum of its components thus must be considered as a whole	2/13/2021 1:45 PM

Q6 Do you agree with the proposed approach to dealing with licensing applications in the town centre

Answered: 6 Skipped: 1

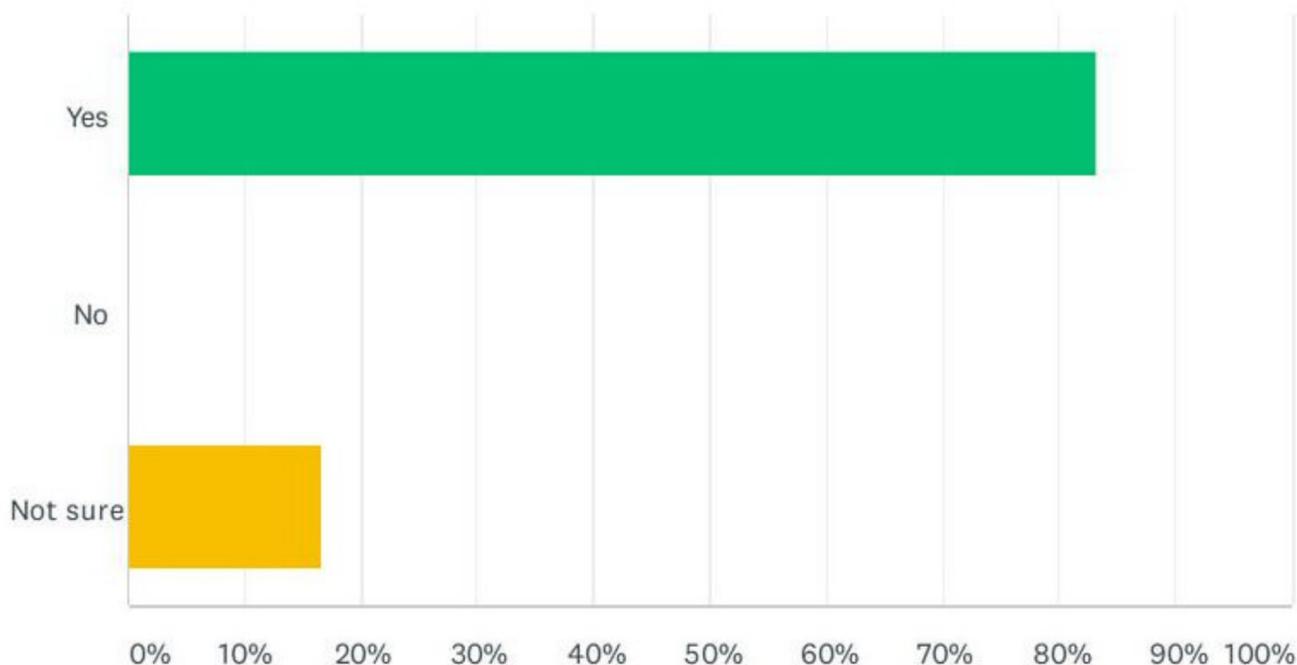


ANSWER CHOICES	RESPONSES	
Yes	100.00%	6
No	0.00%	0
Not sure	0.00%	0
TOTAL		6

#	PLEASE TELL US WHY.	DATE
1	Yes works fine	2/13/2021 1:45 PM

Q7 Do you think that the area to which the proposed LP3 (Cumulative Impact Policy) applies is right?

Answered: 6 Skipped: 1

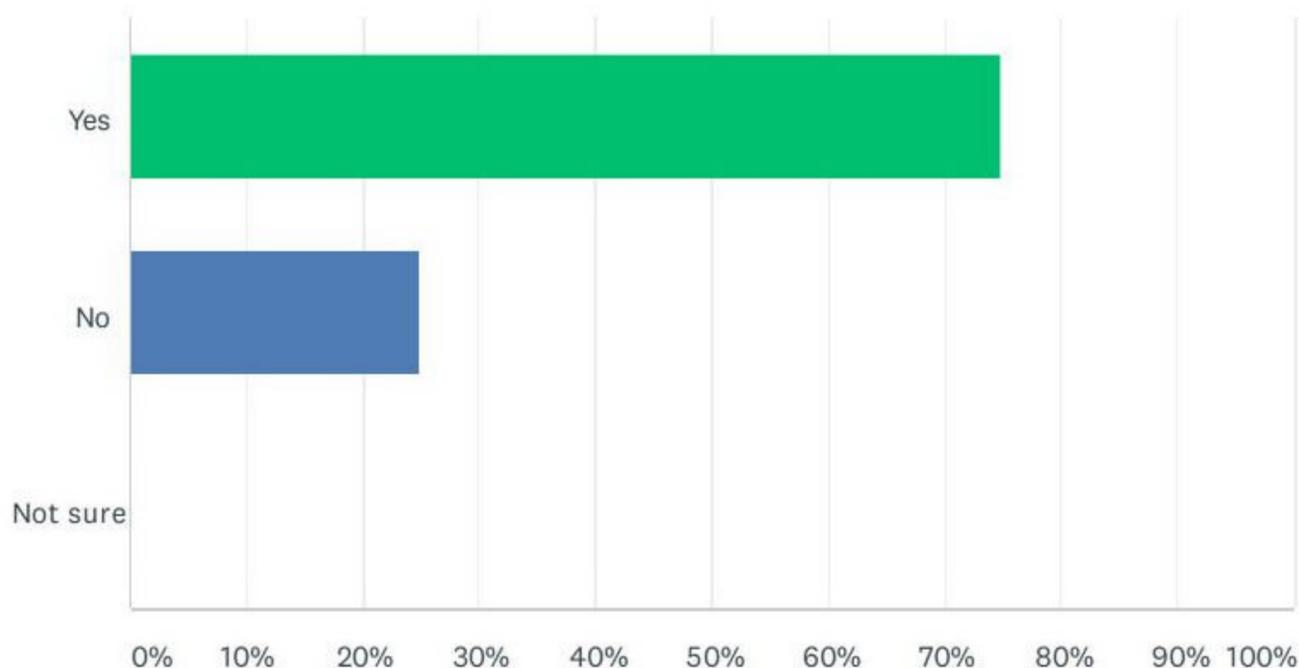


ANSWER CHOICES	RESPONSES	
Yes	83.33%	5
No	0.00%	0
Not sure	16.67%	1
TOTAL		6

#	PLEASE TELL US WHY.	DATE
1	Needs no change	2/13/2021 1:45 PM

Q8 Do you think that the four original Sensitive Licensing Areas should be retained?

Answered: 4 Skipped: 3

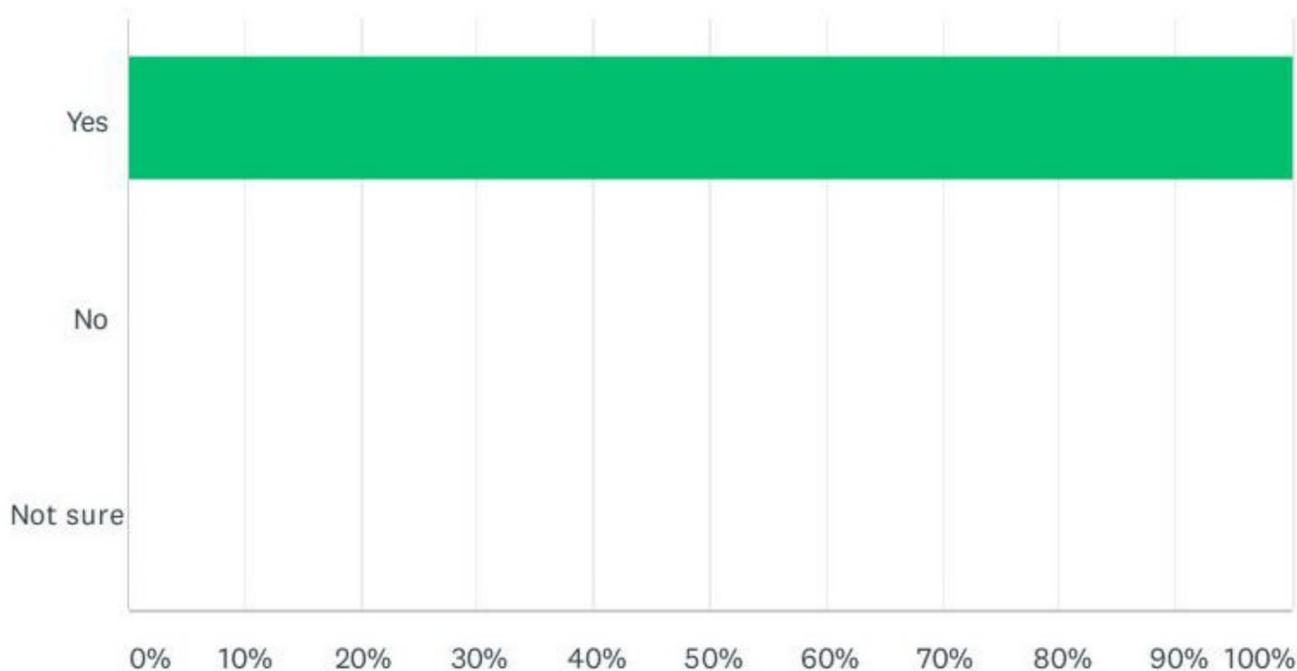


ANSWER CHOICES	RESPONSES	
Yes	75.00%	3
No	25.00%	1
Not sure	0.00%	0
TOTAL		4

#	PLEASE TELL US WHY.	DATE
1	With the addition of any other roads or areas as maybe necessary. Street drinking blights the town and needs to be much more tightly controlled. Far too many retailers dont care and see it as money in the till. Shops such as [REDACTED] has drunks out side every night. If necessary shop stock should be sprayed with smart water . People in the parade at night with packs of beer fighting is not family friendly is it	2/13/2021 2:01 PM

Q9 Do you agree with the approach of the Sensitive Licensing Areas in that licensing officers will seek conditions to: minimise the risk of anti-social behaviour from the availability of high-strength alcohol to street drinkers; minimise the risk of nuisance from premises applying for significantly different hours to existing premises, and; minimise the risk of litter and other associated public nuisance from a concentration of late-night takeaways?

Answered: 4 Skipped: 3

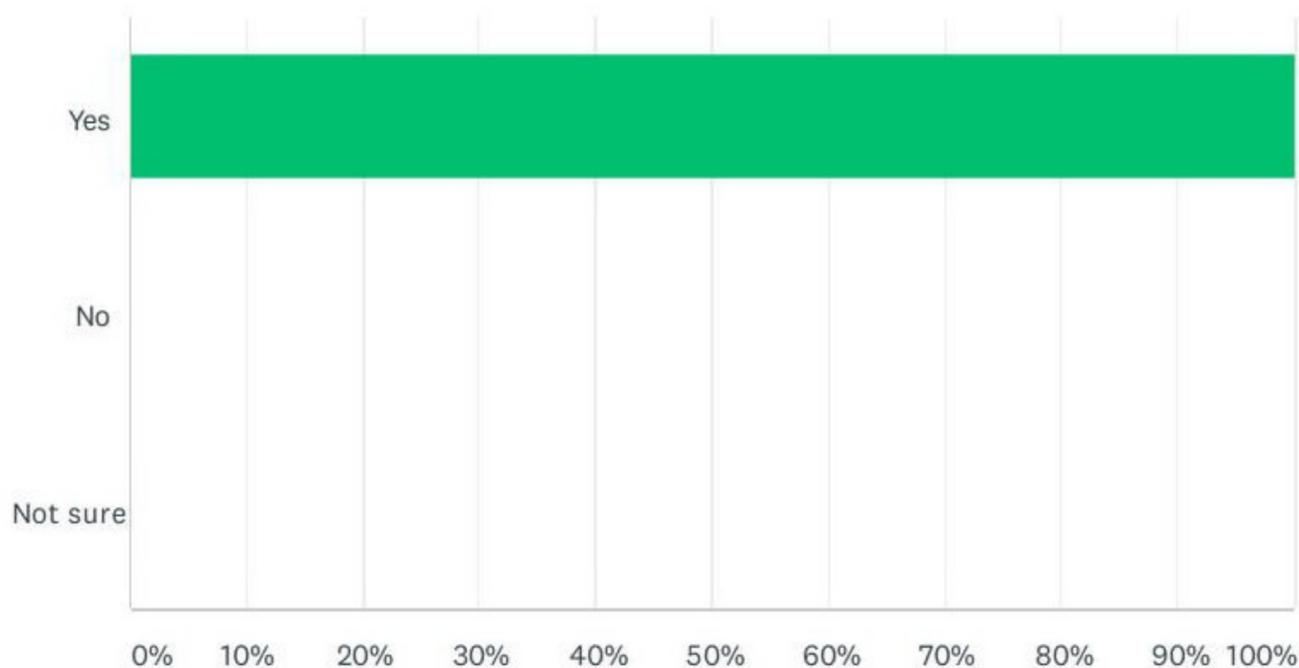


ANSWER CHOICES	RESPONSES	
Yes	100.00%	4
No	0.00%	0
Not sure	0.00%	0
TOTAL		4

#	PLEASE TELL US WHY	DATE
1	Yes if they want a licence then they are responsible for keeping 50 feet from their front door swept and tidy. Look at the [REDACTED] 500 cigarette butts .	2/13/2021 2:01 PM

Q10 Do you agree that those locations within and around the town centre which will no longer fall under the special town centre policy should be made a new Sensitive Licensing Area?

Answered: 4 Skipped: 3

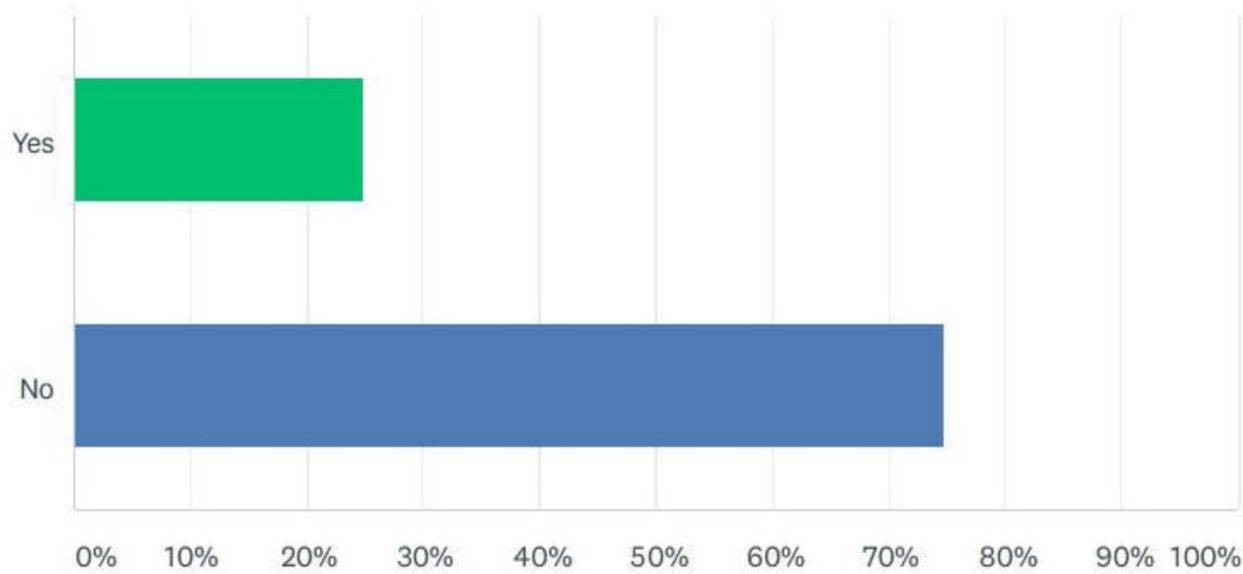


ANSWER CHOICES	RESPONSES	
Yes	100.00%	4
No	0.00%	0
Not sure	0.00%	0
TOTAL		4

#	PLEASE TELL US WHY, AND PLEASE PROVIDE ANY EVIDENCE TO SUPPORT YOUR REASONS	DATE
1	Increase regulation so that powers can be used if required. Far too many premises do not care enough about their adverse impact on the state of litter and loitering.	2/13/2021 2:01 PM

Q11 If you are in support of creating a new Sensitive Licensing Area in the Town Centre (question 10), are there are any other issues apart from minimising the risk of anti-social behaviour from the activities of street drinkers, the risk of nuisance from premises applying for significantly different hours to existing premises, and the risk of litter and other associated public nuisance from late-night takeaways that you would like to see addressed through policy for these areas?

Answered: 4 Skipped: 3

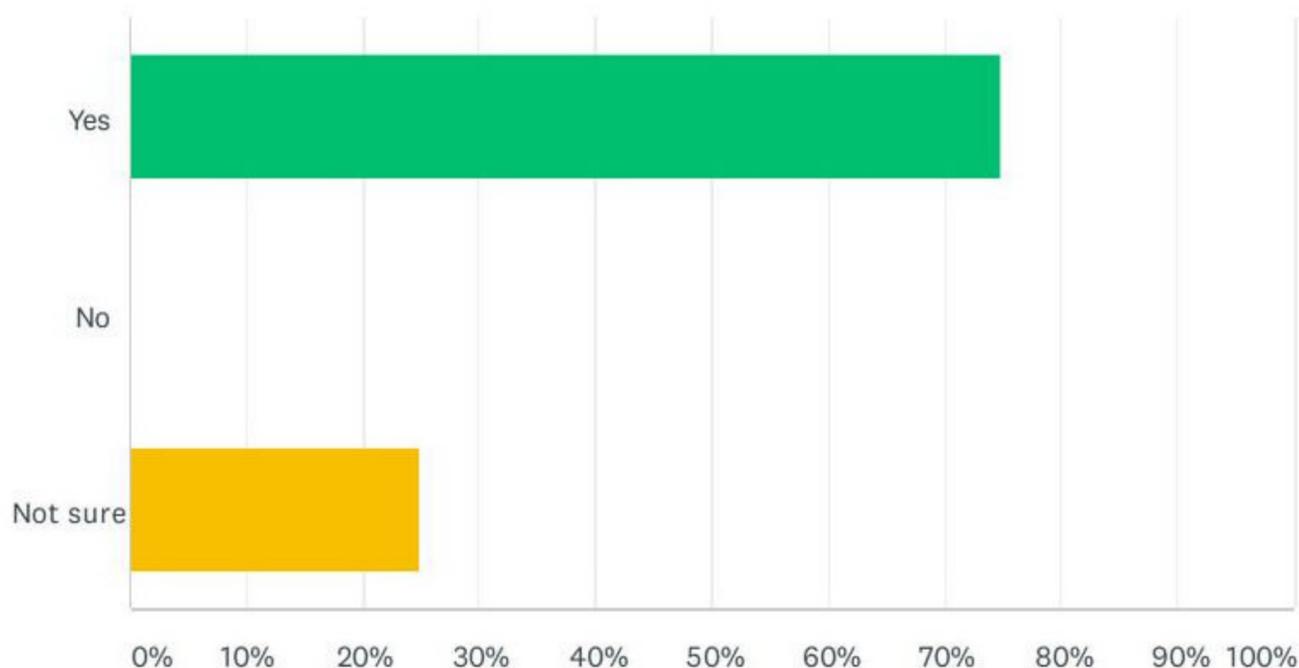


ANSWER CHOICES	RESPONSES	
Yes	25.00%	1
No	75.00%	3
TOTAL		4

#	PLEASE TELL US WHY	DATE
1	Yes premises must be responsible for cleaning and not allowing loitering out side. If restaurants have folk on the pavement smooking, then before they go home they must have swept it tidy. If a person drops one bit of litter is a big fine. However 200 cigarettes ends out side a bar or restaurant nothing. How can this be right fair and equitable.	2/13/2021 2:01 PM

Q12 Do you agree with the proposal NOT to change the current link between the licensing and planning regimes?

Answered: 4 Skipped: 3

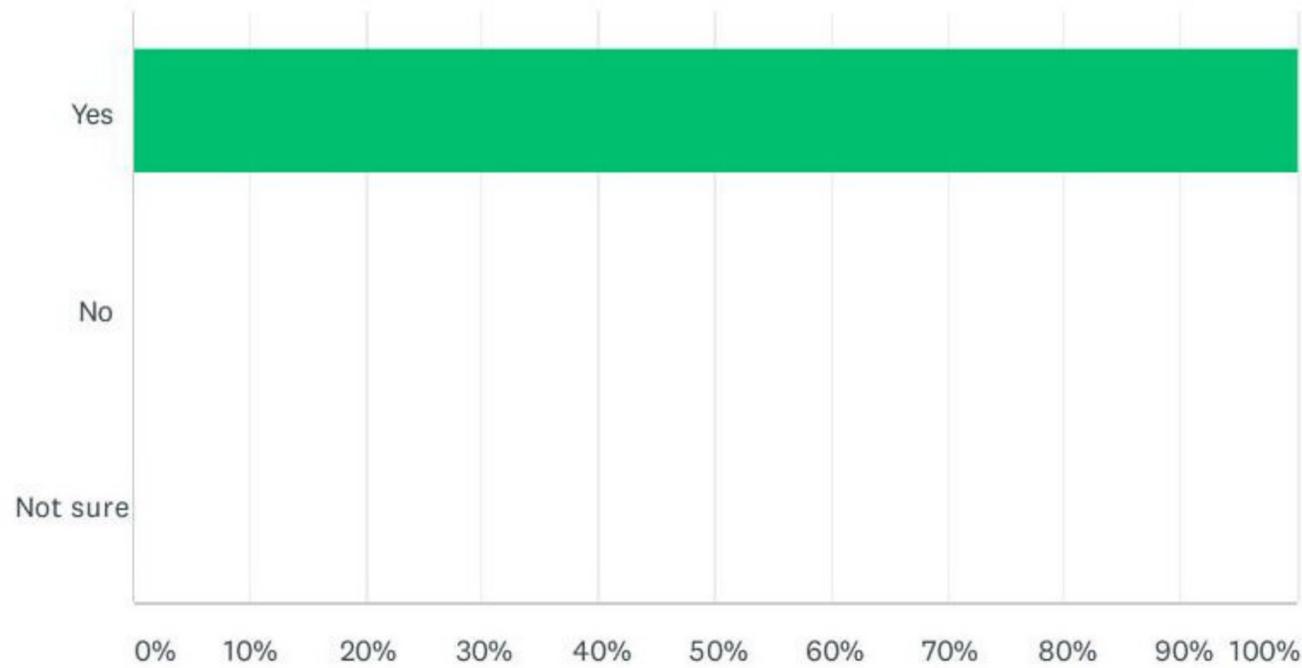


ANSWER CHOICES	RESPONSES
Yes	75.00% 3
No	0.00% 0
Not sure	25.00% 1
TOTAL	4

#	PLEASE TELL US WHY.	DATE
1	Must be linked	2/13/2021 2:01 PM

Q13 Do you agree with the proposal NOT to update this section apart from the changes highlighted above?

Answered: 4 Skipped: 3

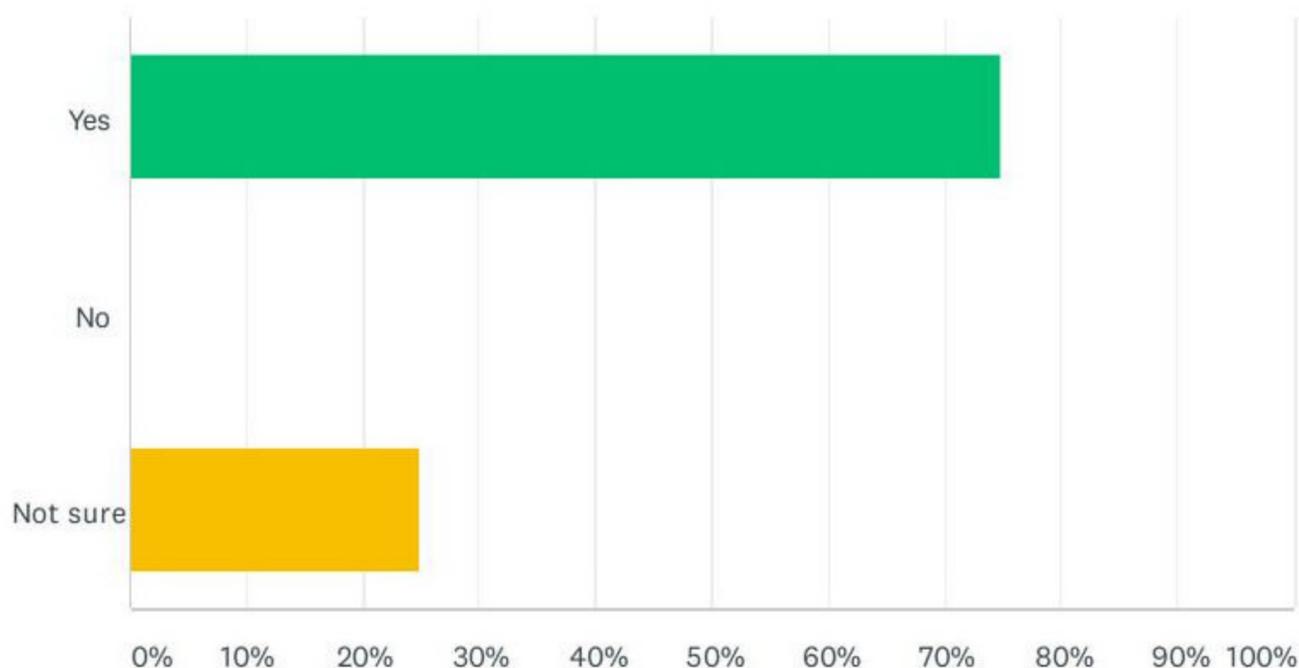


ANSWER CHOICES	RESPONSES	
Yes	100.00%	4
No	0.00%	0
Not sure	0.00%	0
TOTAL		4

#	PLEASE TELL US WHY	DATE
1	Works ok	2/13/2021 2:02 PM

Q14 Do you believe that the conditions laid out in policy LP6 are sufficient to promote the licensing objective relating to crime and disorder?

Answered: 4 Skipped: 3

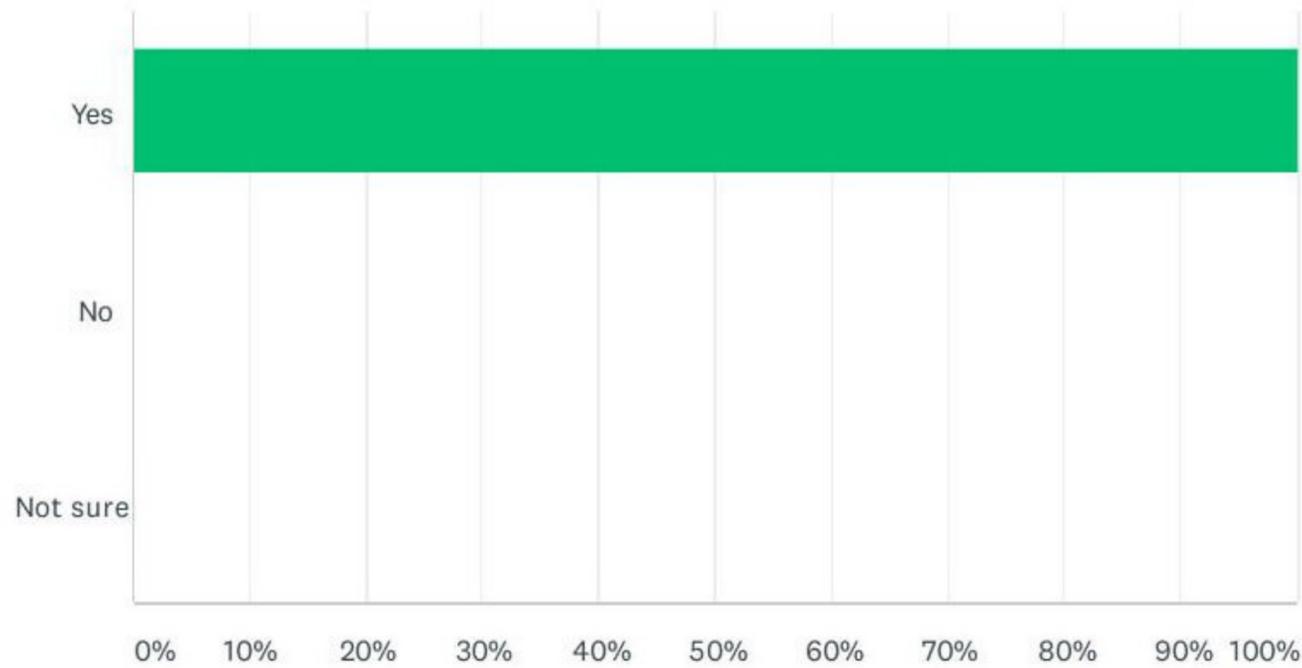


ANSWER CHOICES	RESPONSES
Yes	75.00% 3
No	0.00% 0
Not sure	25.00% 1
TOTAL	4

#	PLEASE TELL US WHY.	DATE
1	Good since policy was written .	2/13/2021 2:03 PM

Q15 Do you believe that the conditions laid out in policy LP7 are sufficient to promote the licensing objective relating to public safety?

Answered: 4 Skipped: 3

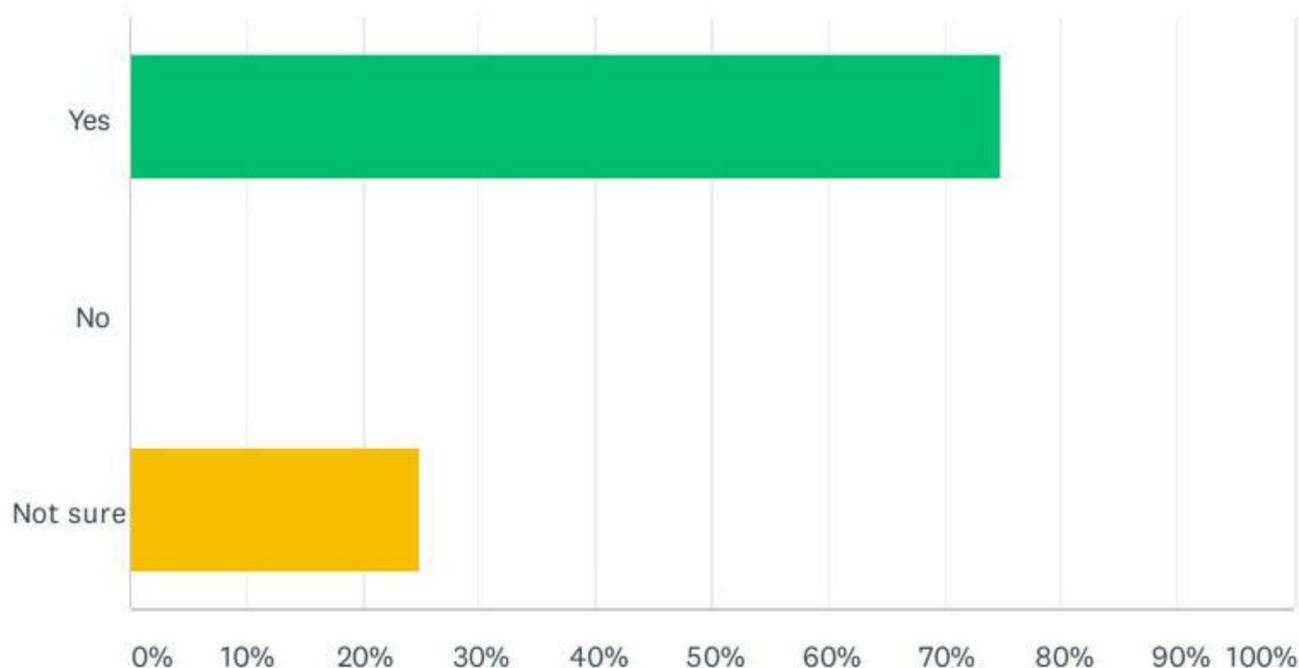


ANSWER CHOICES	RESPONSES	
Yes	100.00%	4
No	0.00%	0
Not sure	0.00%	0
TOTAL		4

#	PLEASE TELL US WHY.	DATE
	There are no responses.	

Q16 Do you believe that the conditions laid out in policy LP8 are sufficient to promote the licensing objective relating to public nuisance?

Answered: 4 Skipped: 3

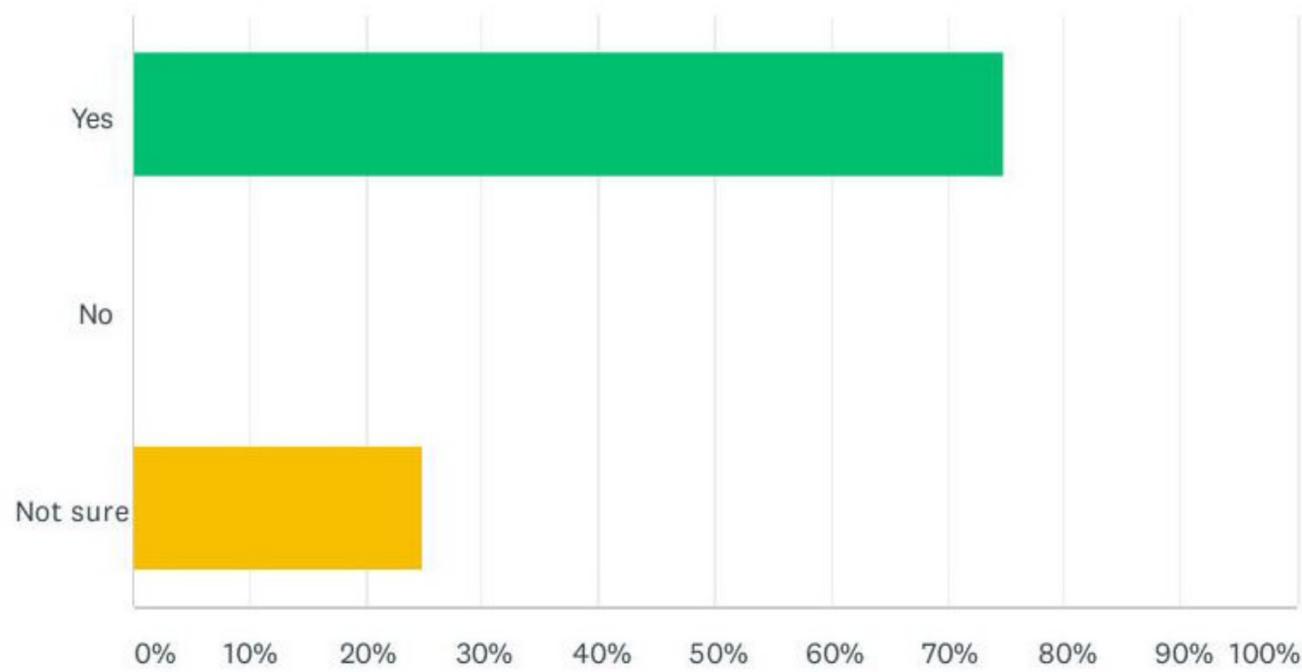


ANSWER CHOICES	RESPONSES
Yes	75.00% 3
No	0.00% 0
Not sure	25.00% 1
TOTAL	4

#	PLEASE TELL US WHY.	DATE
1	With the provision that enforcement can be much swifter and maybe tougher.	2/13/2021 2:04 PM

Q17 Do you believe that the conditions laid out in policy LP9 are sufficient to promote the licensing objective relating to the protection of children from harm?

Answered: 4 Skipped: 3

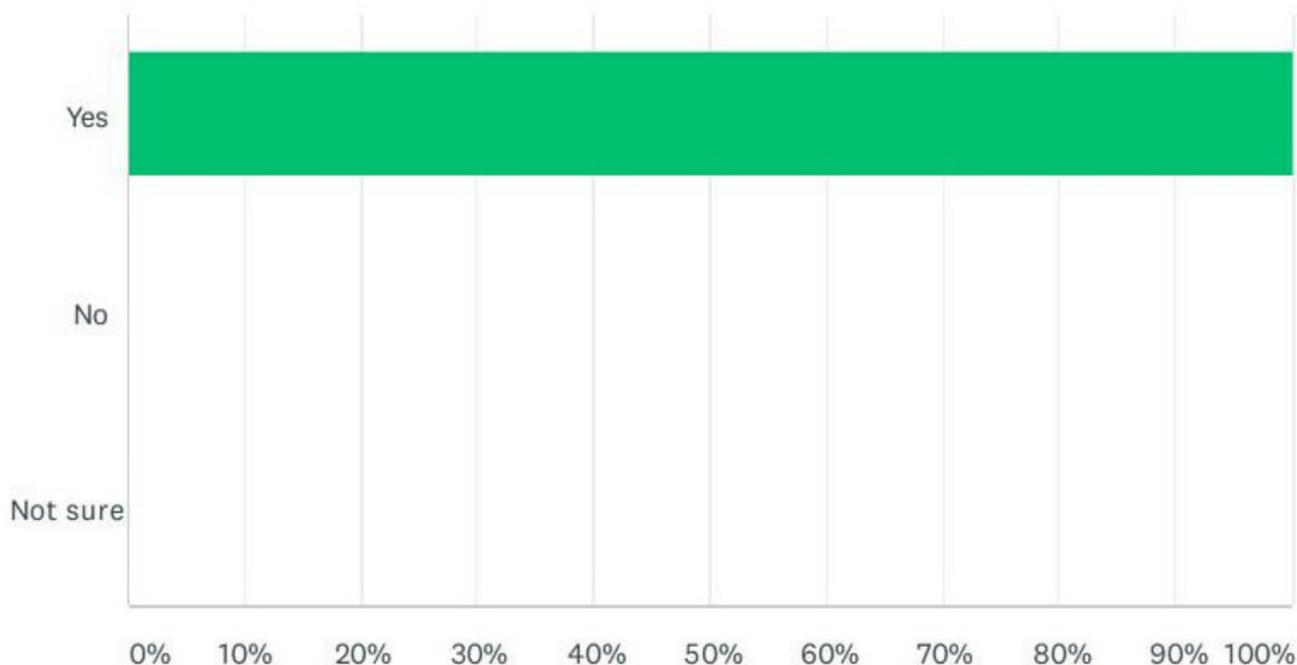


ANSWER CHOICES	RESPONSES
Yes	75.00% 3
No	0.00% 0
Not sure	25.00% 1
TOTAL	4

#	PLEASE TELL US WHY.	DATE
1	Yes its ok	2/13/2021 2:04 PM

Q18 Do you agree with the proposal NOT to change the current approach to films that need to be certified by the council's Licensing Officers?

Answered: 4 Skipped: 3

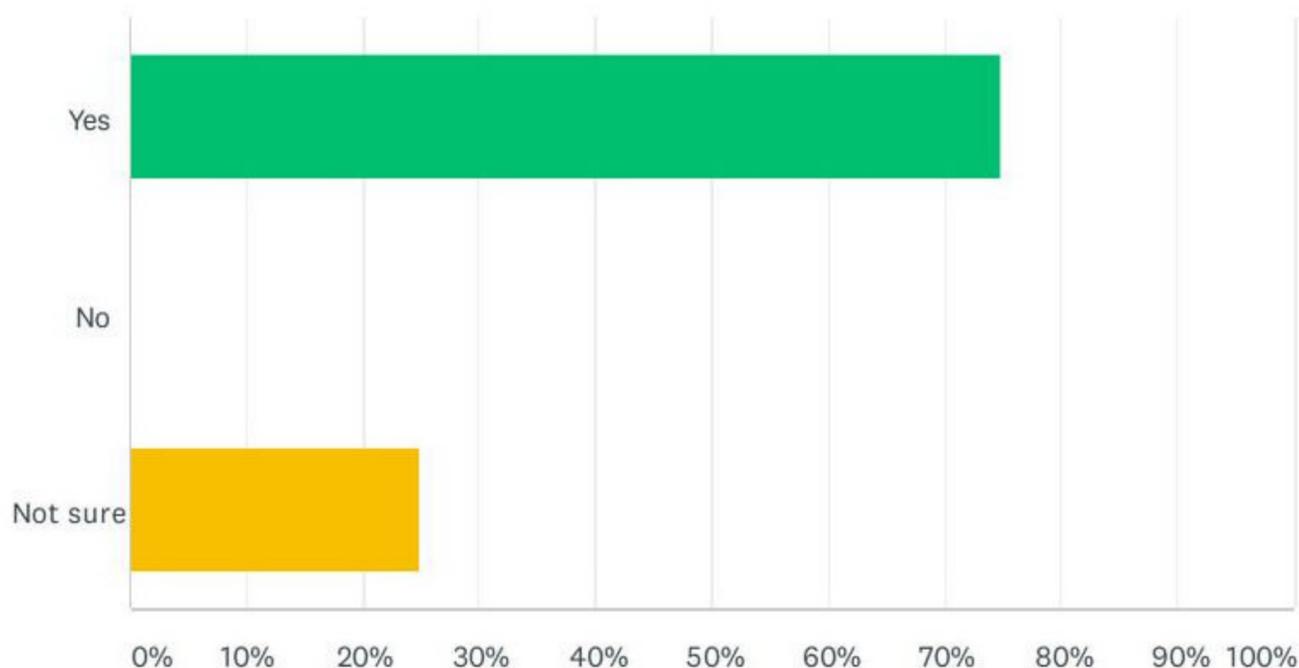


ANSWER CHOICES	RESPONSES	
Yes	100.00%	4
No	0.00%	0
Not sure	0.00%	0
TOTAL		4

#	PLEASE TELL US WHY.	DATE
	There are no responses.	

Q19 Do you agree with the proposal NOT to change the current approach to representations against applications?

Answered: 4 Skipped: 3

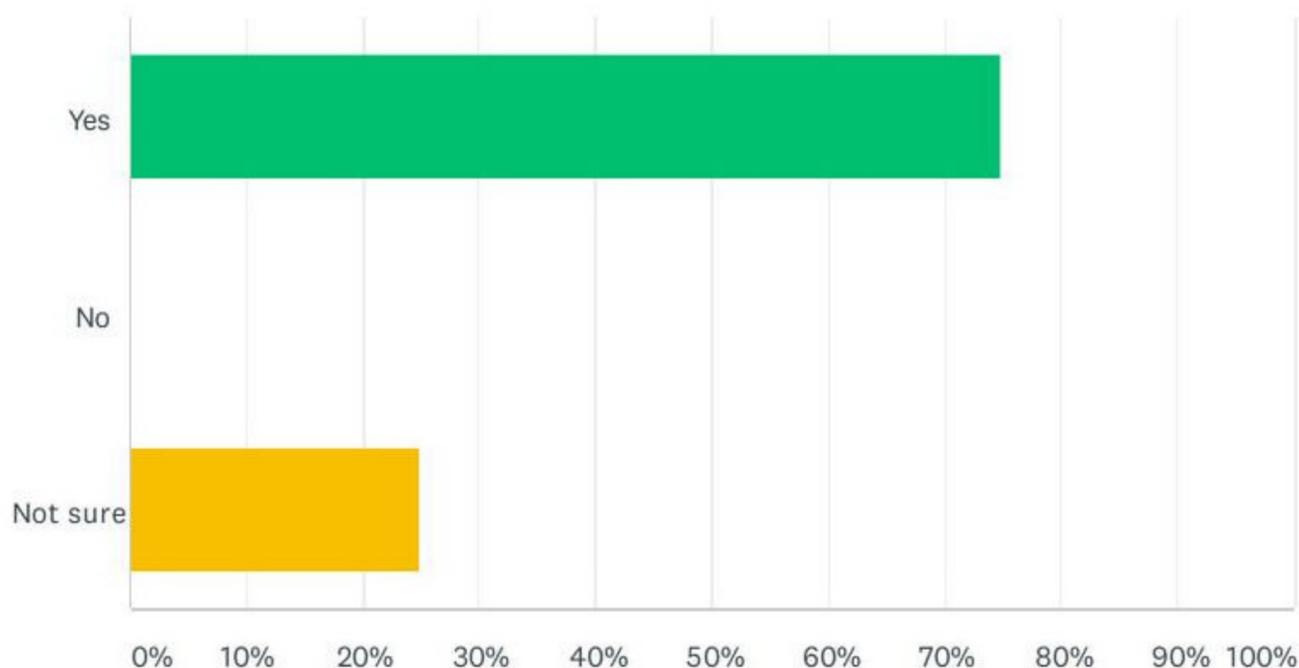


ANSWER CHOICES	RESPONSES	
Yes	75.00%	3
No	0.00%	0
Not sure	25.00%	1
TOTAL		4

#	PLEASE TELL US WHY.	DATE
1	WBC needs to make some of the processes simpler. An obvious direct link to licensing so you can email easier. Remote working is now permanent . If someone wants to complain it should be much more obvious. This may get premises more likely to mind out what they do and not do. Remember Watford has 100,000 potential pairs of eyes on the street.	2/13/2021 2:09 PM

Q20 Do you agree with the proposal NOT to change the current approach to complaints that are made about licensed premises?

Answered: 4 Skipped: 3

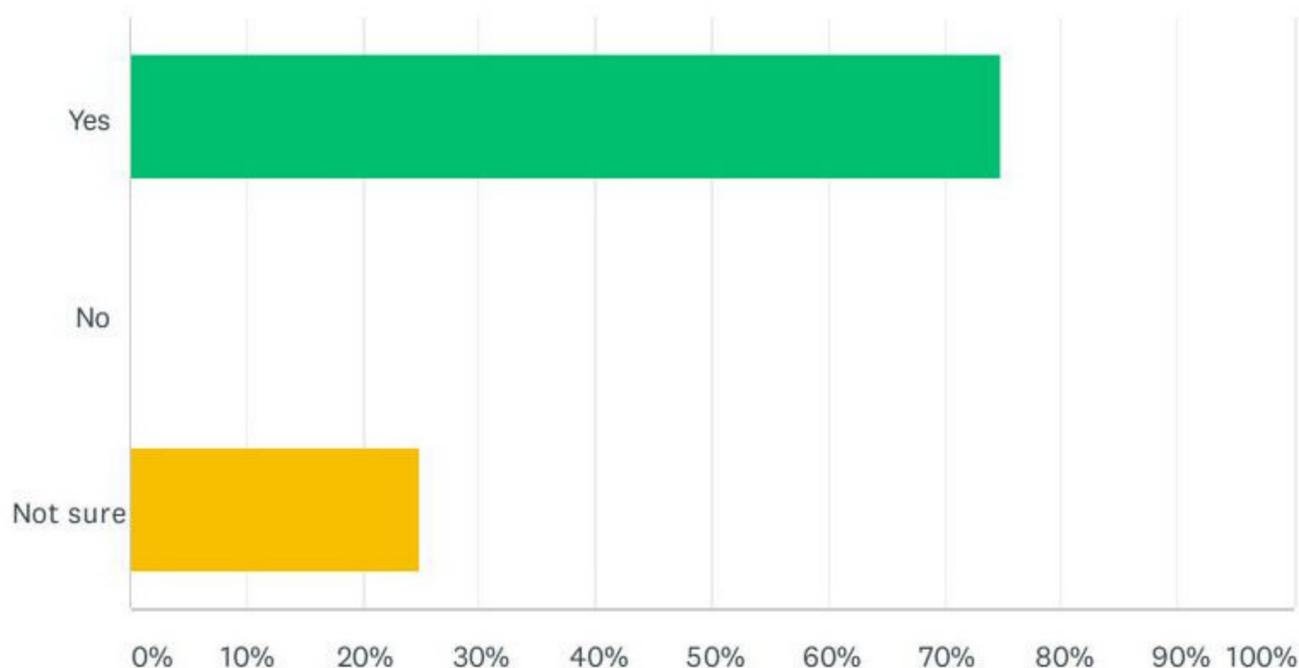


ANSWER CHOICES	RESPONSES	
Yes	75.00%	3
No	0.00%	0
Not sure	25.00%	1
TOTAL		4

#	PLEASE TELL US WHY.	DATE
1	So long as its easy to register a complaint	2/13/2021 2:10 PM

Q21 Do you agree with the proposal NOT to change the current way we deal with requests to review a licence?

Answered: 4 Skipped: 3

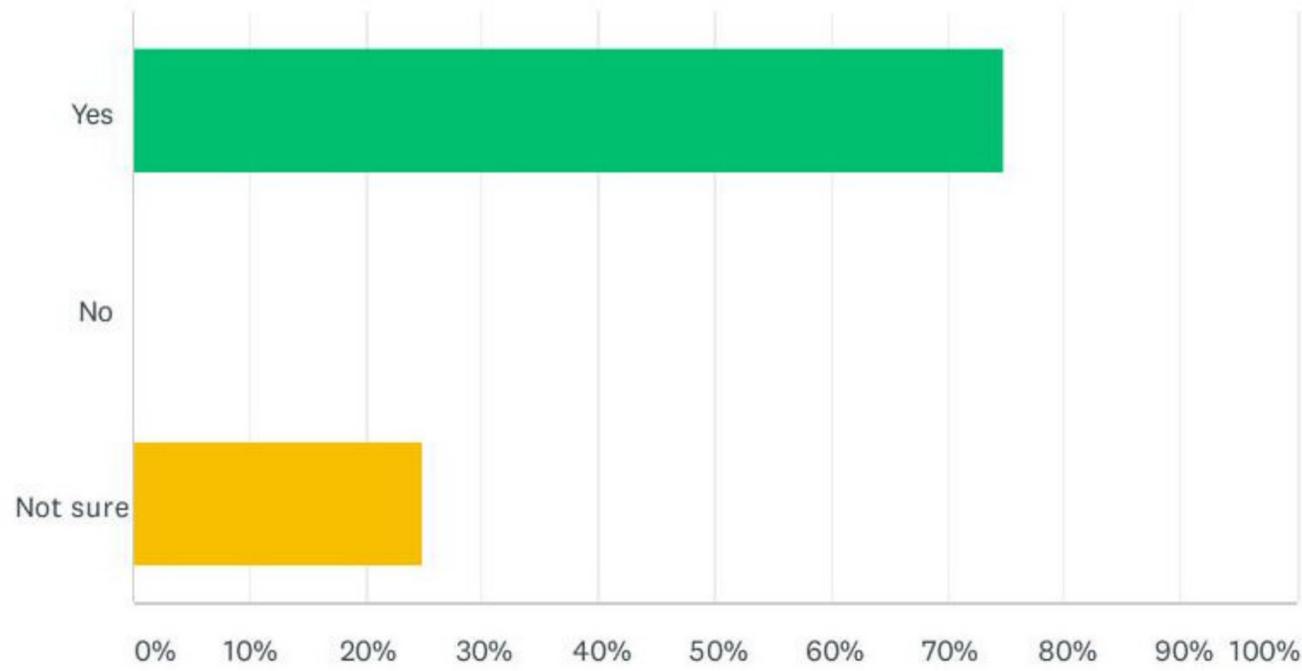


ANSWER CHOICES	RESPONSES
Yes	75.00% 3
No	0.00% 0
Not sure	25.00% 1
TOTAL	4

#	PLEASE TELL US WHY.	DATE
1	No allways have the committee to oversee	2/13/2021 2:10 PM

Q22 Do you agree with the proposal NOT to change the current approach to enforcement?

Answered: 4 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	75.00%	3
No	0.00%	0
Not sure	25.00%	1
TOTAL		4

#	PLEASE TELL US WHY.	DATE
	There are no responses.	

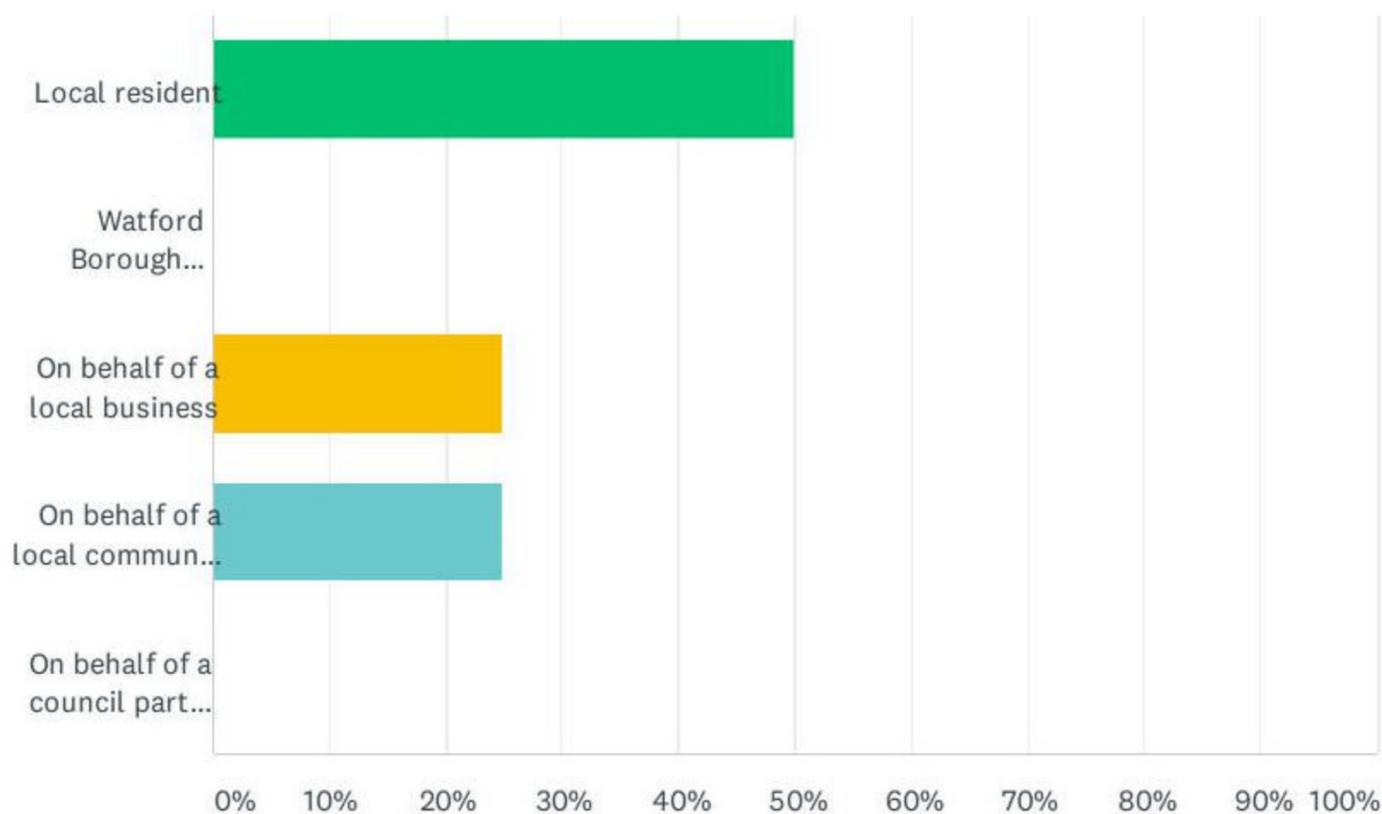
Q23 Please tell us any other comments on our policy

Answered: 2 Skipped: 5

#	RESPONSES	DATE
1	There is a part where there is mention of abuse of premises staff and dps . It specifically mentions homophobia obviously this needs to be rewritten to embrace the whole abuse including trans phobia . With the rise in alcohol consumption and how people see it as right rather than a privilege, licenced staff need more protection . At some stage a simple process to be able to stop problem drinkers accessing alcohol needs to be put in place. If nothing else for their own sake. Think about the brick wall Park Av and Whipendale rd . ! Almost impossible to pass that area and not to see 3-6 folk and a serious amount of alcohol around them	2/13/2021 2:19 PM
2	The only comment would be that consideration could be given to encouraging vendors to promote responsible discarding of rubbish by consumers. Takeaway food wrapping and cans in particular are often discarded on streets and in people's gardens.	2/11/2021 9:13 AM

Q24 Please tell us in what capacity you are answering this survey

Answered: 4 Skipped: 3



ANSWER CHOICES	RESPONSES	
Local resident	50.00%	2
Watford Borough councillor	0.00%	0
On behalf of a local business	25.00%	1
On behalf of a local community group or organisation	25.00%	1
On behalf of a council partner / stakeholder	0.00%	0
TOTAL		4

APPENDIX 4

From: Dennis Brown
Sent: 12 February 2021 12:50
To: Austen Young
Cc: Oxhey Conservative Club
Subject: Licensing Policy - Comments on consultative documents - Message 2

Dear Austen

I have now read through all the links referred to in your letter of 19th January particularly www.watford.gov.uk/slpconsultation and compliment you on all the work gone into these documents. The policy has obviously been researched thoroughly and, at first sight, it seems, that what is proposed is a maintenance or toughening of the restrictions in the Town Centre and continuing as before with licensed premises on the periphery.

In principle, that all seems to make good sense to us and I assume that we, in the Oxhey Conservative Club, operating under our Premises Certificate, will be allowed to carry on much as before. If that is not the case, please let me know.

I have not filled in the lengthy questionnaire from the Company going under the name Survey Monkey because there is not a lot I can usefully add.

Regards Dennis Brown,

Secretary, Oxhey Conservative Club

Sent: 07 February 2021 15:47
To: Licensing (Watford)
Subject: Licensing Act 2003 Statement of Licensing Policy

Dear All,

I am writing you with regards of the letter I received home about : Licensing Act 2003 Statement of Licensing Policy

I have been living on Watford High Street for 5 years now and I can tell you what I would like the Council do add to the Licensing Act:

1. Creating a Designated Place for the Entertainment (singing, preaching , dacing) inside the Shopping Mall area and Banning any of the Entertainment mentioned above on the street.

For the past 5 years my partner and I have been calling the Police and the Enviornment Team to pick up people from the street that was singing very loudly, preacing and dacing right near our window, during our resting time, during weekends and moslty during NATIONAL LOCK DOWN.This is what the Council thinks to be ESSENTIAL DURING LOCIK DOWN???

As Nurses we work very heavy shifts: 12hr/day or Night and the Council HAS ABSOLUTELY NEVER HELPED whenever we called or emailed to them.

Maine High Street as an area per se is usually noisy, but it's manageble if we consider not having all that Entertainment noise added to it.

We do not want people not to have these things as we understand the need for fun and socialising.

What we would like as I mentioned priorly, is for them to have a DESIGNATED place that is not on Main High Street, but somewhere where the noise can be compact and lowered.

2. When the bars are opened the people that get drunk come and VOMIT UNDER OUR WINDOWS, on the little alley named PALACE VIEW. THAT IS ABSOLUTELY DISGUSTING!!!! They also buy, sell and inject drugs right under our window, such as heroine and weed. That was a daily routine when the bars where opened.The are no surveilance cameras nowhere on this alley. No there is any sort of Police Patrol. If there were one would be amased of the things one will see. This is the DRUGS& VOMIT alley!!!

3.The TAKE AWAY MOTORBYKERS are PARKING ON THE PALACE VIEW ALLEY , at all times during the day . It's a non stop ROLLING OF WHEELS !!. They have designated parking spaces right behind Starbucks, but they still park and drive on the alley, that is created for WALKING ONLY, not caring if they might hurt someone with their motorbikes!! As there is no Patrol to have them removed from there, they have made the ALLEY a MOTORWAY for their use and they don't care if the noise the make while they accelarate , is bothering THE TENANTS living in the area.

I know for sure that none of this will be taken in consideration as this takes initiative and the Council has None.

It is my duty though to make the Council aware for (1000 time this year) of these issues, as maybe so something will be DONE!!!!

Thank you!

A High Street Resident

Click [here](#) to report this email as spam.



**WATFORD
BOROUGH
COUNCIL**

Equality Impact Analysis

Title of policy, function or service	Licensing Act 2003 Statement of Licensing Policy 2018-2023 (revised April 2021)
Lead officer	Head of Community Protection
Person completing the EIA	Austen Young
Type of policy, function or service:	Existing (reviewed) <input type="checkbox"/> New/Proposed <input checked="" type="checkbox"/>
Version & Date	V2 February 2021

1. Background

Statement of Licensing Policy under the Licensing Act 2003

Under the Licensing Act 2003, Watford Borough Council, in its role as licensing authority, is required to determine and publish a Statement of Licensing Policy (“policy”) every 5 years. The current policy, which was approved in 2018, is due to expire on 19 November 2023. The policy sets out the council’s approach to processing and determining applications submitted under the Licensing Act 2003.

The purpose of the policy is to ensure that all licence applications received are treated fairly and in a consistent manner, provide advice and information for all about how the council will enforce, administer and make decisions under the Licensing Act 2003 and support licensable activities for the wider benefit of the community. The council must have regard to the licensing objectives as set out in the Licensing Act 2003, which are;

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

The policy is being reviewed due to the addition of a cumulative impact assessment, which proposes a revision to the council’s cumulative impact policy.

The Licensing Act 2003 requires that each application is considered on its own merits. It does not permit certain groups or applicants to be treated differently, and all applications are to be processed in the same manner. Licence applications can be submitted by individuals aged 18 or older, statutory bodies, non-commercial organisations and commercial companies. Objections against licence applications can be made submitted by any person or one or more of the prescribed responsible authorities.

The policy specifically mentions, on page 44, that the licensing authority must implement the policy in a manner which is consistent with equalities legislation.

A draft policy was sent out for consultation between 18 January and 14 February 2021. The Licensing Act 2003 prescribes the groups who need to be consulted.

2. Focus of the Equality Impact Analysis

The policy determines the council’s approach to processing and determining applications made under the Licensing Act 2003. This EIA, therefore, considers the potential equality related impacts, both positive and negative of the policy on the people in the groups or with the characteristics protected in the Equalities Act 2010.

These are:

1. Age
2. Disability
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership.

3. Engagement and consultation

The consultation on the policy took place between 18 January and 14 February 2021, during which time we consulted:

- the statutory responsible authorities
- relevant council departments (Parks, Open Spaces & Projects, Economic Development)
- Watford BID
- all premises licence and club premises certificate holders
- 543 residents within the town centre
- 21 residents' associations within the Borough

All parties were offered the option to contact us should they have any queries or should they require a hard copy of the documents.

The consultation was advertised on our website during this time, with people invited to participate in a survey on the proposed changes. We also advertised the consultation through a press release in the Watford Observer on 30 January 2021.

The survey asked questions on the proposed policy and allowed parties to submit their own comments. We advised that while we will prefer responses to be submitted through the online survey or by email, we would accept any comments in writing.

4. What we know about the Watford population

Population

The current population of Watford is 96,600 (ONS mid-2019 estimate). This was slightly less than estimated in 2018 (96,800 rounded). The slowing of population growth across the UK (marked by a fall in Watford) is attributed to the lowest number of births for 14 years alongside an increase in emigration and a fall in international immigration.

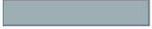
Watford's population is currently projected to increase to 105,000 by 2025 and 110,300 by 2035, a rise from 2016 of 14.2%. This growth will be a challenge for Watford, given our tight borough boundaries and is recognised within the Council Plan, shaping a number of our commitments and areas for action in the Delivery Plan.

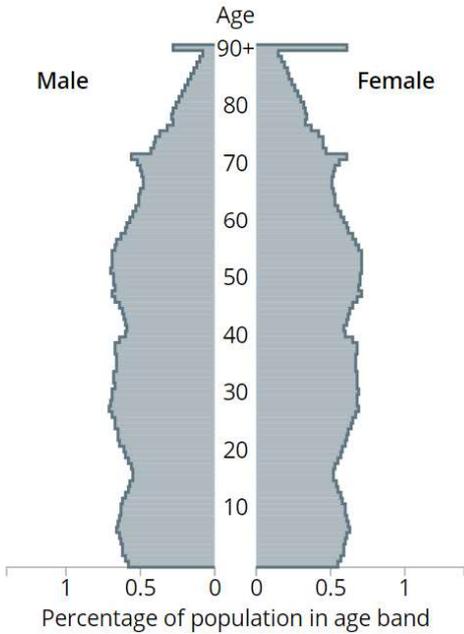
The graphs below show a comparison between the sex and age profile of England's population with that of Watford. (ONS 2018).

ENGLAND

55,977,178 people in 2018

All ages

27,667,942 males 49.4% 
28,309,236 females 50.6% 

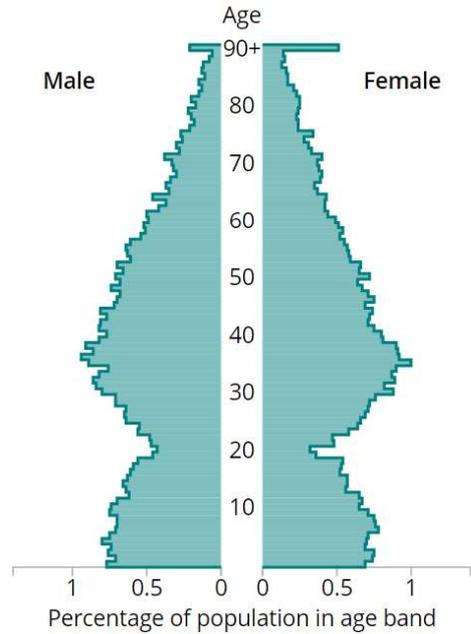


WATFORD

96,767 people in 2018

All ages

48,011 males 49.6% 
48,756 females 50.4% 



Overall, this comparison shows that Watford is a relatively young town. This is particularly the case in the 0 to 19 age range where 26.5% of the population are between those ages, compared with 23.6% nationally. Similarly the 30 to 49 cohort accounts for a significantly higher proportion of the Watford population at 32.1%, compared to 26.1% nationally. This means that we are a town which is popular with families and, whilst we are a town for all, we recognise that our plans need to reflect our large number of young people and families.

Population density

The population density for Watford is circa 4,600 people per square kilometre. This makes it the most densely populated district area in Hertfordshire and in the country (432 per square kilometre). This is a reflection that we are an urban district, with many characteristics of a metropolitan borough. In comparison with many metropolitan boroughs, particularly those in and around the outskirts of London, our density is relatively low.

Ward level populations (mid-year 2019 estimates)

The ONS publishes experimental data on ward level populations. The last release date was for mid-year 2019. This showed Central ward had the highest population (9,556) and Tudor the lowest (6,713). Further analysis shows that Nascot ward had a significantly higher number of elderly residents than other wards in Watford, whilst Central a significantly higher number of under 20s.

Ward	Mid-year 2018
Callowland	7,943

Ward	Mid-year 2018
Oxhey	6,800

Central	9,556
Holywell	8,748
Leggatts	7,697
Meriden	7,876
Nascot	8,774

Park	8,698
Stanborough	7,395
Tudor	6,713
Vicarage	8,723
Woodside	7,678

ONS experimental data ([Ward Level Mid-Year Population Estimates \(experimental\), Mid-2019](#))

Households

Number of households

The ONS data, based on the census, says that there were 36,681 households in Watford at the time of the Census; as of 31 May 2020 the figure was 40,275 (council tax base).

The average household size in Watford is currently 2.45. This is currently average for the region. Nationally, there is downward trend in household size projected over the next 20 years. The Watford average household size is envisaged to drop to 2.33 person household in 2039, which this is larger than that projected for the English average (2.21 in 2039) and the Hertfordshire average (2.29 in 2039). These projections have implications for Watford in terms of development and growth.

Household size

The 2014 projections estimate that, between 2014 and 2039:

- Watford's average household size will decrease from 2.45 to 2.33
- Hertfordshire's average household size will decrease from 2.42 to 2.29
- England's average household size will decrease from 2.35 to 2.21

Household Composition

From the 2016 projections, one person households see the biggest increase in household growth in Watford, representing 44% of the total household growth.

However, households with dependent children see the next biggest rise, with 35% of household growth; couples with other adults make up 9%; other (multi-person adult) households make up 7% and couple households (without children or other adults) make up the remaining 6% of all estimated growth.

Ethnicity

Watford has a very diverse population, more so than the rest of Hertfordshire; it is one of the strengths of our town and what makes us such a vibrant and diverse town.

For Watford, the Census 2011 shows the following main breakdown in terms of ethnicity: White British (61.9%), White other (7.7%), Pakistani (6.7%), British Indian (5.5%), British other Asian (4.4%) and African (3.5%), White Irish (2.3%) and Caribbean (1.7%).

The full breakdown from Census 2011 is at Appendix A.

In 2016, the ONS published population estimates by ethnicity. This did not report ethnicities to the level of granularity that the Census reported ethnicity. The estimates for 2016 were: White British (59% - 57,000 residents), Asian / Asian British (19% - 19,000 residents), All Other White (12% - 12,000 residents), Black / African / Caribbean / Black British (4% - 4,000 residents), Mixed / Multiple Ethnic Group (4% - 4,000 residents) and Other Ethnic Group (1% - 1,000 residents).

National insurance registration: Census information is now nearly 10 years old and it is likely that the ethnic profile of the borough has changed during this time. For example, it would not have captured the more recent EU arrivals to the borough (EU2 countries – Romania and Bulgaria, who were given residency rights in 2014).

We know from other data such as National Insurance Registration that Watford has experienced a relatively high increase in nationals from the EU2 countries applying for National Insurance registrations as Watford residents. This follows a period of a high number from EU8 countries (including Poland, Latvia, Lithuania) who were given freedom of movement to the UK from 2004. Throughout the period the arrival of new residents from south Asia (e.g. Pakistan / India) has remained relatively constant.

The National Insurance Registrations year to September 2020 shows there were 1,258 registrations in Watford, of which 608 were from the EU, 331 were from Romania and Bulgaria, 342 from South Asia and 211 from Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden. 90 came from sub Saharan Africa and 22 from North Africa.

Language spoken at home: Other data sources, including school language survey on the languages spoken by Watford school children at home, endorse the National Insurance findings that Watford remains a town with a diverse community with English still the predominant language (at around 60%) followed by (in order of self-selection by Watford families): Urdu, Polish, Tamil, Romanian, Gujarati, Punjabi, Gujarati and Hindi. The most selected African language spoken is Arabic (113 families – although not spoken exclusively in Africa) and Akan/Twi-Fante (78 families).

Births and origin of parents: In 2018, nearly 60% (59.6%) of children born to Watford based parents, had one or both parents born outside of the UK, with 42% having both parents born outside of the UK. 52% of new mothers in Watford were born outside of the UK (1397 births in total, with 667 to mothers born in the UK and 730 born outside of the UK. Of these 257 mothers were born in the 'new' EU countries – those that had joined since 2004) and 252 in the Middle East and Asia. 88 mothers were born in Africa.

EU Settlement Scheme (EUSS) quarterly statistics (28 August 2018 to 31 March 2020) – experimental data: In May 2020, the Government issued data on the number of applications made to the EUSS from 28 August 2018 to 31 March 2020, and applications concluded during the same time period. This shows that up to March 2020, 11,630 people in Watford had applied for EUSS. Of these the following were the highest number of nationalities who had applied: Romanian (3,530), Polish (1,810), Portuguese (1,020) and Bulgarian (580).

Age

The largest populations by age band in Watford are:

- 35-39 years (8,537)
- 30-34 years (7,921)
- 40-44 years (7,458)
- 5-9 years (7,027)

Compared with other districts in Hertfordshire, Watford has fewer 65+ years residents. The age profile of the borough is more comparable with cities who have younger age profiles and where younger people are attracted by lifestyle opportunities, affordable housing and good transport links.

Median age: the median age in Watford is 37 years. This compares to 40 for England (mid-year 2019 population estimates)

Disability / Health

Around 85% of the population of Watford state that they have 'good health' and just under 14% record a disability. We do not have details as to what these disabilities are but they will include a wide range of physical and mental health disabilities or impairment (Census 2011).

The 2019 NHS Health Profile's summary conclusion is that the health of people in Watford is 'varied' compared with the England average. About 12% (2,300) of children live in low income families – this is an improvement on 2016 (14% / 2,700). Life expectancy for men at 65 is similar to the England average but for women it is significantly worse (2016-18).

The profile also shows that Watford is below average for a number of important health indicators, which may have had some impact on the town's rate of deaths from COVID-19. These include: residents eating the recommended 5 a day portions of fruit and vegetables, over-18s who are obese and physically active adults. All reported cancer screenings were below average for Watford and emergency admissions for falls from the age of 65 plus were worse than for the England average.

Religion / belief

The religious breakdown in the Census 2011 of the main religions in Watford was: Christian (54.1%), Muslim (9.8%), Hindu (4.8%), with no religion stated at 21.4%.

In 2016, the ONS published population estimates by religion. This took an estimated population of 94,000 for Watford and the main religions identified through the estimates were: Christian (53%), Muslim (10%), Hindu (9%) with no religion at 26%.

Sexual orientation / Transgender

Watford has no specific data on the transgender community within the borough or for the sexual orientation of its community. It is anticipated that these questions will be asked in the Census 2021.

Education and skills

A skilled workforce supports the economic development and employment aspirations for Watford. There has been a mostly increasing trend in educational attainment in Watford over the last few years. Watford's working age population has the fourth highest percentage (44.4%) in Hertfordshire of those with qualifications at NVQ 4 and above (Three Rivers is the highest with 63.5%, St Albans the second highest at 58.5% and East Herts third highest with 45.7%); this is close to the Hertfordshire average of 42% average but higher than the Great Britain average of 40.3%.

83.7% of Watford residents have achieved 5 A*-C or equivalent. This is the better than the England average of 75.6 (Jan – Dec 2019)

Homelessness

Whilst this is not a protected characteristic under the Equality Act 2010, the council recognises that the particular circumstances of people without their own home might be a factor in their taking an active role in our community. We currently have 27 statutory homeless (September 2020) and 95 households in temporary accommodation (September 2020).

Deprivation

The English Indices of Deprivation (IoD) 2019 were published by the Government in September 2019, and updates the previous 2015 Indices, published in September 2015. The Indices of Deprivation measure relative levels of deprivation in 32,844 small areas or neighbourhoods, called Lower-layer Super Output Areas, in England

The IoD2019 is based on 39 separate indicators, organised across seven distinct domains of deprivation which are combined and weighted to calculate the Index of Multiple Deprivation 2019

In the IMD 2019, Watford is ranked 195 out of 317 authorities, putting it in the 7th decile nationally. This means that, overall, Watford is less deprived than half the authorities in England.

Watford is the third most deprived authority in Hertfordshire. (Stevenage and Broxbourne are the most deprived.) However, three Hertfordshire authorities are among the 10% least deprived authorities in England (Three Rivers, East Herts and St Albans).

Overall, Watford is not an area with significant deprivation issues and the majority of the LSOAs within the town are in the bottom 50% of LSOAs nationally for deprivation; the borough's position has improved relative to that of 2015.

The combined deprivation index, which weights income and employment more heavily than the other domains, obscures the more deprived areas in Watford, which are affected by crime, living environment deprivation, health and disability, and education, skills and training deprivation in particular. This is, at least in part, because income and employment deprivation are less of an issue for Watford than for other areas.

The ten most deprived LSOAs in Watford, as ranked in the IMD 2019 are as follows (the ranking for the last IMD data in 2015 is shown in brackets in the first column). Deprivation has also been identified as an indicator for poorer COVID-19 outcomes so understanding our areas of deprivation, particularly if we apply greater granularity around health and income deprivation. The LSOA, which contains some of Whippendell Road, Chester Road and Durban Road West is within the second most deprived health and disability quartile does not feature in the top 10 most deprived LSOAs.

Watford rank	Ward	LSOA code	Hertfordshire		England	
			Rank	Decile in Herts (1st = most deprived)	Rank	Decile (1st = most deprived)
1 (1)	Central (Water Lane, Gladstone Road, Grosvenor Road, part of Radlett Road, Brockleberry Close, Raphael Drive, top part of Queens Road)	E01023860 (009B)	5 (5)	1st (1st)	5055 (5005)	2nd (2nd)
2 (3)	Holywell (Caractacus Green, part of Charlock Way, Moor View, Jellicoe Road, Stripling Way, Rose Gardens)	E01023865 (011C)	21 (22)	1st (1st)	7239 (7800)	3rd (3rd)
3 (2)	Meriden (Garsmouth Way, Aldbury Close, Harvest End, part of York Way)	E01023876 (003D)	26(19)	1st (1st)	7924 (7590)	3rd (3rd)
4 (4)	Holywell (Ascot Road, Greenhill Crescent, Caxton Way, Croxley View)	E01023866 (011D)	27 (30)	1st (1st)	8294 (9203)	3rd (3rd)
5 (7)	Woodside (Haines Way, Queenswood Crescent, Sheriff Way, Nottingham Close)	E01023906 (001C)	61 (41)	1st (1st)	10719 (10062)	4th (4th)
6 (10)	Oxhey (Deacons Hill, Blackwell Drive, Riverside Road, Eastbury Road, Thorpe Crescent)	E01023883 (012B)	62 (49)	1st (1st)	10758 (10710)	4th (4th)
7 (13)	Callowland (Maude Crescent, St George's Road, Breakspere Close, Nicholas Close)	E01023857 (006C)	67 (56)	1st (1st)	10894 (10812)	4th (4th)
8 (9)	Meriden (Gaddesden Crescent, Bovingdon Crescent, Garston Lane)	E01023877 (003E)	73 (75)	2nd (2nd)	11225 (11837)	4th (4th)
9 (12)	Leggatts (The Harebreaks, Chestnut Walk, Foxhill, Brushrise, Elm Grove)	E01023870 (004C)	78 (52)	2nd (1st)	11515 (10734)	4th (4th)
10 (5)	Stanborough (Clarke Way, Rushton Avenue, Orbital Crescent, Harris Road)	E01023891 (002B)	92 (31)	1st (1st)	11970 (9377)	4th (3rd)

MOSAIC profile

Our MOSAIC profiling of the borough enhances our understanding of our population and provides valuable context for our decision-making as well as underpinning our communications and engagement. It confirms we are a young and diverse borough.

Old Code	Type Code	Type Label	Type Description	2020 Households	2017 Households	2020 Watford %	2017 Watford %	Difference	Trend	2017 Rank
J40	O61	Career Builders	Professional singles and couples in their 20s and 30s progressing in their field of work from commutable properties	5257	4045	13.3%	12.5%	0.8%	▲	1
D14	G26	Cafés and Catchments	Affluent families with growing children living in upmarket housing in city environs	3660	2499	9.2%	7.7%	1.5%	▲	3
I36	N58	Culture & Comfort	Thriving families with good incomes in diverse suburbs	3575	3321	9.0%	10.3%	-1.3%	▼	2
J44	O63	Flexible Workforce	Successful young renters ready to move to follow worthwhile incomes from service sector jobs	2927	1954	7.4%	6.0%	1.4%	▲	6
M56	I36	Solid Economy	Stable families with children, renting higher value homes from social landlords	2701	2172	6.8%	6.7%	0.1%	▲	5
I37	N57	Community Elders	Established older households owning city homes in diverse neighbourhoods	2574	1128	6.5%	3.5%	3.0%	▲	9
H35	H30	Primary Ambitions	Families with school-age children, who have bought the best house they can afford within popular neighbourhoods	2434	1550	6.1%	4.8%	1.3%	▲	7
D17	G27	Thriving Independence	Well-qualified older singles with incomes from successful professional careers in good quality housing	1949	2422	4.9%	7.5%	-2.6%	▼	4
I39	N60	Ageing Access	Older residents owning small inner suburban properties with good access to amenities	1731	1099	4.4%	3.4%	1.0%	▲	10
B08	B05	Premium Fortunes	Asset-rich families with substantial income, established in distinctive, expansive homes in wealthy enclaves	1448	1237	3.6%	3.8%	-0.2%	▼	8
Total (Top 10)				28,256	21,427					
Total Households in Watford				39,675	32,370					

Watford's MOSAIC profile (2020)

Key issues identified from our borough profile:

- A young population with a higher proportion of those under 50, which, given the higher proportion of under 20s indicates Watford is a town with a high number of families
- A growing population where there will be more smaller households but where there will still be a need for family homes
- A very diverse population and a town that continues to attract people from across the globe and with a high proportion of BAME residents
- Some underlying health related issues, particularly around preventative health measures and healthy living
- Areas where residents are experiencing less positive outcomes – often as a result of multiple issues but which could be impacting on life chances and opportunities

5. How will the council ensure equality is promoted through the Statement of Licensing Policy

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the Statement of Licensing Policy:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

The council is not in a position where it can proactively affect the profile of licence holders, or objectors against licence applications, but the policy and our experience in processing applications and objections ensures that the process of obtaining a licence is fair and free of discrimination and we can evidence this as follows:

- Although not specifically mentioned in the policy, we are mindful of people's ability to understand hearings and meetings if English isn't their first language, and have services such as Language Line available as a council, or allow people to be supported or represented to assist them. We have had two hearings so far this year where this has been the case, and in one case we arranged for the decision to be translated
- We have a number of licence holders from different nationalities which is evidence that there is no existing barrier, and we not proposing to add any in
- The law requires objections and applications to be in writing, but doesn't prevent other people from representing them or acting on their behalf for whatever reason, so they can be assisted if they want to be – we confirm this in our correspondence when consulting on applications and again can evidence where this has been put into place.
- The law allows applications to be submitted online or by post, and we do still receive handwritten applications and objections, so there are options for people who are confident with computers and those who are not.
- Our documents and policies are available on our website, which can be viewed through Browsealoud, and are available upon request.
- The only barriers to applying or objecting to a licence are those set out in the legislation – we can't accept an application from any person under the age of 18, can't accept applications or objections not made in writing, can only process applications which are valid under the law (submitted with completed forms, plans, the correct fee, advertised as required etc)

The policy informs prospective applicants what is expected of them and what specific areas a licensing sub-committee will take into account when determining an application. The policy also informs objectors how their objections will be considered, and again these must be considered in a fair manner, against legal requirements, and free of discrimination.

Responses were received during the consultation period, and our responses to those comments have been analysed and summarised in the report to the Licensing Committee which will consider them on 8 March 2021.

Comments were received during the consultation exercise that highlighted that we specifically only mentioned homophobic attacks as an aggravating factor to consider for licence reviews, and didn't specifically cover any other protected characteristic. As a result of this feedback, we have amended the policy for clarity to state that discrimination, harassment, or victimisation of any people or community with protected characteristics shall be deemed to be an aggravating factor.

It must be noted that the sub-committee may depart from policy when determining an application, although such departures should be explained with detailed reasons upon the conclusion of the hearing.

In the policy, no particular group is given priority over another in relation to implementation of the policy and how any applicant is dealt with. The Act requires that each application is to be assessed on its individual merits, so all groups should be treated equally. All applicants are required to comply with all of the relevant legislation. In general, it is felt that the policy has a positive effect on all people who live, work or socialise in Watford.

6. Overall conclusion

On consideration, the overall conclusion of the EIA is that there is no negative impact on any specific characteristic or group as a result of this Policy has been identified.

This EIA has been approved by:

Kathryn Robson Date 02/03/2021

Appendix A:

Census 2011: Watford Borough ethnicity data

	WATFORD 2011
White: English/Welsh/Scottish/Northern Irish/British	61.9% (55,875)
White Irish	2.3% (2,063)
White: Gypsy or Irish Traveller	0.1% (61)
White: Other White	7.7% (6,947)
Mixed/multiple ethnic group: White and Black Caribbean	1.1% (990)
Mixed/multiple ethnic group: White and Black African	0.5% (412)
Mixed/multiple ethnic group: White and Asian	1.0% (939)
Mixed/multiple ethnic group: Other Mixed	0.8% (763)
Asian/Asian British: Indian	5.5% (4,923)
Asian/Asian British: Pakistani	6.7% (6,082)
Asian/Asian British: Bangladeshi	0.4% (362)
Asian/Asian British: Chinese	0.9% (822)
Asian/Asian British: Other Asian	4.4% (3,981)
Black/African/Caribbean/Black British: African	3.5% (3,142)
Black/African/Caribbean/Black British: Caribbean	1.7% (1,558)
Black/African/Caribbean/Black British: Other Black	0.6% (529)
Other ethnic group: Arab	0.3% (294)
Other ethnic group: Any other ethnic group	0.6% (558)

PART A

Report to: Licensing Committee
Date of meeting: 8 March 2021
Report of: Business Compliance Officer
Title: Report on the Hackney Carriage and Private Hire Policy 2021-2026

1.0 **Summary**

- 1.1 This report concerns the consideration for adoption of a new Hackney Carriage and Private Hire Policy. Changes to existing policies are necessitated by the publication in July 2020 of the Department for Transport Statutory Taxi and Private Hire Standards.
- 1.2 The council has a number of existing policies covering drivers, vehicles, operators and suitability. The proposed policy brings these together in to one document as recommended by the standards.
- 1.3 Where a change has been made to current policies, whether by way of addition or removal of a requirement, the relevant section of the new policy has been included in the body of this report along with reference to the relevant section of the Standards.
- 1.4 Members are asked to consider this report and the new policy and to decide on whether or not they wish to adopt the policy.

2.0 Risks

2.1

Nature of Risk	Consequence	Suggested Control Measures	Response (Treat, tolerate, terminate, transfer)	Risk Rating (the combination of severity and likelihood)
Not implementing all new standards	Challenge to future decisions and risk that the council is seen to be doing all it can to safeguard passengers and drivers	Apply all options contained in the report	Treat	High
Implementing some standards	Risk of future issues where it may be necessary for the authority to explain the reasoning behind not implementing all of the recommended standards	Provide full reasoning for not implementing all standards offering alternatives where appropriate.	Treat	High
Legal challenge from incorrect decision	Negative perception of council and its licensing functions, and challenge through the Courts	Ensure that any proposed policy is subject to thorough public consultation and considered again by the committee before any proposed changes are adopted.	Treat	2

3.0 Recommendations

- 3.1 That the committee approve The Hackney Carriage and Private Hire Licensing Policy 2021 - 2026 as found at Appendix 1.
- 3.2 For further information on this report please contact:
Jamie Mackenzie, Business Compliance Officer
Telephone extension: Extension 8520
email: jamie.mackenzie@watford.gov.uk

Report approved by: Justine Hoy, Head of Community Protection

4.0 Introduction, Background and Principals

- 4.1 The Department for Transport Statutory Taxi and Private Hire Standards were published on 21 July 2020. A colour coded copy of the Standards is attached at Appendix 2. These have been colour coded by officers and the key to the coding is at section 6.2 of this report.
- 4.2 The Standards cover a wide range of issues, including driver, vehicle and operator standards. This report will not repeat the details of the information contained within the introduction to the Standards (particularly sections 1 and 3) which give good background on the reasons for the publication of the standards.
- 4.3 It is important to note that it remains the decision of the Council as to whether or not the entirety of these standards should be implemented. Section 2 of the standards gives some detail of the legal framework under which the Standards are published and the effect this has in terms of the Council's decision. Members' attention is drawn particularly to sections 2.5 to 2.9 and the definitions covering the term 'must have regard'.
- 4.4 Members should note that in Section 2.8 of the Standards it is stated:

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).*

(Sections highlighted in bold type are highlighted in the Standards, not by the author of this report).

It is suggested that this report forms the first of the considerations required.

4.5 At Section 1.3 the Standards say:

*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.***

4.6 However, the manner in which the standards are written suggests that the manner in which some can be complied with is variable. For example, section 9.3 which covers driver awareness of the regulatory regime.

4.7 Setting the standards remains the decision of the Council and where good reason can be found to retain current policy and procedure, it remains possible for the Council to depart from these new Standards if it wishes to do so.

4.8 Following a full review of existing policies as outlined at Licensing Committee on 14 January 2021, a new policy was drafted, bringing together and amending a number of existing policies:

Vehicle Applications and conditions

Private Hire Operator Applications and conditions

Guidelines on the Grant, Suspension and Revocation of Hackney Carriage and Private Hire Driver Licences and Operator Licences
Driver Conditions

In addition, new policy sections cover:

Driver Application Process

5.0 Public Consultation

5.1 In accordance with the committee decision of 14 January 2021 a public consultation on the new drafted policy was undertaken between 18 January and 19 February 2021

Consultation was advertised on the Watford Borough Council website and all licence holders sent information as to how to access the consultation documents.

Audio versions of the consultation were created and hosted on the WBC website (from 04 February onward) in order to improve accessibility for all.

Links were posted on social media platforms and further consultation with licensing authorities, police, and charities was undertaken.

5.2 Full details of how to respond to the consultation were included in the audio files.

The results of the consultation are as follows:

There were 4 responses to the consultation.

One trade response supported the proposals. One trade response asked questions concerning the cost of DBS checks and access to training. These questions were answered in writing and the respondent indicated on the telephone that they had no further concerns or questions.

The Chair of Disability Watford responded and did not raise any specific concerns beyond accessibility for people with a disability. The Chair reiterated the importance of various types of vehicle being used to suit all types of disability, but also explained that DW members need a larger amount of wheelchair accessible vehicles overall as is the case in most large towns. All vehicles should have uniform signage and coloured livery

as they had in the past in Watford, and vehicles should have larger numbers placed on them than the existing ones to assist in vehicle and driver recognition. All measures must ensure access to booking transport is as accessible as possible and not limited to those who can use a smartphone or computer. The Chair raised the issue of talking taxi meters which was explored at the time of the last vehicle licence policy but not this one. On searching at the time of last vehicle licence policy in December 2019 it was not possible to obtain a working unit despite contacting companies claiming to have devices which would allow a meter to give an audio output for passengers in need of such assistance. The Chair of DW is correct to say that this research was not carried out on this occasion. Lastly, the Chair forwarded questions being asked about driver training in infection control, use of PPE and vaccines. These issues have not been directly addressed in this policy but Members will be aware that the council is currently offering free infection control training to all drivers as part of the Travel With Confidence scheme. They may wish to consider adding this topic to the mandatory training list.

The police responded to say they had no issues or comments to add concerning the proposals.

6.0 **The Taxi and Private Hire Licensing Policy**

6.1 In accordance with section 3.1 of the Standards one of the most significant changes has been made through the creation of a single licensing policy for taxi and private hire services. This brings together the existing independent policies and introduces clear written guidance on driver applications. The proposed policy can be found at Appendix 1.

7.0 **Current differences between the proposed policy and existing policies or procedures**

In order to assist Members in tracking changes to existing policy a copy of the new Standards was created with colour coding. This colour coded document was presented to the Committee in October and January and is attached to this report as Appendix 2. The table shows the status of current policies or procedures of the Council in comparison to the new proposed policy as follows:

Green	No change has been made to existing policies as we already comply, offer advice as suggested by the Standards and/or current standards are considered better for local requirements than those proposed.
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Yellow	Small amendments have been made to bring existing policy in line with the standards
Red	Requirements have been added to the policy to bring policy in line with the standards.
Purple	Requirement does not form part of the policy for applicants.
White	Is not a suggestion of policy within the Standards or is not considered a suitable addition to policy at this time.
Blue	For consideration as part of review of EH Compliance Policy

7.1 The Standards are intended as a minimum standard. Councils are free to apply higher standards where they see fit to do so. Therefore, in areas where the current policy or procedure was found to be equal to or of a higher standard than those proposed in the Standards, the requirement remained unchanged and was incorporated in to the new policy. All parts of the policy are based upon ensuring the safest service and in encouraging the most sustainable and accessible service.

7.2 A small number of sections in the Standards do not relate to policies for applicants and these are detailed at the end of the report. They do not relate to the proposed new policy.

8.0 **Yellow Areas – amendments to existing policy**

8.1 Yellow areas are those where some changes were necessary in order to bring policies or procedures which already exist fully in line with the new Standards. The following changes have been introduced to bring these sections in line. Changes are listed with relevant section of the Standards, the old policy that is amended by the change, and an explanation of the differences.

Change	Section(s) of Standards	The policy that is amended by the change	Difference
A requirement that all licences are subject to review where new standards are introduced	3.14	Driver Applications	This is something currently already done but it is not explicitly stated. Each case is on its merit and all applications are treated in this way. The change is therefore now written in the policy.
<i>Licence holders are 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.</i>	4.12	‘Guidelines on the Grant of Licences, etc’ Conditions attached to the grant of a private hire drivers licence	The current policy requires convictions to be notified within 28 days. There is a discrepancy between the current private hire driver licence condition which requires only ‘convictions’ to be notified and the wording of section 4.4 of the existing ‘Guidelines’ which lists the broader definition to include arrests, charges etc. This is rectified in the proposed policy at section 18.4.4 and the new proposed Private Hire driver licence conditions at condition 13.
Applicants who have been abroad for more than 3 months must provide a ‘certificate of good conduct’	4.34, 8.6	‘Guidelines on the Grant of Licences, etc’	This is currently set at 6 months.
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.	6.3	‘Guidelines on the Grant of Licences, etc’	This is current policy under the ‘fit and proper’ consideration but not something that is explicitly stated. It is now listed.
A licensing authority’s test of a driver’s proficiency should	6.15	Driver Applications	As part of our Driver Training Day candidates are expected to attend and to understand a

<p>cover both oral and written English language skills to achieve the objectives stated above.</p>			<p>detailed training session covering a range of topics. New applicants are subject to a written test but existing drivers are not.</p> <p>This requirement is now listed as part of the driver application procedure.</p> <p>Existing drivers to be subject to a written test following attendance at refresher training.</p>
<p>Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>8.2</p>	<p>Private Hire Operator Licence Application and conditions</p>	<p>We currently require a check on application (including where an applicant is a company, for all directors) but we do not do this annually. This has now been added to the proposed PHO licence conditions</p>
<p>Minimum record keeping requirements for Private Hire Operators:</p> <ul style="list-style-type: none"> • <i>the name of the passenger;</i> • <i>the time of the request;</i> • <i>the pick-up point;</i> • <i>the destination;</i> • <i>the name of the driver;</i> • <i>the driver's licence number;</i> • <i>the vehicle registration number of the vehicle;</i> • <i>the name of any individual that</i> 	<p>8.13</p>	<p>Private Hire Operator Licence Conditions</p>	<p>The list of records to be kept is currently:</p> <ul style="list-style-type: none"> (a) Place at which vehicle is to attend; (b) Date and time at which vehicle is to attend; (c) Destination; (d) Plate and registration numbers of vehicle; (e) Name of driver of vehicle.

<i>responded to the booking request;</i> • <i>the name of any individual that dispatched the vehicle.</i>			

9.0 Red Areas – New additions to policy

9.1 Red areas are those where new additions are made to the proposed policy. The following changes have been introduced to bring these sections in line. Changes are listed with relevant section of the Standards, the existing policy that is amended by the change, and a brief explanation of the requirement or impact of the change where necessary or relevant.

New Requirement	Section(s) of Standards	The policy that is amended by the change	Impact (where necessary)
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.	3.1	New	This should lead to a significant improvement in accessibility and understanding for applicants.
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.	4.14, 4.15, 4.16	'Guidelines on the Grant of Licences, etc'	We would currently notify relevant authorities but do not specify the DBS. Reporting will lead to improvement to public safety
To aid further the quality of the information available to all parties that have a safeguarding duty, a	4.19	'Guidelines on the Grant of Licences, etc'	We would currently notify relevant authorities but do not specify the police.

revocation or refusal on public safety grounds should also be advised to the police.			Reporting will lead to improvement to public safety
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.	6.2	Driver Applications	WBC require DBS checks to an enhanced standard. However, we do not currently require drivers to subscribe to the update service. This addition will increase safety and reduce the burden on drivers when re-licensing.
Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually for those holding or applying for a vehicle licence	7.2	Vehicle Licensing Conditions	Section 16.6.2 of the Policy had been added to introduce this check. It does not apply to those who are licensed as drivers or operators who have already been checked.
Applicants who have been abroad for more than 3 months must provide a 'certificate of good conduct'	7.6	Vehicle Licensing Conditions	This is the same updated requirement (reduced from 6 months to 3 months) as placed upon drivers and operators by virtue of section 18.19 - Fit and Proper – Guidelines on the Grant, Suspension and Revocation of Licences
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.	8.8, 8.10	Private Hire Operator Licence Conditions	Currently no requirement to provide the details of staff working in the office.

Operators must evidence that they have conducted sufficient checks of any other companies to which they sub-contract bookings to make sure systems are in place to protect customers, particularly children and vulnerable adults	8.11	Private Hire Operator Licence Conditions	Currently no requirement
Operators must supply any policy on the employment of ex-offenders	8.12	Private Hire Operator Licence Conditions	Currently no requirement
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.	8.16, 8.17	Private Hire Operator Licence Conditions	This is not an issue that has arisen in Watford.

10.0 Errors identified and corrected in draft

- 10.1 In section 16, Vehicle Licensing, a section of the Equality Act 2010 was incorrectly listed as section 187. This should have been section 167 and this was corrected on 1 February and the document online updated.

A small number of direct web-links were removed to prevent the links becoming obsolete and causing confusion.

11 Implications

11.1 Financial

11.1.1 The Shared Director of Finance comments that any changes can be contained within existing budgets.

11.2 Legal Issues (Monitoring Officer)

11.2.1 The Group Head of Democracy and Governance comments the legal implications are contained within the report and appendices

11.3 Equality Impact Assessment

11.3.1 An impact assessment on the proposed policy has been undertaken and can be found at appendix 3

Appendices

Appendix 1- Taxi and Private Hire Licensing Policy 2021-2026 (draft)

Appendix 2- Colour Coded Department for Transport Statutory Taxi and Private Hire Vehicle Standards

Appendix 3 – Equality Impact Assessment

Background Papers

Guidelines on the Grant, Suspension and Revocations of Hackney Carriage and Private Hire Driver Licences and Operator Licences, 2016 - 2021

Private Hire Operator Conditions (2017)

Vehicle Licensing Policy 2019 – 2024



WATFORD BOROUGH COUNCIL

Hackney Carriage and Private Hire Licensing Policy 2021 – 2026

Definitions

For the purpose of this policy:

Appeal - A review of our decision. Appeal is to the Magistrates' Court or the Crown Court. The Courts may uphold our decision (agree with the Local Authority), or overturn it (agree with you).

Authorised officer/Licensing Officer - means any officer within the Council authorised by the Council's scheme of delegations as set out in the Council's Constitution.

Basic Disclosure - A certificate detailing the result of a criminal record check. The certificate contains any convictions or cautions that are unspent.

Borough - The area covered by Watford Borough Council

Data Protection Legislation - The GDPR and The Data Protection Act 2018 which regulates how your personal information is used by organisations, businesses or the government

DfT - Department for Transport

Disclosure and Barring Service Certificate - A certificate detailing the result of an enhanced criminal record check, also known as an Enhanced DBS Check. The certificate details any cautions, warnings, reprimands or convictions on an individual's criminal history and if relevant, can also check against the children and/or adults barred lists.

Driver - A person licensed by a local licensing authority to drive a licensed vehicle.

DVLA - Driver and Vehicle Licensing Agency

DVLA licence - means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency

EWVTA - European Whole Vehicle Type Approval

Guidance - The guidance issued by the Department for Transport on 2 March 2010: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Hackney Carriage - A vehicle that can carry passengers for hire or reward. The vehicle can be hailed by its passenger from the street; can park on a rank while waiting for its passenger; is available for immediate hire. Also known as a taxi.

Hirer - shall mean any person or persons who from time-to-time hires or books the vehicle.

Internal Combustion Engine (ICE) - A traditionally powered car engine running on petrol or diesel or another combustible fuel

Information Commissioner - the Information Commissioner's Office is responsible for regulating compliance with Data Protection Legislation, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Inspecting Officer – an officer responsible for conducting the inspection of a licensed vehicle or operator base.

Investigating Officer – The officer or officers tasked with investigating a licensing matter

IVA - Individual Vehicle Approval (may be Statutory or Voluntary)

Licensee - shall mean the person(s) named in the licence.

MOT - Ministry of Transport – annual motor vehicle inspection

NSSTA - National Small Scale Type Approval

Police National Computer - The Police National Computer (PNC) is a system that stores and shares criminal records information across the UK.

Private Hire Operator - Person or entity which makes provision for the offer and acceptance of private hire services. Also known as a minicab office or firm.

Private Hire Vehicle - A vehicle that can carry passengers by prior arrangement only through a licensed private hire operator. This type of vehicle cannot stand on a rank, or give the impression that it is available for immediate hire. Also known as a minicab. Abbreviated to PHV.

Proprietor - The person(s), partnership or company named on, and who are in possession of a licensed vehicle.

Refuse/Refusal - A decision not to grant the licence.

Revoke - To take away a licence permanently.

Senior officer - a senior officer is the Investigating Officer's immediate supervisor or line manager.

Suspend - To take away a licence temporarily.

The Council - Watford Borough Council

The Standards – The Taxi and Private Hire Standards published by the Department for Transport on 21 July 2020.

Vehicle or Licensed Vehicle - means both a hackney carriage and private hire vehicle

We/Our - Watford Borough Council, usually acting through its officers

Where a condition states the licence holder 'must' do something then if this condition is not met a licence will not be granted.

Where a condition states the licence holder 'may' do something, then it is down to the licence holder to choose whether to comply. If a licence holder chooses to comply then any associated conditions are compulsory and the licence holder must comply with them.

*For example, a licence holder **may** install CCTV. If a licence holder chooses to install CCTV then they **must** comply with the conditions concerning data protection, signage, audio recording etc.*

1. Introduction

This policy provides guidance to businesses operating or looking to operate hackney carriage (taxi) or private hire (minicab) services in Watford.

The policy lists a range of requirements that must be met before a licence will be granted for driving, owning or operating a taxi or minicab.

The policy provides confirmation for passengers, residents, visitors and other road users of the standards that are expected and can be found by those offering taxi and minicab services in Watford

The policy allows for consistency in decision making by officers of the council.

The policy provides consistency for those operating taxi or minicab businesses.

In creating this policy the council has had regard to a number of reports and publications including, but not limited to:

The Taxi Standards issued by the Department for Transport on 21 July 2020

the guidance issued by the Department for Transport on 2 March 2010: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance ('The Guidance');

the Department for Transport Inclusive Transport Strategy 2018;

the report of the Taxi Task and Finish Group, published September 2018 - Taxi and private hire vehicle licensing: recommendations for a safer and more robust system and;

the report (2018) of the House of Lords Select Committee on the Equality Act 2010 and Disability. The Equality Act 2010: the impact on disabled people

The report of the Equality and Human Rights Commission, 2017 - Being Disabled in Britain: A Journey Less Equal

The Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019: Statutory guidance

The council has conducted detailed research and consulted with a number of bodies, stakeholders and the public. All views have been considered and a proportionate outcome reached.

2. Policy Objectives

The policy is intended to:

- a. improve the safety of taxi and private hire operations for users and the wider public
- b. improve the safety of drivers, proprietors and operators
- c. ensure access to transport provision for all residents, particularly those who cannot access services using new technology
- d. support the council's aims in improving air quality and reducing environmental impact
- e. support the council's aims of becoming carbon neutral by 2030
- f. assist in reducing traffic congestion
- g. support the growth and sustainability of local business
- h. provide and maintain a professional and respected hackney carriage and private hire trade by continued monitoring and improvement of standards of service.

Hackney carriages and private hire services have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport. They provide a unique on-request door to door service in various circumstances, including where public transport may not be available or for those with mobility difficulties.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the objectives. It is the Council's wish to facilitate professional and responsible businesses, which display sensitivity to the wishes and needs of the general public, whilst maintaining the current high standard of service provision.

When considering this Policy, the Council have tried to ensure that each requirement is properly justified by the risk it seeks to address, balancing the impact of the requirement against the benefit to the public.

3. Policy Duration

This Policy will take effect from 8 March 2021 and will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance and best practice.

Administrative amendments to this Policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made by the Group Head of Community and Environmental Services, the Head of Community Protection or the Business Team Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

The Policy will be reviewed to ensure it remains fit-for-purpose and either amended where necessary and/or approved for continuation by the Licensing Committee no later than 31 March 2026.

In the event of any significant amendment to the Policy, a full public consultation will be undertaken prior to consideration by the Licensing Committee.

For the purpose of this section, a significant amendment is defined as one that:

- (i) will have significant financial impact on applicants, licence holders or the public,
- (ii) will have a significant procedural impact on applicants, licence holders or the public, or
- (iii) may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

4. Departure from the Policy

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

All policies are the starting point for decisions and this policy should carry significant weight when applied to any decision. However, all decisions are taken on the merit of the individual case and where an applicant wishes to apply for a licence outside of the requirements contained within this policy, full and unfettered consideration will be given to that application. Certain unique situations are referred to within this policy but it is not possible to cover all eventualities. However, applicants should be aware that departures from policy will usually be restricted to exceptional circumstances and not used to circumvent the reasonable requirements of the Policy. Furthermore, any applicant who remains aggrieved at a decision of the licensing authority and who wishes to challenge that decision can do so by application to the Court.

4.1 Substantial Departure from Policy

Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Group Head of Community and

Environmental Services or the Head of Community Protection may authorise a departure from the Policy in accordance with this section if they consider it necessary in the specific circumstances.

4.2 Minor departure from Policy

Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Group Head of Community and Environmental Services, the Head of Community Protection or the Business Team Manager may authorise a licence to be issued.

5. Our powers and duties

Our duty to regulate hackney carriage and private hire vehicles, driver and private hire operators in the Borough comes from a number of laws:

Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847 (as amended)

Road Safety Act 2006 (Sections 52-53)

Immigration Act 2018

Deregulation Act 2015

Equality Act 2010

The first and foremost consideration for the licensing authority in exercising our powers under hackney carriage and private hire legislation is the protection and safety of the public. This includes persons using hired vehicles and the wider public who may be affected by the use, or misuse, of such vehicles. This will be achieved by ensuring:

The fitness and propriety of any person applying for, or holding, a hackney carriage, private hire or dual driver's licence;

The suitability, roadworthiness, mechanical soundness and visual appearance of any vehicle licensed, or proposed to be licensed, as a hackney carriage or private hire vehicle;

The fitness and propriety of any person applying for, or holding, a private hire operator's licence; and

The prevention of unlicensed persons from carrying out any of the regulated activities, via proactive and reactive enforcement and compliance work to detect and, where appropriate, take action against such persons.

As the Licensing Authority we expect applicants to be aware of, and familiar with, the requirements of this Policy, in particular where there may be areas of conflict between the Policy and their proposed operations. We expect applicants to be prepared to propose measures to alleviate any concerns around such conflicts. Applicants are required to assure the authority that they can operate in a way which always promotes and upholds the principles set out within the Policy.

Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to take these into account when planning their business activities.

6. Digital services

Although hackney carriage and private hire licences are excluded from the scope of the EU Services Directive, and the Provision of Services Regulations, which give effect to the Directive, we believe that many of the principles contained therein are relevant to this area of licensing, and are key to operating a modern, low-burden regulatory scheme.

Where possible, we will switch services away from paper-based application forms and services towards interactive and intuitive online applications and services, which will make the process of applying for a licence simpler and more efficient.

Where electronic processes are adopted, support will be available from the Licensing Team to assist with any questions, and to advise applicants and licensees how to use the new processes.

This aim is consistent with measures taken by the Government to digitise other services which also affect the hackney carriage and private hire trades, such as the abolition of vehicle excise ('road tax') discs and driving licence counterparts, and replacement of these documents with internet-based systems.

When applying for a licence applicants must provide an email address in order for us to be able to communicate with them. Doing so gives significant benefits to licensees in terms of the speed at which correspondence can take place.

7. Return of licence plates and licence badges

All licence plates and licence badges remain the property of the Council and must, in accordance with the law, be returned upon written request within seven days of such a request where the licence has expired, or been suspended or revoked.

A licence plate and a licence badge signify the existence of a current valid licence, but are not licences in their own right.

Where new licence plates or licence badges are posted to the licence holder, the existing plate or badge must be returned within seven days of receipt.

8. Fees - General

The fees for applications are set by the Licensing Committee annually and are published separate to this policy and are available on the Council's website.

Fees will apply in all cases unless otherwise determined.

Refunds will not be given where a licence is surrendered part-way through the licence period.

9. Payments

The Council is able to accept payment by debit or credit card or BACS payments. Cheques and cash payments are not accepted.

Please contact the council if you wish to pay by BACS

10. Refunds and Duplicate Copies

In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, we will not normally refund any fee unless there are exceptional circumstances.

Where we receive a request for a duplicate copy of any previously issued licence, an appropriate fee will be required to cover the associated administrative costs.

In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made.

11. Late Applications for Renewal - General

It is an applicant's duty to ensure they apply in good time for their licence application to be considered before the expiry of an existing licence.

12. Transfer of licences

It is not possible to transfer a driver licence.

It is not possible to transfer an operator's licence

It is possible to transfer the ownership of a licensed vehicle. Where the ownership of a licensed vehicle changes, the new owner shall within 14 days apply for a transfer of the licensed vehicle. A transfer application form must be completed by the proposed licence holder and the existing licence holder, confirming that the transfer is being applied for with the consent of both parties. The following documents must be submitted with the transfer application:

- The original vehicle licence
- Valid, current, insurance certificate for the new vehicle
- Log book, or new keeper supplement, in the new owner's name
- The transfer fee
- Where the vehicle being transferred is a private hire vehicle, In addition to the points above, if the new owner of the vehicle is to be working with a different Licensed Private Hire Operator from the previous vehicle owner then the door signs of the vehicle will need to be changed to those of the new operator, a new vehicle licence plate will need to be issued and fitted to the vehicle and receipts reflecting the new operator will need to be available within the vehicle. If this is the case then the vehicle will need to be presented for inspection at the time of the licence transfer and a fee of will be payable for the new licence plate.

If a vehicle is licensed but is not immediately intended to be used for hackney carriage or private hire work due to its condition being such that it is not fit to be used, the licence can be suspended for a period of up to two months and in these circumstances evidence of insurance cover need not be provided. In some cases this can be helpful to allow time for repairs to be made or for a new vehicle to be obtained without the need for ongoing insurance cover. However, it is important to note that, if at the end of a two month suspension period the vehicle remains unused and suspended and no application has been made to move the licence to a new vehicle the licence would be deemed to have been

revoked and will cease to exist, so will not subsequently be able to be moved to another vehicle.

13. Change of Address

A change of name or address must be notified to the licensing team as soon as reasonably practicable and in any case no later than 28 days from the date of moving. You must submit a change of address form to the Licensing team. The form, and the fee to notify a change of address, can be found on the council website.

14. Appeals - General

If your application for a taxi or private hire licence is refused you may appeal the decision in the [magistrates' court](#). You may also appeal against any conditions attached to a licence. Appeals must be submitted to the court in writing within 21 days of being notified of the decision of refusal or grant.

15. Applications for Driver Licences

15.1 General Criteria

Applicants must:

- be at least 21
- have held a full UK or EEA driving licence for at least two years
- pass a practical driving assessment through one of the council's approved test providers
- pass the council's knowledge test
- take a medical with their GP.
- Undergo an enhanced Disclosure and Barring Service check
- Provide proof of a right to work in the UK

The Licensing Authority can issue two types of licence allowing individuals to act as hackney carriage or private hire driver while holding the appropriate licence. The types of licence are:

- A private hire only driver's licence, restricting the individual to only driving Watford Borough Council licensed private hire vehicles; and
- A dual private hire and hackney carriage driver's licence, meaning the holder can drive both Watford Borough Council licensed private hire and hackney carriage vehicles.

15.2 DVLA Licence

Legislation states before granting a licence for a hackney carriage or private hire driver, The Council must be satisfied that:

- a) The applicant is a fit and proper person to hold a driver's licence; and

b) The applicant is authorised to drive a motor car by holding a valid driving licence, and has been so for at least 12 months.

In accordance with sections 51(1)(b) and 59(1)(b) of the 1976 Act, licences may not be granted to any person who has not been authorised to drive a motor car for at least 12 months, or who is not so authorised at the time of application.

We have adopted a Policy going beyond this requirement, and will expect applicants for hackney carriage or private hire driver's licences to have held a full motor car driving licence for at least 24 months prior to applying for a licence. Applications will generally be refused if this requirement is not satisfied.

Applicants will be required to produce their current, full driving licence for inspection, with their application, showing the applicant's current home address.

Applicants are required to provide a DVLA check code with their application so that their current driving licence record can be checked. We will also require applicants to sign a consent form to enable similar checks to be possible during the validity of their licence where their application is successful. These checks will be carried out in a targeted manner, i.e. when information is received that raises potential concerns about a driver's record, and also at regular intervals of 6 months to ensure that drivers are advising us of any driving offences. Drivers refusing to supply driving licence information on request may be suspended with immediate effect if it is considered that this is necessary for the protection of the public. The application form includes a section where the applicant signs to give their consent for this check.

All applicants must hold a full UK driving licence. Any applicant who holds a driving licence issued by an EEA member state must obtain a British licence counterpart, prior to making their application. This will ensure that the applicant is formally recorded on UK driving licence databases, and may be allocated licence endorsements and penalty points for motoring offences committed in the UK. This creates an ongoing record on driving conduct of a type relevant to professional drivers. Both the British counterpart and the original

European licence must be produced on making an application. British counterparts may be obtained from DVLA.

Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Licensing Authority, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.

15.3 Training Requirements

All applicants for a hackney carriage/private hire driver's licence are required to pass the Licensing Authority's designated training before a licence is granted. Applicants are required to meet the cost of the training. If an applicant can show they have passed adequate similar training they may be exempted from the training arranged by the Licensing Authority.

Training consists of:

Customer Service

Rules and Regulations

Disability, Equality and Dementia Awareness

Safeguarding Passengers (CSE, County Lines, Modern Slavery, Human Trafficking and Extremism).

Driver Safety and reporting crime

Existing licence holders are required to attend refresher training on these and other relevant topics every 6 years.

15.4 Knowledge Tests

Knowledge tests are considered to be an important and serious requirement in establishing whether an applicant is suitable to be a driver. Through the written knowledge test

assessment drivers will be tested on their knowledge of the local area. In addition, drivers will be tested on routes; Policy; related law; maths based questions; and elements of the Highway Code.

A knowledge test pass is valid for a period of six months from the date of passing. If an application for a driver licence has not been submitted within a period of six months following the successful knowledge test, a further knowledge test pass will be required before an application can be made.

Existing licence holders will be required to undergo a written test following attendance at the refresher training.

An application cannot be accepted unless the applicant has passed the appropriate knowledge test.

Applicants taking the test must not receive assistance from a third party. Strict conditions about the behaviour of applicants are considered essential. The test is not only a test of knowledge but also a test of character. Being 'Fit and Proper' to hold a licence means being honest at all times. This means that applicants will automatically fail the test if their behaviour is considered to be inappropriate during the test or if there is any evidence of cheating. Cheating in this context includes, but is not limited to, copying another applicant's answers; disruptive behaviour during the test; utilising any non-permitted papers or devices or otherwise trying to gain an unfair or improper advantage. This behaviour will also form part of the consideration of any grant of a licence should the applicant re-apply at a later date.

15.5 English Language Requirements

The delivery of the training session and the method of written testing ensures that English Language competency is tested as part of the knowledge test process. There is no requirement to provide further competency proof.

The cost of tests will be charged to the applicant prior to the test being arranged. The current fee for this will be available on the Council's fees and charge sheet, available on the website.

15.6 Medical Tests

You will need must book your medical with your regular or usual GP, taking along the medical form to your appointment for your GP to complete. You must reach the standard of the DVLA group 2 medical requirements which can be found here <https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive>. A medical is valid for six months.

15.7 The Disclosure and Barring Service Update Service

Applicants for a hackney carriage or private hire driver licence will be required to subscribe to the Disclosure and Barring Service Update Service.

The DBS update service will check regularly for updates to the records and amend them as necessary. The Licensing Authority will undertake a DBS check every 6 months on all drivers registered with the Update Service. The Licensing Authority may make checks in addition to these six monthly checks when deemed necessary.

In exceptional circumstances where an applicant for a driver licence is unable to subscribe to the service they should be aware that there will be a requirement to undergo a DBS check every 6 months. The licence holder must pay for the cost of these checks.

15.8 Immigration and Right to Work

The law requires that we check an applicant's right to work before a licence is issued.

The Home Office have published [guidance](#) on conducting immigration checks for taxi licensing, which also includes details of what documents can be accepted to prove your immigration status, and for how long licences may be granted.

If you are on a time limited visa, any licence which may be issued will expire when your visa expires.

If you have any application pending for a visa or leave to remain, including renewals of such documents or permission, any licence which may be issued will only be issued to expire within 6 months of issue.

If, at any time, your entitlement to work in the UK is removed, your licence will be revoked.

15.9 Late Renewals

Where an application is received after the expiry of an existing licence the application will not be treated as a renewal and the applicant will be required to apply as if a new applicant.

Applicants will have to undergo all requirements to apply for a licence with the exception of the routes test for hackney carriage drivers (see additional section 15.10, below).

Vehicle licence conditions in force at the time of application may mean that a vehicle cannot be licensed due to age or emission standards.

During the time between the expiry of the old licence and renewal being granted no licence is in place and therefore any associated work cannot be carried out. Any individual working in between expiry and renewal will therefore be treated in the same way as an unlicensed individual and the appropriate enforcement action will be considered.

For operators, this will mean they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will

not be permitted to drive any vehicles licensed by us until a new licence has been granted. Only in exceptional circumstances will we consider departing from this part of the Policy.

15.10 Applicants returning to the trade after a significant period of time away

Applicants for a hackney carriage driver licence who apply for a licence after an absence of holding a licence for six years or more will be required to undertake the hackney carriage routes test.

15.11 Booking an appointment

After you have completed the above you can book an appointment to apply in person by using the online booking system on the Watford Borough Council website.

15.11.1 Documents to bring

You will need to supply your completed application form, medical and practical driving test certificate.

You must also bring forms of identification with you for a criminal records check. A driving licence, passport, and a utility bill or bank statement (less than three months old) are acceptable. Further information on what documents are acceptable for the criminal records check can be found on the application form, and also on the website for the [Disclosure and Barring Service](#). If you can't provide at least three acceptable documents, please contact the licensing team.

Because the council has a duty to ensure that only those persons who are entitled to work in the UK are issued a licence to drive a licensed vehicle all applicants must provide evidence to show that they are entitled to work in the UK. You must show there are no restrictions on

the work that you can do. You must produce proof of your right to work during your appointment.

Please be aware that all completed applications are considered on their own merits. This means that each application and case is unique. Incomplete or missing documentation or evidence is likely to result in the application being rejected. Any driver licence application that is not completed within 12 months will be treated as withdrawn.

If an applicant does not meet the required standards of this policy but wishes for their application to be considered by us it will be referred to the Head of Community Protection or the Group Head of Community and Environmental Services who will determine whether it is right to depart from the policy. This will be the case for both new applicants and existing licence holders applying to renew.

Where a decision is made to refuse to grant or renew, or to suspend or revoke a licence, the applicant or licence holder will be advised in the decision notice of their rights of appeal.

We will aim to send a reminder to licence holders before their licence expires, in order to assist them to submit their renewal applications promptly. The licensing team are not obliged to do this and the responsibility of ensuring licences do not expire remains with the licence holder. Applicants must therefore allow adequate time for the processing of any renewal applications. The Council is not responsible for delays due to the actions of external bodies such as the Disclosure and Barring Service (DBS). The criminal records check can take up to eight weeks and you can only start working once we have granted you a licence.

15.11.2 Timescales

There is no time limit set on the process of determining applications as the council must be satisfied that applicants are fit and proper to hold a licence. The process to ensure a person is fit and proper can take some time in all cases and longer if information is not supplied at

the time of application or the council must make further enquiries to satisfy the requirements of the law.

We will aim to process applications in a manner which does not unnecessarily delay applicants wishing to begin work. You can contact the licensing team by email throughout the application process in order to find out the status of your application.

15.12 Conditions applied to driver licences

It is not possible to apply conditions to hackney carriage driver licences. Local hackney carriage driver standards are instead regulated by local byelaws. A copy of the hackney carriage byelaws can be found at appendix 1.

Breach of any of the byelaws is a criminal offence carrying a penalty of up to £500 on conviction.

Conditions are applied to private hire driver licences. A copy of the conditions currently applied can be found at appendix 2.

Breach of licensing conditions is both a criminal offence and a licensing offence and can result in enforcement action being taken against a licence holder.

16. Applications for Vehicle Licences

16.1 Hackney Carriage and Private Hire licences

Licensing authorities can issue two types of licence allowing individuals to act as hackney carriage or private hire drivers while driving appropriately-licensed vehicles.

The two licence types convey separate entitlements which do not overlap. A hackney carriage driver's licence allows the holder to drive a hackney carriage vehicle, but not private hire vehicles. A private hire driver's licence allows the holder to drive private hire vehicles, but not hackney carriages. Where an individual needs to drive both types of licensed vehicle, it will be necessary for them to hold both types of driver's licence. All licences (driver, vehicle and operator) must be from the same authority.

Hackney carriages are public transport vehicles which are licensed to "ply for hire". They can:

- carry passengers for hire or reward
- be hailed by prospective passengers in the street
- park on a rank to await the approach of passengers.

Hackney carriage vehicles can be found at the ranks around Watford and they can be hailed in the street. These vehicles have a roof light with the word TAXI on them. They have a white plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration.

Private hire vehicles are part of the local transport network. However, a private hire vehicle cannot ply for hire or stand in a rank. It must be pre-booked via a private hire operator.

They have a yellow plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration. These vehicles are not insured to ply for hire.

16.2 Specifications and Conditions

Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles. The Department for Transport guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.

The Council has the power under sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public and it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

This part of the Policy sets out the Council's minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. This specification will need to be met prior to licensing and maintained throughout the duration of the licence. This will be achieved by attaching licence conditions to all hackney carriage and private hire vehicle licences at the time of grant.

Except where explicitly highlighted in the sections of the policy, sections apply equally to both hackney carriage and private hire vehicles. Where sections differ this is stated in the policy and will be reflected in the specific conditions attached to each type of licence.

16.3 Accessibility

16.3.1 In 2014 Watford Borough Council commissioned a report into accessibility in the taxi and private hire trade in Watford. This report led to a series of recommendations and improvements and, following a decision of the Licensing Committee in 2017, the beginning of the ongoing Accessible Transport Project. This vehicle licensing policy is directly linked to the continuing objectives of the Accessible Transport Project.

The Council is committed to championing equality and embracing diversity across the full range of our services, whether we deliver the service ourselves or through partnership, or regulation, and in our role as an employer.

The following two statements are taken from the Equality and Human Rights Commission report of 2017,

“Access to transport is an important part of independent living and participation in family and community.”

“Poor access to transport, leisure and other services can affect the community and social life of disabled people, creating a barrier to independence and their enjoyment of day-to-day activities.”

Elliot Dunster, Group Head of Policy, Research and Public Affairs at the charity Scope, in submissions to the House of Lords Select Committee, said,

“Taxis and private hire vehicles are not just issues for people with physical disabilities; people with mental health problems or learning disabilities or autism are much more likely to use taxis or private hire vehicles if they cannot use public transport for a variety of reasons.”

In his foreword to the Department for Transport’s Inclusive Transport Strategy, the Chair of the Disabled Persons Transport Advisory Committee, Keith Richards said,

“DPTAC’s vision is that disabled people should have the same access to transport as everybody else, to be able to go where everyone else goes and to do so easily, confidently and without extra cost.”

Lastly, the recent Task and Finish Group headed by Professor Mohammed AbdulHaq, published in Sept 2018 said of accessibility and any proposed standards,

“Evidence received by the Group highlighted that consideration of accessibility needs is essential in any reform of the sector. If the Government enacts national standards, accessibility considerations should be an integral part of their development, not a mere add-on. In the short term, it is important that licensing authorities use the powers they already have to improve access and passenger experience.”

The Guidance suggests that different accessibility considerations should apply between hackney carriages and private hire vehicles because hackney carriages can be hired in the street or at a rank, by the customer dealing directly with a driver, whereas private hire vehicles can only be booked through an operator. Given the above statements from leading authorities on accessibility, the Council considers accessibility to be a leading consideration for both vehicle types and it is recognised that there is no one specific type of vehicle which provides full accessibility for all.

The Council considers it particularly important that a disabled person should be able to hire a suitable accessible vehicle with the minimum delay or inconvenience whether on the rank or by pre-booking through an operator. Having an acceptable proportion of accessible hackney carriages and private hire vehicles available helps ensure that this is possible; therefore the Council will actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010, particularly the council’s duty under section 149, Equality Act 2010, and any subsequent equalities legislation.

Section 167 of the Equality Act 2010 allows the Council to designate accessible vehicles as subject to the requirements of the Act making it a criminal offence to refuse a passenger with a wheelchair or charge an additional fare. In support of the Council’s desire to provide accessible transport for those with disabilities, all wheelchair accessible hackney carriages and private hire vehicles will be designated for this purpose. Please find this information online at www.watford.gov.uk/wav

Drivers who, for medical reasons, are unable to accept passengers who use wheelchairs or have assistance dogs are able to apply to the Council for an exemption certificate. Such a

certificate is only issued on production of appropriate medical evidence. Exemption certificates, which show the photograph of the driver, which must be displayed in the vehicle at all times whilst licensed as a hackney carriage or private hire vehicle. In the absence of a medical exemption certificate from the Council, it is a criminal offence for any hackney carriage or private hire driver to refuse to carry an assistance dog or a passenger with a wheelchair, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog or wheelchair user.

16. 4 Environmental Considerations

On 9 July 2019 the Council passed a motion declaring a climate emergency and committed to doing all it could to ensure Watford is carbon neutral by 2030.

Councillor Ian Stotesbury, elected member for Callowland Ward and member of the Hertfordshire Sustainability Forum, commented,

"Climate change is a universal threat, and a threat of our own making. We must continue to be bold and truly lead on this crucial issue. By doing so we can help our residents reduce their bills, help clean our air, and improve access healthier modes of transport.

"We can support local ecology, biodiversity and bring natural beauty to new areas. I'm really proud that we have been able to declare a climate emergency. It's important we act now, before it is too late."

In June 2019 the UK government became the first government of a major nation to pass legislation (by amendment of previous law) committing to a 'net-zero' carbon output by 2050.

A November 2018 report by the Intergovernmental Panel on Climate Change stated that, in order to keep global warming to 1.5 degrees, emissions of harmful gases would have to be cut by around 45% by 2030, aiming for net-zero by 2050.

Guidance issued in relation to the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 lists minimum emission levels for petrol and diesel cars accessing designated Clean Air Zones.

The Council have also given careful consideration to the recommendation in the Department for Transport guidance of 2010 that, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and, in-line with council policy, considers its responsibility in protecting the environment to be a predominate factor within licensing policy.

It is clear that emissions from vehicles contribute a significant volume of gases that are harmful to the environment and to health. Air quality complaints in Watford are increasingly linked to locations where taxis and private hire vehicles wait, often with engines running.

The single biggest factor in controlling this is to strictly control factors determining the licencing of vehicles. It is also true that emissions could be further reduced through education and raised awareness of environmental issues. Simple measures such as better and more frequent vehicle maintenance and servicing; or switching off engines when stationary or idling, particularly at hackney carriage ranks, can make a significant environmental impact considering the number of licensed vehicles.

The Council strongly encourages the use of cleaner, low emission vehicles as hackney carriages or private hire vehicles and will continue to offer a reduced licence fee for electric vehicles.

16.5 Limitation of Numbers

Hackney Carriage Licences

On 19 March 2012 the Council set a maximum limit of 304 hackney carriage vehicle licences. This limit is a descending limit. When a licence is surrendered or revoked, the limit shall decrease by the number of licences which were surrendered or revoked.

Any exception to this strict policy is considered on a case-by-case basis by the Group Head of Community & Environmental Services in consultation with the Chair of the Licensing Committee.

This decision to limit numbers was taken following an unmet demand survey which found that there was no significant unmet demand.

The council is confident there remains no unmet demand. Since 2012 the number of licensed hackney carriage has decreased and at the time of adoption of this policy stood at 278.

However, the council is mindful that no further survey has taken place since 2012 and that to impose a limit is contrary to best practice.

Therefore, in view of the need:

not to restrict applications against best practice, but not to significantly increase the number of licences where there is no unmet demand, to support the council in achieving its goal of net-zero carbon emissions by 2030, and to improve the provision of wheelchair accessible vehicles

in addition to an exemption agreed on a case-by-case basis by the Group Head of Community & Environmental Services in consultation with the Chair of the Licensing Committee (current policy), the council will consider applications for new hackney carriage licences where the vehicle is:

A wheelchair accessible vehicle, and; Zero emission capable, and; Displays the approved Watford Borough Council livery

Private Hire Vehicles

No powers exist for licensing authorities to limit the number of private hire vehicles that can be licenced.

16.6 General duties of Proprietors

16.6.1 Applications

Applications must be made in accordance with the Policy.

Applicants are required to make a booking online and details of this process and the testing procedure can be found online on the Council's website.

Applicants for a vehicle licence must be at least 18 years old.

16.6.2 Disclosure and Barring Service

Applicants for a vehicle licence who are not already licensed drivers or operators will be required to submit a basic disclosure and barring service check at the time of making the application. Applicants must apply for the basic disclosure themselves. The check must be no more than 3 months old at the time of submitting the application for a vehicle licence.

16.6.3 Renewals

All vehicle licences are granted for a maximum of 1 year or until the expiry of the current MOT if less than 1 year until expiry.

An application for renewal of a vehicle licence must be received before the expiry of the current licence. If a renewal application is received after the expiry of the current licence then that application shall be treated as a new application.

If an application for a hackney carriage licence renewal is received after the expiry of the current licence then that licence will have expired and no new licence can be granted under the limit imposed except under conditions listed in section 5 of this policy.

A delay in renewal following expiry is only acceptable in the following circumstances;

a. Unavoidable due to accident at the time of renewal leading to a requirement to purchase a new car.

b. A delay caused by the licence holder not being in the UK at the time of renewal but only where the licence holder has notified the licensing team in writing in advance of the current expiry date.

c. Any other similar reason for delay where the licensing team has been notified in writing in advance of the current expiry date.

16.6.4 Fees

See the Council's website.

16.6.5 Details of driver to be held

Where the proprietor of a hackney carriage or private hire vehicle rents, lends, leases or otherwise provides the vehicle to another licensed driver, whether for payment or not, they shall take and keep details of the driver's council licence number.

16.6.6 Change of Address

Proprietors are required to notify the licensing authority of any change to the registered address where the vehicle is kept as soon as reasonable practical and in any case no later than 28 days from the change.

16.6.7 Maintenance of Standards

Vehicle licence conditions are intended to ensure that all vehicles reach a minimum safe standard. All vehicles are presented to the Council for licensing and all vehicles whilst licensed must comply with the Council's current Vehicle Licensing Policy.

Vehicles, once licensed, must be maintained in a mechanically safe and roadworthy condition, compliant with Council requirements, be kept clean and well presented. Failure to maintain a vehicle to an acceptable standard is a relevant matter when considering whether to grant, suspend, refuse or take any other action in respect of a driver, vehicle or operator licence.

When renewing a hackney carriage or private hire driver, operator or vehicle licence, the Council will take in to account a licence holders history of compliance with this policy.

16.8 Inspections and Enforcement

Under section 50 Local Government (Miscellaneous Provisions) Act 1976 the council has the power to inspect vehicles.

In accordance with the Environmental Health Compliance Policy 2018 – 2021 a proportionate response will be taken in instances of breaches of licence condition.

Where a licence condition is breached this will usually result in suspension of the vehicle licence until such time as the vehicle is inspected by an officer of the council and found to be safe to use.

Where sustained or multiple breaches occur, this may lead to prosecution of the licence holder or revocation of the licence.

16.9 Appeals

Where an applicant is aggrieved by a decision of the licensing authority to refuse, revoke or suspend a vehicle licence they have the right of appeal to the Court in accordance with sections 300-302 Public Health Act 1936 and section 77 of the Local Government (Miscellaneous Provisions) Act 1976.

Where the decision to refuse, revoke or suspend a licence is made the applicant or licence holder will be sent a notice explaining the reasons for the decision. This notice will include details of the rights of appeal.

16.10 Hackney Carriage Vehicle Intended Use Policy

Hackney Carriages licences were initially created in order to provide for public transport convenience within local areas.

In keeping with this intended use Watford Borough Council has a policy to determine whether or not the grant of a licence would unfairly impact upon another potential applicant if that vehicle is not actually going to be used predominantly within the borough area.

This is particularly important in Watford where a cap is maintained on the number of licences that can be issued.

Applicants for a new hackney carriage vehicle licence will be expected to demonstrate a bona fide intention to ply for a hire within the administrative area of Watford Borough Council under the terms of the vehicle licence for which the application is being made.

There will be a presumption that applicants who do not intend, to a material extent, to ply for hire within the administrative area of Watford Borough Council will not be granted a hackney carriage licence authorising them to do so.

16.11 Dual Licensing

Dual licensing or 'plating' of a vehicle presents a number of practical issues.

The first arises in that once licensed as a hackney carriage, a vehicle is always a hackney carriage and therefore cannot also be licensed as a private hire vehicle.

The second concern arises in that licence conditions can differ significantly from one authority area to another. It is therefore very difficult to ensure that all conditions are being met as some may be contradictory, for example a requirement to display a local telephone number.

For these reasons any vehicle already licensed with another Licensing Authority as a hackney carriage or private hire vehicle will not be licensed by the council.

Licences granted to vehicles later found to be licensed with another Licensing Authority will be revoked.

16.12 Hackney Carriage and Private Hire Vehicle Specification

16.12.1 Vehicle Type Approval

Vehicle Type Approval is the confirmation that all production samples of a particular vehicle design will meet specified performance standards.

The council will only consider licensing vehicles which have type approval in the category M1. This type approval must be shown on the V5 registration document.

It is acceptable for converted, low volume or imported vehicles to be type approved under any of the following schemes:

European Whole Vehicle Type Approval (EWVTA)

National Small Scale Type Approval (NSSTA)

Individual Vehicle Approval (IVA)

Vehicles tested under the IVA 'basic' scheme will not be licensed.

A vehicle tested under the statutory IVA 'Normal' inspection criteria will usually be accepted but the applicant will be required to provide any additional information concerning the testing of the vehicle as reasonably required by the licensing officer.

Applicants seeking to licence a vehicle approved under IVA are advised to contact the licensing authority before purchasing the vehicle.

Applicants submitting a vehicle for licensing that they have imported, including one approved under EWVTA, must have the vehicle tested as 'Normal' under the statutory IVA scheme.

16.12.2 Vehicle Design and Size

Hackney carriages must be either:

a purpose-built wheelchair accessible hackney carriage, or a professionally converted vehicle which is capable of carrying a passenger whilst sitting in a wheelchair (providing such vehicle has the appropriate approval certificate per section 12.1); or

a saloon, hatchback, estate or multi-purpose people carrier with at least 4 doors and sufficient luggage space to carry a folded wheelchair.

A **Private Hire Vehicle** must be:

a saloon, hatchback, estate or multi-purpose people carrier with at least 4 doors and sufficient luggage space to carry a folded wheelchair,

a purpose built wheelchair accessible vehicle (providing such vehicle has the appropriate approval certificate per section 12.1) but not one that looks like a taxi (i.e. with in-built roof light).

There must be reasonable space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.

Knee Space: there must be reasonable space between the front, back (and rearmost) seats to safely accommodate the driver and passengers in reasonable comfort.

16.12.3 Age Limits for vehicles at first time of licensing

All time periods are given from the date of first registration.

Hackney carriage or a private hire vehicle (of any design) powered	no more than 7 years old at the date of application.
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only by an internal combustion engine (traditional car engine)	
Hackney carriage or a private hire vehicle (other than a wheelchair accessible vehicle) powered by a petrol/electric-hybrid engine	no more than 7 years old at the date of application.
Hackney carriage or a private hire vehicle which is a fully wheelchair accessible vehicle powered by a petrol/electric-hybrid engine	no more than 9 years old at the date of application
Hackney carriage or a private hire vehicle (of any design) powered by an electric motor with or without on-board range extending generator	no more than 9 years old at the date of application

16.12.4 Maximum Age of Vehicle before Replacement/Emission Standards

The Department for Transport Best Practice Guidance 2010 reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate.

Keeping a vehicle in good mechanical condition prolongs the life of the vehicle, helps to reduce the overall lifetime carbon footprint of that vehicle, ensures clean combustion of fuel and reduces emissions caused by reduced vehicle efficiency (worn suspension, tyres etc leading to lower miles per gallon (MPG)).

The council also recognises that there is a significant difference between old diesel vehicles and new, euro 6 diesel engines, which have low levels of emissions at a comparable level to their petrol counterparts. However, in spite of new vehicle emission requirements, real world emission testing suggests these levels are still exceeded in day to day driving conditions and regular maintenance and repair remains an integral part of reducing

pollution. New MOT emission testing requirements introduced in May 2018 were intended to improve the accuracy of real world emission testing and to ensure that as a vehicle ages, it does not significantly increase the pollution it produces.

The maximum age limits imposed by this policy on existing licensed vehicles are therefore considered necessary and proportionate to protect the environment and, in doing so, public safety by encouraging proprietors to licence newer less polluting models which will have no maximum age limit imposed upon them

At time of licensing, from below date:

01 April 2022	No vehicle first registered with the DVLA before January 2006 will be licensed or re-licensed.
01 April 2025	Any vehicle using diesel or petrol fuel only (or diesel or petrol alternative such as biofuel/LPG) must be rated as at least Euro 6. Any petrol/electric hybrid must be at least Euro 5.

Any existing licensed vehicle that does not comply with European Community Whole Vehicle Type Approval (ECWVTA) or equivalent (section 12.1) will not be licensed past 31 March 2020.

16.12.5 Zero Emission Capable/Hybrid/Electric

The council recognises that there are currently some limiting factors restricting uptake of fully electric vehicles. These include cost, range on a single charge and charging infrastructure.

The council is also mindful that some hybrid vehicles have very limited range on full electric setting and that when running on petrol the efficiency of these engines is not as good as some pure ICE powered vehicles.

The Council will licence electric, hybrid or similar fuel economy vehicles, providing they are of such design as to be able undertake a full range of journeys within the district, whilst carrying the maximum licensed number of passengers and associated luggage and are not in conflict with the current vehicle emissions policy.

Where an internal combustion engine or generator provides alternative power, the generator must meet the required euro emission standard for the fuel type used, including where alternative fuels are used.

16.12.6 Alternative Fuels

All fuel types are permitted providing that the fuel type complies with national safety regulations and the relevant required euro emission rating for petrol or diesel is reached as a minimum.

A vehicle which is converted to LPG or any other approved alternative fuel must supply proof that the conversion has been properly carried out by competent person or business carrying out such conversions and certificate of installation must be produced.

A vehicle powered by LPG or other approved alternative fuel, which does not have a provision for a spare tyre, must carry a suitable means to repair punctures (see section 12.9 on tyres).

The V5 document must show the correct fuel type.

Changes to the fuel type used must be notified to the licensing authority within 7 days of conversion and the certification of installation provided. Appropriate time will be allowed for the change to the V5 document.

16.12.7 Number of Doors

Vehicles must have at least 4 doors with 2 on either side of the vehicle.

All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

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

16.12.8 Number of Seats

Vehicles must have a minimum of 4 passenger seats and a maximum of 8 passenger seats.

The maximum number of passengers which the vehicle will be licensed to carry will be the number of seats recorded on the V5C registration document (logbook) as being suitable for carrying passengers not including the driver.

Where a logbook shows more seats than the physical number of seats in the vehicle, the driver will be required to address this issue. The logbook must accurately reflect the vehicle. In terms of size, any modifications, seating capacity, colour, and all other details which are recorded within the logbook.

16.12.9 Tyres/Spare Wheels/Puncture Repair

Proprietors must ensure that the vehicle has, at all times, appropriate equipment and/or tools to repair or replace a punctured or damaged tyre, or a policy or maintenance contract with a supplier who can attend to repair the vehicle or assist in repair of the vehicle (i.e. by towing to a garage).

The vehicle tyres including the spare must be all radial or all cross ply construction.

16.12.10 Left Hand Drive Vehicles

Left-hand drive vehicles will not be considered as suitable for licensing on safety grounds as they will generally require front-seat passengers to step into the roadway to enter or exit the vehicle. Any vehicle which does not allow for safe near-side access and egress for passengers will also not be considered.

16.12.11 Body work

The vehicle must be maintained in a manner satisfactory for public service at all times, without evidence of corrosion, damage, unsatisfactory repairs and/or unsatisfactory modifications.

Keeping a vehicle in good condition is important to promote service excellence and to demonstrate to customers that passenger safety is of the highest concern.

The vehicle must not have:

Dull paintwork/mismatch of paint.

A single rust scab or blemish larger than 10mm x 10mm.

Dents over 40mm in diameter at its widest point and over 2mm deep.

A scratch over 300mm long.

Visibly poor or unsatisfactory repairs or modifications

The following standards shall apply for testing and compliance:

Paintwork – all panels on all vehicles shall be painted in the same colour without significant runs or blemishes.

Panels with unmatched colours or primer must be repaired to ensure a match before a licence will be granted. Scuffed or significantly scratched paintwork, even where a single scratch is not over 300mm, must be repaired before a licence will be granted.

Scuffed or significantly scratched paintwork, even where a single scratch is not over 300mm, will result in suspension of the licence until repaired.

Rust – any vehicle should be free from any significant areas of visible rusting. Minor blemishes should be monitored for progression. Any vehicle with a rust patch of more than 10mm x 10mm must be repaired before a licence will be granted.

A rust patch of 10mm x 10mm on a licensed car will result in suspension of the licence until repaired.

Dents – any vehicle with one or more dents of more than 40mm in diameter and 2mm in depth at the deepest point in any one panel length must be repaired before a licence will be granted.

One or more dents of the specified size will result in suspension of the licence until repaired.

Scratches – any vehicle with one or more unrepaired scratches of more than 300mm must be repaired before a licence will be granted.

One or more scratches of the specified size will result in suspension of the licence until repaired.

16.12.12 Cleanliness

The exterior of the vehicle must be kept in a suitable and clean condition at all times such that road dirt, mud or other detritus does not excessively obscure any paintwork, lights, windows, licence plates or number plates.

When vehicles are presented for inspection, the exterior of the vehicle (including the underside of the vehicle) and interior must be in a suitable clean condition to allow for proper inspection of these areas.

The interior of the vehicle must be kept in a suitable and clean condition at all times without accumulations of dust, dirt, litter, general debris, staining, excessive unpleasant odours or excessive wear.

Seat cushions and back rests must be adequately maintained in good condition and offer proper support to passengers.

16.12.13 MOT/Insurance/V5

Vehicles will not be licensed unless:

(1) there is in force a current private hire or hackney carriage insurance policy compliant with the Road Traffic Act 1988;

(2) a valid MOT certificate is in force (issued within the previous 30 days), for vehicles registered with the DVLA for 12 months or more at the time the vehicle is presented for licensing;

(3) it is registered with the DVLA;

(4) the vehicle is taxed (where applicable); and

(5) that an appropriate type approval certificate has been issued where necessary.

Any vehicle which is less than 1 year old when presented for licensing is not required to have passed an MOT. Any vehicle that is more than 1 year old when presented for licensing

(including renewals) must have passed an MOT before inspection, and this MOT must have been issued within the previous 30 days.

Where vehicles have recently been purchased, the new keeper's supplement of the logbook will suffice to show that the vehicle is registered with the DVLA or confirmation from www.gov.uk, in the form of an email, that the purchase or sale of the vehicle has been registered online.

16.12.14 Accident/crash repaired vehicles

Repair of accident damaged cars is not illegal. However, the Association of British Insurers: Code of Practice for the Categorisation of Motor Vehicle Salvage, updated October 2017, states the following:

This code gives advice on the steps to be taken in the categorisation of vehicle salvage and recovered stolen vehicles. The purpose of the Code is to protect the public, detect and deter insurance fraud and other criminal activities and to make vehicle histories more transparent. This is increasingly important as vehicle design and technology becomes more complex.

In line with recommendations in this guidance, it is expected that vehicles categorised as A or B write offs will have been disposed of. Only vehicles categorised as N or S insurance write offs may be presented for licensing.

Applicants must produce an engineer's report detailing the repairs made to the vehicle.

Where a V5C has comments in the special information section concerning previous accidents or repairs or any comment that gives rise to concerns over the safety of the vehicle it shall be the duty of the applicant to provide additional information to satisfy the authority that the vehicle is safe to be licensed

16.12.15 Autonomous Vehicles/Assistive Technology

The five levels of autonomous vehicle are categorised by level by the Society of Automobile Engineers.

Application for licenses for vehicles capable of and intended to be, for any period of time, operated autonomously at levels three, four or five (as defined) will be considered on a case by case basis.

In general a vehicle that cannot be driven by a human being (i.e. level five autonomous - without a steering wheel) **shall not** be considered for use as a licensed vehicle on public roads.

In general any vehicle capable of operating autonomously will only be licensed where it can be shown that the driver will remain in control of the vehicle and that there are systems in the vehicle that monitor the driver's performance.

Vehicles with driver assistive features such as radar controlled assistive braking, cruise control and parking will be permitted.

Assistive Technology must not be used to allow the driver to relinquish control of the vehicle at any time when carrying passengers.

16.12.18 Tinted Windows

Window tints are only permitted as long as they are allowed within normal MOT tolerances.

These tolerances are found in Road Vehicles (Construction & Use) Regulations 1986 and are, for vehicles first used after 1985:

Front windscreen – must allow 75% light through

All other windows – must allow 70% light through

If the vehicle already has a licence and is to be modified to include a window tint, permission must be obtained from the licensing authority first.

16.12.17 Luggage

For the purposes of bylaw 23(iii) of the Council's Byelaws relating to hackney carriages, 'luggage compartment' means the space behind the rear seats, or when the furthest rear seats are folded down, the space to the rear of the next complete row of seats.

In purpose-built hackney carriages or mini-buses, the luggage compartment may be the front foot-well on the passenger side provided that any seat in this location is not occupied by a passenger.

Proprietors must ensure the luggage compartment is kept free from corrosion, dirt, dust, grease, litter or water penetration etc that may stain or damage any luggage which may come into contact.

Proprietors must not carry any tools or other equipment in the luggage compartment unless related to maintenance of the vehicle and securely stowed.

Proprietors must not allow any packages or other luggage etc to protrude from the luggage compartment over any of the seats which may be occupied, or outside the vehicle.

All doors which allow access to the luggage compartment (e.g. a tailgate, boot, or rear doors) must be locked shut when the vehicle is in motion.

16.12.18 Vehicle Modifications

Proprietors must request in writing the Council's consent, and obtain such consent, before making any modification to the vehicle, including its seating capacity.

16.13 Equipment

16.13.1 Hackney Carriage Meter

Under byelaws set by the Council, and in keeping with almost every licensed authority area in England and Wales, Hackney Carriages are required to use a meter to charge customers. The meter rate is set by the Council in consultation with the public and stakeholders.

The byelaws list a number of requirements for the use of the meter and how the meter should function. In addition to the byelaws the following conditions apply to the vehicle licence:

A meter must be fitted to all hackney carriages and must be fitted securely

Proprietors must only use a taximeter of a type, and secured in a position, approved by the Council's officers.

The meter must be visible from the rear passenger seats, and must not interfere with the safe operation of the vehicle.

The meter must be sealed, without showing signs of tampering or misuse.

The taximeter must be calibrated to the tariff set by the licensing authority, and must not show any other tariffs.

A calibration certificate must be provided for all vehicles which are to be licensed for the first time.

16.13.2 Private Hire Meter

Private hire vehicles are not required to use a meter but in Watford almost all do.

If a vehicle does not have a meter fitted then it will be for the operator and proprietor to determine the manner in which a charge will be calculated. Under separate regulations this charge or manner of charging must be discussed and agreed with the customer at the time of booking.

Proprietors may use a meter in a private hire vehicle providing it is secured in a safe and clearly visible position.

16.13.3 Credit/Debit Card Machines

The council recognises that there is significant increase in the number of customers wishing to pay for journeys by card. Card machines have many advantages. They reduce the amount of cash carried by drivers and they prevent customers having to visit cash machines or to leave valuable items as deposits with drivers if the money to pay for the journey is at home.

There are a number of passengers who may not wish to pay by card for various reasons including reasons of accessibility.

A debit or credit card machine of the proprietor's choice may be installed.

If a card machine is advertised as in use it must be available for every passenger unless a fault prevents its use.

16.13.4 Non-Factory Fitted Equipment

Proprietors may not use non-factory fitted equipment (for example, radios, PDAs, sat-nav systems) unless they are installed in positions approved by the Council's officers

No equipment can obstruct driver or passenger movement in or out of the vehicle, affect passenger comfort, obstruct the driver's vision, or impede the driver's ability to control the vehicle.

Proprietors must notify the Council before installing any non-factory fitted equipment so that the equipment and proposed position may be tested in relation to safety and comfort.

The vehicle must not be used before approval has been given.

If the vehicle already has a licence and is to be modified to allow the use of a PDA, radio, or other such equipment, permission must be obtained from the licensing authority first.

Proprietors must ensure that equipment installed does not interfere with the electronic systems of their vehicle or other vehicles on the road.

16.13.5 First Aid Kit

Proprietors may carry a first aid kit for their use if they choose to do so. Where a proprietor carries a first aid kit they must:

- Ensure it meets the requirements of the Health and Safety (First-Aid)

- Regulations 1981

- Keep an accident reporting log in the vehicle

16.13.6 High Visibility Safety Vests

Breakdown by the side of a major road or motorway carries with it a significant risk to passenger and driver safety.

A number of fluorescent/high visibility safety vests equal to the carrying capacity of the vehicle must be carried for use by passengers and driver in an emergency situation.

16.13.7 Fire Extinguishers

The byelaws for hackney carriages require that a fire extinguisher be carried. However, it is recognised that advice from the fire brigade in most cases of vehicle fire are that passengers and drivers should evacuate the vehicle and move away to a safe distance. Furthermore, the size of the fire extinguisher currently carried by most licensed vehicles is insufficient to put out a serious vehicle fire. The value of carrying a fire extinguisher is therefore questionable. Nevertheless, on balance it is reasoned that carrying a fire extinguisher is generally worthwhile given the small size and low cost of an extinguisher that may prove useful.

Vehicles must carry a well maintained fire extinguisher of a size deemed appropriate by the proprietor.

Extinguishers must be securely stored in the vehicle in a fixed and easily accessible location.

16.13.8 Defibrillators

Vehicle proprietors may carry a defibrillator if they choose to do so. Where a proprietor carries a defibrillator they must:

Receive satisfactory training in the use of the machine and provide certificated evidence to prove training.

Obtain the defibrillator from a recognised supplier of genuine quality machines and proof of purchase will be required.

Mount the defibrillator securely in a location where it cannot be accessed by passengers unless directed.

16.13.9 CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the driver and passengers 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

The Guidance recommends that licensing authorities look sympathetically at the installation of security measures in licensed vehicles, including CCTV systems, as a means of providing some protection for vehicle drivers.

CCTV in a licensed vehicle can benefit the trade by deterring and preventing criminal activity within a licensed vehicle, reducing the number of customers who fail to pay or abuse drivers and, where incidents have occurred, by providing information to assist the police in taking action. Insurance companies investigating insurance claims are also assisted by CCTV and this may have the added benefit to drivers by reducing their insurance premiums.

Whether CCTV (or other enhanced security measures) are installed or not, the hackney carriage and private hire vehicle trades are encouraged to build good links with the local police force, including participation in any Community Safety Partnerships or equivalent.

In April 2019 the DfT consultation on proposed statutory guidance sought views on a condition to make CCTV mandatory within licensed vehicles. In their response to this consultation, the Surveillance Camera Commissioner commented,

“Blanket licensing may be disproportionate and should only be used where there is a strong justification”

The Council recognises that there are benefits to the trade (as well as passengers) where CCTV is installed in licensed vehicles. However, in line with the comments of the

Surveillance Camera Commissioner and the Code of Practice concerning the use of CCTV, the Council does not feel that it should be a requirement of the licence at this time.

It is considered that the undertaking of such measures should be left to the judgment of individual operators, owners and drivers who are best placed to make the necessary decisions on safety, privacy and customer service.

There are data protection implications arising from the use of such surveillance and proprietors of licensed vehicles are responsible for ensuring that installed CCTV conforms not only to the Council's requirements but also any relevant applicable Data Protection legislation.

Proprietors may install CCTV, both internal facing and external facing.

Where CCTV is installed, the following conditions must be met:

1. That the appropriate person responsible for the camera is registered as the Data Controller under Data Protection legislation and is responsible for ensuring compliance with that legislation;
2. The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO);
3. The footage must remain "tamperproof" and be accessible only to the proprietor or a responsible third party;
4. Vehicles must display adequate signage notifying customers of the use of cameras, how long data is stored for and how customers can access the data;
5. Drivers must provide example documentation of a CCTV usage policy, Privacy Impact Assessment and Subject Access Request application.
6. Drivers must provide an in date copy of their ICO registration certificate

16.13.10 Safety Screens

Proprietors may install a safety screen. Where a safety screen is installed, proprietors must:

Provide evidence of safe installation

Provide evidence of notification to, and approval by, the company insuring the vehicle

16.13.11 Vehicle Tracker

Theft of new vehicles is rising, particularly those operated by keyless technology. Many are stolen for parts. Vehicle trackers can provide peace of mind for owners.

Proprietors may install a vehicle tracker.

Where a tracker is fitted it must be installed by a competent professional and proof of installation will be required.

16.13.12 Receipts

Offering a receipt to a customer rather than waiting to be asked is an important element of customer service. Customers with disabilities or vulnerable passengers may not want to ask the driver for a receipt but may find the information helpful, particularly in keeping track of payments and in booking future journeys. Blind or visually impaired passengers may want to know the driver details.

The driver of the vehicle must offer to each passenger (or, if there is more than one passenger, at least one of those passengers) at the end of their journey a receipt containing the following information:

- (a) the date
- (b) the fare for that journey
- (c) the number of the badge issued by the Council to that driver

- (d) other information that may be specified in writing to you by Council officers.

16.14 Signage and Roof Lights

16.14.1 Vehicle Plates

The plates (provided by the Council and which remain the property of the Council) identifying the vehicle as a hackney carriage or private hire vehicle in respect of which the licence has been granted must be affixed to the vehicle in such manner and position as shall be prescribed by this policy.

The exterior licence plate and interior licence plate (also referred to as the detachable slip) issued by the Council must be clearly visible and the details legible at all times that the vehicle is being used for work.

Vehicle plates can only be displayed on a bracket attached to the rear of the vehicle. It is not acceptable to display a plate in the rear windscreen.

Plates may be attached permanently by way of fixing to the vehicle or by way of magnet. No other form of fixing is permitted.

The detachable plate slip must be displayed on the inside of the windscreen and be visible to all passengers.

16.14.2 Door signs

Door signs are often vital tools for passengers to recognise legitimate taxi and private hire vehicles. The council understands that many operators now use text messaging systems to alert customers to the correct vehicle but this method does not assist all passengers, particularly those who cannot or do not use such technology. The council therefore considers door signs an important accessibility feature.

Hackney Carriages

Hackney carriages that do not display a livery (see section 14.5) must display door signs of a type and style approved by the Council's officers.

Signs must be attached to the front doors only.

Drivers must not, without reasonable excuse, fail to display such signs at all times that the vehicle is hired, plying for hire (including waiting on a rank), on the way to collect a passenger or otherwise used as a hackney carriage.

Private Hire Vehicle

Private Hire Vehicle door signs must be pre-approved by the Council's officers.

At all times when the vehicle is in use for work door signs **MUST** be applied to the driver's and front passenger door of such dimensions and colours as may from time to time be approved by the Council.

Signs must bear:

the words "Private Hire - Advance Bookings Only";

the operator's name and/or telephone number,

but may not contain the words "Taxi" or "Cab".

Door signs must be maintained in a clean, readable and undamaged state.

16.14.3 Roof lights

Hackney Carriages

All taxis must display a roof light showing the word 'taxi' on the front.

In the case of magnetic lights used on vehicles other than purpose built taxis, the words 'taxi' or 'for hire' must appear on the rear of the sign.

The roof sign must be maintained in good working order.

The magnetic light must be securely attached

The roof-sign must be capable of being lit, and must cease to be lit when the taximeter is brought into operation.

Hackney Carriages capable of carrying passengers in a wheelchair and/or of having accommodation for wheelchairs must incorporate a sign into the roof sign indicating their purpose

Private Hire Vehicles

Private hire vehicles must not have roof signs. This is to avoid confusion with hackney carriage vehicles.

16.14.4 Tariff Chart

Hackney carriages

The regulations concerning the display of fares are contained within the byelaws. Byelaw regulations shall not be duplicated but for purposes of inspection and grant of licence, a licence will not be granted where the tariff sheet is not on display at the time of inspection in accordance with the specification laid down in the byelaws.

Private Hire Vehicles

Private Hire Vehicles do not have to display a tariff chart but it is advisable that any additional charges, such as soiling fees or charges for luggage are made clear at the time the booking is made.

16.14.5 Large Driver Badge

You must make sure that there shall be displayed so that it is visible from all parts of the vehicle, whilst it is available and used for hire, an identity style badge as provided by, and which shall remain the property of, the Council, which shall have incorporated within it a photograph of your face and your badge number.

16.14.6 Advertisements

No advertisement or sign of any nature can be displayed on the vehicle other than an advertisement or a sign of a type authorised by the Council.

Applications for provisional approval of advertisements must be made in writing in the approved form to the Licensing Authority enclosing two copies of all the proposed advertisements in full colour.

An application for full advertising must be accompanied by full colour three view art work and the licensing authority shall be entitled to retain all material submitted with the application.

All applications for provisional approval of advertisements will be considered by the Council's licensing officer, who if satisfied as to the non-contentious nature of any application shall grant the application; if the Council's officer is not so satisfied then any such application will be submitted to the Head of Community Protection for consideration.

The Proprietor remains responsible for the content of any advertisement displayed on their vehicle, whether internal or external. It remains the license holder's responsibility to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority irrespective of any consent to display the advertisement which may have been given by the licensing authority.

Each application will be considered on its merits, but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; display nude or semi-nude figures; advertise tobacco products; are likely to offend public taste; depict men women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.

Prior to displaying any advertisements the holder of the licence shall present the vehicle, fitted with the advertisement or livery, for final approval. Until final approval is given an advertisement cannot be displayed or in the case of a full livery hackney carriage the vehicle cannot ply for hire.

Advertisements will be checked at the annual and random inspections of the vehicle but if a licensee wishes to materially change or amend an advertisement during the course of the year, the licensee of the vehicle must notify the council.

The following conditions apply with regard to advertisements.

1. All liveries must be approved by the Council and proposals must be accompanied by full colour, three view artwork. The vehicle must be presented at the Council offices for inspection of the finished livery.
2. No secondary advertising is permitted, whether in the form of the company logo preparing the vehicle or the name of the advertising agency.
3. Damaged or unmatched panels are unacceptable and will not be acceptable for re-licensing/renewing in this condition.
4. No part of the advertisement shall appear on any windows so as to obstruct or interfere with, or of the vision of the driver and/or passengers.
5. Window graphing, scrolling advert or hubcaps advertising not permitted.

16.14.7 Livery

Until 2010 Hackney Carriages in Watford were required to display a livery. This requirement was removed but it is the opinion of the council that for reasons of safety, accessibility and recognition, a livery would be advantageous.

However, it is also recognised that the services offered by hackney carriages in Watford are many and varied and a livery may not suit every proprietor. Hackney Carriages now perform many functions traditionally undertaken by private hire vehicles, such as executive hire and corporate account work and in these cases, a livery may hinder the business.

In seeking to strike a balance, the council have introduced a voluntary livery. The livery shall standardise design to ensure that drivers who wish to take advantage of clearly advertising the high standards of Watford hackney carriages can now do so.

Hackney carriages may display a livery.

Where the livery is displayed it must be in accordance with the approved livery of black vehicle with yellow bonnet stripes, yellow boot stripes and yellow roof stripes to a standard colour code approved by the council.

There are no livery requirements for private hire vehicles. A private hire vehicle must not be modified to represent a hackney carriage through use of the livery.

16.14.8 Other Signage

Vehicles must display at least one “No Smoking” sign on at least one near-side and one off-side window to be clearly visible to passengers before entering the vehicle. Vehicles may only display the following window stickers or signs providing that they do not obscure vision:

- (a) the Council’s official plate (the detachable slip)
- (b) the name and telephone number of a Watford hackney carriage or private hire firm, recognised by the Council
- (c) an authorised parking permit
- (d) membership of a recognised motoring organization or a hackney carriage or private hire association
- (e) disability awareness signs.
- (f) If CCTV is in use, signs notifying customers of the use, storage and access must be displayed.
- (g) A sign advertising the availability of debit or credit card facilities

No other signage is permitted unless permission is expressly granted by the licensing authority on application

16.14.9 Exemptions from display of signage etc.

Hackney Carriage

Exemption from displaying the council approved door sign is only available where an alternative door sign of an approved design is displayed in the same place on the front doors. Applications for alternative door signs must be made in accordance with the requirements of section 14.6 (Advertisements). Applications will only be considered where the alternative sign is a form of advertising for a taxi firm or operator. There is no exemption from displaying a roof sign.

There is no exemption from displaying a vehicle plate.

Private Hire Vehicles

Door Signs

An exemption for the display of door signs is available.

An exemption for the display of door signs will only be granted where the proprietor can provide written evidence in support of the application from a company requesting to use their services without door signs. This evidence must be corroborated by the private hire operator.

Where an Exemption Certificate has been issued for the vehicle by the Council, and a magnetic sign applied instead to the driver's and front passenger door, that sign must meet the requirements stated in section 14.2 and in addition contain in prominent figures the number of the vehicle plate issued to that vehicle. The magnetic signs must be displayed on the vehicle whilst it is being used for Non-Contract Work and may be removed whilst being used for Contract Work.

Within this condition:

Contract Work means journeys undertaken for hire or reward as part of a regular course of business with a particular client or customer as determined to the satisfaction of the Council's officers;

Non-Contract Work means all other journeys for hire or reward including those conducted for the purposes of conveying children to or from any school or educational establishment.

Vehicle Plate

An exemption for display of vehicle plate is available.

An exemption for display of vehicle plate will only be granted where the vehicle is to be used exclusively for work under contract (as defined above) where bookings are:

made at least 24 hours in advance; references from clients supports the use of the vehicle where no plate should be displayed, and; payments for such bookings are made by invoice or account and evidence is provided by the private hire operator to support the application

In such cases where an exemption to displaying a plate is granted, the vehicle shall instead display a disc issued in its place. The disc shall be displayed in the front windscreen of the vehicle.

16.15 Wheelchair Accessible Vehicles

In addition to policy sections 1-14, the following applies to wheelchair accessible vehicles:

16.15.1 Type Approval and design

Wheelchair Accessible Vehicles must be professionally constructed or converted and tested conforming to M1 type approval under EWVTA, NSSTA or statutory 'normal' IVA.

Wheelchair Accessible Vehicles can be side or rear loading.

16.15.2 Restraints

A three-point seatbelt assembly together with suitable wheelchair restraints must be provided for the use of wheelchair occupants in vehicles capable of carrying passengers in their wheelchairs.

Anchorage must be provided for the both the wheelchair and wheelchair user to the latest industry standard. Restraints for wheelchair and occupant must be independent of each other.

16.15.3 Ramps

A ramp(s) for the (un)loading of wheelchair passengers must be available at all times for the safe access and egress of passengers. Adequate locating device(s) must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be of sufficient strength and stability such that they will not bend and will remain stable during use and must be of a safe working limit of at least 300 kg over its entire length. The ramp(s) must be capable of being stowed away securely and safely when not in use.

Ramps which are removable must be permanently legibly marked with the registration mark of the vehicle for which they are provided.

16.15.4 Lifting Mechanism

Lifting mechanisms fitted to any licensed vehicle must conform and be tested in accordance with the Lifting Operations and Lifting Equipment Regulation 1998 (LOLER). Any costs associated with this requirement are the responsibility of the vehicle proprietor.

A valid compliance report conform to LOLER must be kept in the vehicle and be available for inspection.

16.15.5 Training

Where a vehicle is capable of carrying a passenger sitting in a wheelchair in the vehicle, the driver of the hackney carriage or private hire vehicle must demonstrate at the time of vehicle inspection on application an ability to use the equipment provided for the carriage of passengers. All drivers must attend a disability awareness course approved by the Council.

16.16 Stretched Limousines

In additions to policy sections 1-14, the following applies to stretched limousine vehicles. Section 12.10 (left hand drive vehicles) shall not apply.

Stretched Limousines are elongated saloon cars that have been increasingly used for mainstream private hire work plus special occasions such as days at the races, stag/hen parties and birthday parties.

Licensing authorities have generally considered there to be some problems which prevents stretched limousines from being licensed including:

- many of the vehicles are capable of carrying more than 8 passengers;
- many of them are left hand drive;
- many are fitted with all round darkened glass;
- most are imported from the United States;
- many have been converted or modified after manufacture;
- due to their origin many parts may not be available making adequate maintenance difficult.

Most limousines are imported for commercial purposes and are therefore required to pass a statutory Individual Vehicle Type Approval (IVA) test.

Most, if not all, cannot be approved as Passenger Carrying Vehicles (PCV) because they cannot meet the required standards for the door arrangements and means of escape in an emergency.

Stretched limousines can be licensed for private hire work providing they carry no more than 8 passengers and meet the requirements of the Local Government (Miscellaneous Provisions) 1976.

Possible exemptions under the Local Government (Miscellaneous Provisions) 1976 provide that nothing should:

- (i) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
- (ii) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;
- (iii) apply to a vehicle being used in connection with a wedding.

Any stretched limousines, which are offered for private hire or which are not used for funeral and weddings will require a private hire vehicle licence.

In accordance with the Guidance, all applications for the licensing of stretched limousines as private hire vehicles will be treated on their own merits. It is, however, proposed that imported stretched limousine type vehicles:

be granted an exemption from the requirement under this policy at 12.10 for vehicles to be right hand drive where passengers have no access to the driver and forward compartment;
and

be approved for licensing as private hire vehicles subject the general conditions of sections 1-14 of this policy and the additional conditions as follows:

- a. That no vehicle over 10 years old shall be licensed as a stretched limousine
- b. That applications are accompanied by the relevant IVA inspection certificate
- c. That vehicles are required to pass an MOT test every 6 months
- d. That the result of this MOT test be submitted to the licensing team at the time of the test

It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If a limousine is to be provided whereby part of the booking includes “free alcohol”, the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

16.17 Tuk Tuks, Rickshaws, Velotaxis and Pedicabs

Over recent years a number of licensing authorities across the country have received enquiries concerning the licensing of numerous types of small vehicle such as tuk tuks, rickshaws, velotaxis and pedicabs as private hire vehicles or hackney carriages.

Non-motorised vehicles cannot be licensed as private hire vehicles.

In order for applications for motorised vehicles to be determined applicants will be required to demonstrate how they propose to comply with this policy.

In respect of hackney carriages, which can be motorised or non-motorised, there are a number of issues that need to be considered including the current numerical limit on licences and wheelchair accessibility.

The driver of any hackney carriage and private hire vehicle needs to hold an appropriate drivers licence issued by the council and the same would be required were any other type of vehicle to be licensed.

Applicants wishing to licence any type of vehicle similar to a tuk tuk, rickshaw, velotaxi or pedicab should consider this policy and aim to demonstrate how they propose to comply with the relevant requirements.

Any decision on the grant of such a licence will only be taken by the Group Head of Community and Environmental Services or the Head of Community Protection in consultation with the Chair of the Licensing Committee.

If the Council were minded to grant licences for tuk tuks, rickshaws or pedicabs appropriate conditions would need to be attached and these may be in addition to conditions imposed under this policy.

16.18 Other Novelty or Specialist Vehicle Types falling outside of this policy

The Council understands that there may be occasions where a unique vehicle is suitable for use as a licensed vehicle. This policy aims to give comprehensive advice but it is always possible that particular needs may not be met. Any vehicle not conforming to the regular standards required may be considered as a novelty or specialist vehicle on application.

Any person wishing to licence any vehicle that falls outside of this policy should apply in writing to licensing team giving reasons for the application.

An application must be accompanied by a full explanation of a business proposal and reasons as to why the grant of a licence should be considered.

Any decision on the grant of a licence to a specialist, classic or novelty vehicle will only be taken by the Group Head of Community and Environmental Services or the Head of Community Protection in consultation with the Chair of the Licensing Committee.

16.19 Any other reasonable matter

Where an inspecting officer has serious safety concerns caused by any aspect of a licensed vehicle or a vehicle presented or intended to be presented for inspection for the grant of a licence, be it material or mechanical in nature, they may refer the application to a senior officer for further advice and/or a decision. Until such time as a decision is reached, the application will not proceed.

16.20 Vehicle Licence Conditions

Specific conditions to be attached to vehicle licences can be found at appendices 5, 6, 7, 8 and 9.

17.0 Applications for Private Hire Operator Licences

17.1 Introduction

Operators form the backbone of the private hire vehicle regulatory system under the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority, and the location of the operator's base will determine the authority from which all other licences must be obtained.

The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles. Various legal cases have examined this definition in detail, as a result of which a wide range of businesses will require licensing under these provisions – the meaning will extend greatly beyond the provision of local 'minicab' services.

Operators play a key role in ensuring that the public are kept safe; that drivers are suitably trained, experienced and supported to deliver the best service possible and that vehicles are kept in a clean, safe and sound condition at all times. Although operators will generally have less direct contact with the public than drivers, their other duties in ensuring the safety of the public means that similar checks must be applied when considering applications for licences. The Council must be satisfied that prospective operators are fit and proper persons.

It is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for an operator's licence.

17.2 Fitness and propriety of applicants

In determining applications, the statutory test that must be applied is set out at section 55 of the 1976 Act. It states that the licensing authority “shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator’s licence”.

In accordance with the Interpretation Act, the term ‘person’ may apply to both individuals and bodies corporate and unincorporated. A company or partnership may apply for a private hire vehicle operator’s licence. We will apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. Therefore, private hire vehicle operators will be required to tell us of any change in directors or partners.

17.3 Application process

Where the application is being made by a single individual, the questions on the application form should be answered by that individual. Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants. Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors. This is particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, because the Council must be satisfied as to the fitness and propriety of every applicant.

All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required. If the right to work is time-restricted then further proof will be required to demonstrate continuity of right to work.

Applications must also be accompanied by a Basic Disclosure certificate for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in

the full name of the relevant individual and must have been issued no earlier than 3 months before the date on which the application is made. Basic Disclosure certificates are required annually.

We will consider whether an applicant or licence holder with convictions meets the 'fit and proper' threshold by reference to section 16.

The requirement to provide a Basic Disclosure certificate will not apply to any applicant who holds a current private hire or hackney carriage driver's licence issued by us. These individuals have already been assessed in terms of their fitness and propriety during their application for that licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary. Should the individual cease to hold a driver's licence a basic certificate will be required and you should apply for it immediately.

Applicants who are applying simultaneously for a driver's licence and have submitted an application, will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates have been received.

In addition to this, requests will be sent to the police to obtain any information that may be relevant when determining an application.

If any issues arise during the processing of the application, you will be given an opportunity to provide clarification, or to amend the application form.

When all required information has been received, the application will be determined. The following sections of this Policy set out details of how we will consider certain aspects of the application.

Licences will usually be granted for a period of five years. However, we can grant licences for a shorter duration, should this be considered necessary in the particular circumstances.

Operator's licences are non-transferrable. In the event of operation of a licensed business passing to a different person, the new owner of the business will need to apply for a licence.

Section 62 of the 1976 Act provides a power for us to suspend or revoke an operator's licence on various grounds, including:

- a) the commission of an offence or non-compliance with the 1976 Act,
- b) conduct on the part of the operator which appears to render him unfit,
- c) any material change in the operator's circumstances, or
- d) any other reasonable cause.

The Council may also prosecute an operator for any breaches, including failure to keep the prescribed records, or operation of unlicensed vehicles or drivers.

Where an application is refused, or a licence suspended or revoked, or if an operator is aggrieved by conditions added to his licence, a right of appeal to the Magistrates' Court exists. Details of how to exercise this right will be provided in our correspondence with the operator at the time of the decision.

17.4 Accessibility

Under the Equality Act 2010 the council must have due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

It is very important that all service providers ensure they are complying with the requirements of the Equality Act 2010 and that the council does all it can to make sure this happens.

For this reason operators of private hire services and their staff are required to:

- undergo training in disability, equality and dementia awareness as detailed in section 17.12
- submit a copy of the company Equality Policy prior to the licence being granted.

17.5 Complaints Policy

It is important that operators do all they can to assist in the resolution of complaints about their service or about the service provided by drivers working for them or acting as agents on their behalf. Timely resolutions of complaints is important for customer service, well-being and safe-guarding purposes. Operators must accept that drivers acting as agents remain under their control and their responsibility when it comes to providing the best service possible for all.

Applicants must submit a complaints policy at the time of making their application. The policy must be comprehensive and easy to understand. Customers must be made aware of the options open to them to make a complaint about the operator.

Operators must notify us in writing of any complaints concerning a contract for hire arising from their business. This will help to protect them against frivolous or vexatious complaints or allegations of misconduct against a driver. Such notification should include the action taken, or proposed, as a result of the complaint.

17.6 Timescales

An application for a private hire operator licence takes no less than 28 days. As with driver and vehicle applications, there is no maximum time limit where information must be sought to ensure an applicant or applicants are fit and proper.

Where an applicant does not supply all necessary information at the time of submitting the application or fails to respond to requests for clarification of the application within a timely manner, the application may be rejected as incomplete and a refund made of any fee paid.

17.7 Dispatch Staff

Operators are required to keep a register of all staff that will take bookings or dispatch vehicles. Operators must ensure that all persons that have access to their records, bookings and contracts have:

- a) A basic disclosure check and completes a statutory declaration in relation to previous offences before being commencing employment; and
- b) Completes a new Basic Disclosure at the time when the operator's licence is renewed.

Anyone with access to the operator's records bookings and contracts, whether directly employed or otherwise, must satisfy the suitability standards set out in section 18 of this policy. The operator must keep records of such checks.

A record that the operator has had sight of a Basic Disclosure check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains working for the operator taking bookings or dispatching vehicles. Should an employee cease to work in this role and later return to work in this role, a new Basic Disclosure certificate should be requested and sight of this recorded.

17.8 Records

In order to safeguard the public, drivers and operators it is important that records are stored and shared in a timely manner. This partnership working is a feature of the private hire regime and operators must understand their role in helping to support local community safety objectives.

For this reason operators are required to keep and make available certain records. This helps to trace, among other things, drivers, customers and lost property. The operator must keep certain records as listed in the attached Private Hire Operator Conditions which can be found at appendix 3.

The registers and records referred to in Private Hire Operator conditions can be kept in either paper format or electronically. The chosen format must permit inspection on demand and with the minimum of delay, and in any case within 24 hours, in response to a request made under section 56(3) Local Government (Miscellaneous Provisions) Act 1976. Where records are kept in electronic format, facilities must be available for records to be printed onto paper and to be made available to an authorised officer of the authority or a Police Officer within 24 hours.

The Operator or their controllers are required to produce all or any of the records specified in this policy or the conditions on request to any Authorised Officer of the Council or to any Police Officer for inspection on demand.

These records must be kept for a period of no less than twelve months.

17.9 Operating Bases outside the Borough of Watford

We will not grant a private hire operator licence for an operating base that is outside the Council's area. This is to ensure that proper regulation and enforcement measures may be

taken by us. This is not a restraint of trade as the operator may apply to the local authority responsible for licensing where the proposed operating base is located.

17.10 Operating Bases inside the Borough of Watford

A private hire operator licence issued by us will be required for any operator with an operating base that is inside the Council's area. Accordingly, all vehicles and drivers operating from that base will require appropriate licences issued by us. This is to ensure that proper regulation and enforcement measures may be taken by us and that all vehicles operating with Council's area meet the Council's Policy objectives.

17.11 Address from which an Operator may operate

When a private hire operator licence is granted, we will specify on the licence the address from which the operator may accept bookings and despatch vehicles. This address will usually be the address stated on the application form.

The operator must notify us in writing of any proposed change of address during the period of the licence.

The operator must also provide proof of public liability insurance for the new premises, or sign a declaration that their new premises is not open to the public prior to a new licence being approved.

17.12 Training

All applicants for an operator's licence will be required to pass an approved course in disability awareness and safe-guarding before a licence will be granted. Operators will need to meet the cost of this training. If an applicant can show they have passed adequate

similar training they may be exempted from the training suggested by the Council. Details of the standards can be obtained from the Licensing Team.

Existing operators must attend update training every five years.

All training will include a written knowledge test.

17.13 Previous licences

During any licensing application, the Council can and will consider any licensing history relating to an applicant or operator that we consider relevant. For example, if an applicant has previously had a licence revoked, whether by us or any other authority, this may indicate an underlying issue with the fitness or propriety of that person. We may obtain any other relevant available information from the other authority.

Where a number of previous complaints have been made against an operator, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by us when determining the application.

17.14 Planning Consent

Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice on planning permission from the Council's planning team prior to making an application for a licence or commencing the use of premises under a licence.

Planning officers can be contacted during normal working hours on email to planning.enforcement@watford.gov.uk

Planning and licensing operate as separate regulatory regimes, and the absence of planning permission for a particular site will not prohibit the licensing authority from granting a licence. However, applicants must be aware that planning and licensing requirements must both be satisfied prior to the commencement of operations, and if this is not the case then the applicant will be liable to enforcement action for breaches of the relevant legislation.

17.15 Insurance

In accordance with the Department for Transport's Best Practice Guide, we require proof that operators hold suitable public liability insurance, covering all aspects of their business before starting operations.

In particular, we recommend that operators hold policies in respect of public liability and employer's liability. The first will enable you to deal with any claims for damages arising from the activities of the business affecting customers and members of the public and the second will enable you to deal with any claims by persons employed or engaged by the operator, who are injured, become ill or otherwise suffer damages as a result of the business activities.

We cannot give advice as to which insurance policies or providers will be the most suitable.

It falls outside our remit to stipulate a suitable level of insurance to be held, or to take action against businesses who fail to secure appropriate policies. However, in the absence of an insurance policy any legal claims made against the operator could result in the individual proprietors of the business being held liable for any damages or legal costs incurred during proceedings, which could involve very large sums.

17.16 Communications and information security

In the course of their business, operators will be required to process and store personal data. The processing and storage of this data will fall under the provisions of Data Protection Legislation. These require the Operator to:

- a) take certain measures to ensure the security of that data,
- b) to prevent unauthorised breaches of the security, and
- c) to prevent use of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).

Operators should be aware that they are likely to have to register with the Information Commissioner's office as a data controller.

For further advice on how and when to register, please see the website of the Information Commissioner's Office, at www.ico.org.uk

17.17 Trading names

Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

While trading names are a matter for an Operator to determine, we will seek to prevent names which may offend. We will also prevent any names that may cause confusion in connection with the provision of private hire services already established in the area. The area includes areas beyond the Council's boundary if we feel that this is likely to lead to safety issues for neighbouring authorities and residents.

Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators. However, if the Operator also provides bookings to hackney carriages, a variation of the

permitted trading name including one of these terms, may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

Should concerns arise about the suitability of a trading name, we will discuss these with you and you will have an opportunity to respond or to amend your application.

In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- a) An expletive, derogatory or offensive term
- b) A term associated with inequality
- c) A term with political implications
- d) A registered trademark (unless the applicant can demonstrate a right to use that mark)
- e) The trading name of an existing Private Hire Operator, either licensed in the Borough, or trading in a neighbouring area
- f) The trading name used by a Watford licensed hackney carriage proprietor, where the proprietor has previously notified us of the use of that name and the name has been used regularly since
- g) A name which implies official recognition or endorsement by us or another regulatory body
- h) A term in any language other than English which when translated would fall within any of the preceding categories.

The operator must notify us in writing of any proposed change of name during the period of the licence, and obtain approval from the council first before using the name in any advertising literature or before displaying the name on the side of their vehicles (please also see the section on door signage under the vehicle licence conditions at section XX)

17.18 Sub-contracting of Private Hire Bookings

Legislation allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, either inside the same district or in a different district. Both operators must be licensed within the area in which their operating base is located and should record details of the booking in the normal way.

All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licensed to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licensed in district B. They can however sub-contract the booking to the operating base in district B using a vehicle and driver licensed in district B.

The initial booking must be taken within the area in which the operator is based and the sub-contracted booking must be taken within the area in which the subcontracted operator is based.

For door signs please see the Vehicle Licensing Section.

Business card dispensers containing cards with the operator's contact details may also be utilised within vehicles. The only restriction is a requirement that they do not obstruct the safe operation of the vehicle.

Operators must ensure that where bookings are subcontracted sufficient safeguards are in place at the company who undertake to fulfil the booking. These safeguards must be equivalent to those imposed by conditions placed upon the operator.

17.19 Use of mobile applications

The use of mobile applications ("Apps") is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. We support the use of such innovation which has many potential public safety benefits.

17.20 Convictions

Please see section 18 - Fit and Proper, Guidelines on the Grant, Suspension and Revocation of Licences.

17.21 Disclosure of Convictions

Operators must inform us in writing within 48 hours if they or any partner in the business linked to the operator licence is arrested, formally interviewed as a suspect, charged with, or convicted of an offence, including traffic and speeding offences.

17.21 Conditions

Under section 55(3) of the 1976 Act, the licensing authority will attach to an operator's licence such condition as are considered necessary. This power is subject to a right of appeal by any applicant aggrieved by one or more of the conditions.

The schedule of conditions which will be attached to all operator licences are contained in Appendix 3.

Attaching these conditions does not prevent us from attaching any other condition considered necessary in response to specific issues that have been considered as part of the application. This power may be used to substitute conditions from the standard conditions with further conditions or adding more, or less, stringent conditions than the standard conditions.

18.0 Fit and Proper - Guidelines on the Grant, Suspension and Revocation of Licences

18.1 Introduction

18.1.1 This section of the policy provides guidance to all parties on the criteria that will be taken into account when determining whether or not an Applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire Driver Licence or an Operator's Licence.

18.1.2 Whilst criminal convictions play a significant part in the Council's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and police information etc.

18.1.3 In seeking to safeguard the public. The Council will ensure:

- That a person is a fit and proper person in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

18.1.4 The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined but it has been alternatively described as "safe and suitable".

18.1.5 In determining whether a person is fit and proper to hold a driver's licence, those tasked with determining licences / applications are asking the following question of themselves:

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

18.1.6 In determining whether a person is fit and proper to hold an operator’s licence, those tasked with determining licences / applications are asking the following question of themselves:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

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

18.1.8 In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), or to assess the continued fitness of existing licence holders, the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver’s licence
- Number of endorsed driving licence penalty points
- Right to work in the UK
- Medical fitness
- Standard of driving / driving ability

- The conduct of the Applicant in making the application (e.g. whether they have acted with integrity during the application process, made a misleading statement or omission)
- The previous licensing history of existing / former licence holders

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

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

- Applicants for a driver’s licence
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates and Judges hearing appeals against council decisions

18.1.10 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the decision makers may depart from the guidelines. Any departure from the guidelines must be carefully considered and adequate reasoning should be recorded to explain the departure.

18.1.11 In this policy the word “Conviction” is to be defined as including convictions, formal or informal cautions or warnings, reprimands, bind overs, conditional or unconditional discharges and other relevant information. In this policy ‘from date sentence has ended’ is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant.

For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new

sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.

18.1.12 In this policy the word “Applicant” refers to either new Applicants, or existing licence holders who are seeking renewal and existing licence holders who are the subject of periodic auditing or are having their licence reviewed by the Council. It also includes existing licence holders who are being considered by the Council as a result of offending activity having recently come to light.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered or new information has come to light.

18.1.13 In drafting this policy and considering responses to the consultation consideration has been given to the Human Rights Act 1998, particularly in relation to:

- Article 6 (right to a fair trial);
- Article 8 (the right to respect for private and family life); and
- Protocol 1, Article 1 (protection of property)

18.1.14 All decisions taken under this policy will be taken in accordance with the Human Rights Act.

18.1.15 The impact of this policy on the local community of Watford, both positive and negative, has been considered.

18.2. General Policy

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

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

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

18.2.2 The standards and criteria set out in paragraphs 18.6 to 18.18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria; however it must only do so in wholly exceptional circumstances*. The otherwise good character and driving record of the Applicant or licence holder will not ordinarily be considered as exceptional circumstances.

18.3 Appeals

18.3.1 Any Applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the Council is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)].

18.3.2 Any Applicant who is granted a driver's licence and who feels aggrieved by any of the conditions attached to that licence can similarly appeal to magistrates' court

*Wholly exceptional circumstances will be decided by the Group Head of Community and Environmental Services in consultation with the Chair of the Licensing Committee.

18.4 Powers

18.4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

18.4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to take into account all convictions recorded against an Applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the Council will have regard to all convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

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

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- The number of offences i.e. lots of minor offences
- Circumstances of the individual concerned
- Any sentence imposed by the court

- Any comments made by the court or other information laid before the court
- The Applicant’s age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the Applicant has intentionally misled the Council or lied as part of the application process,
 - Information provided by other agencies / Council departments.

18.4.4 Existing holders of driver’s licences are required to notify the Council in writing within 48 Hours of an arrest for, or on receiving:

- a driving licence endorsement
- fixed penalty notice
- warning
- reprimand
- police caution
- criminal conviction or
- other criminal proceedings.

To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications or at any time during the period of the licence when the information may come to light.

18.4.5 Applicants can discuss what effect a caution / conviction may have on any application by contacting the Licensing Section for advice. It is in the Applicant’s best interest to bring any relevant detail to the attention of the authority at an early stage. The time and effort involved in applying for a licence may be wasted if details come to light later

which mean the application should be refused. It may also be useful to understand the possible impact of an impending conviction/caution on an existing licence.

18.4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any Applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense.

18.4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police. Examples of such information sources that may be used include social care information, benefits payments etc.

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

Therefore:

Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.

All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for/being granted, a hackney carriage/PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at www.watford.gov.uk/NR3

Information will be processed in accordance with Data Protection Legislation. Any searches, provision or receipt of information of or under NR3 are necessary to the council's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects, you can do so to the authority's Data Protection Officer at watforddp@hertfordshire.gov.uk This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

18.4.9 In some circumstances the council may, under the Safeguarding Vulnerable Groups Act 2006, make a referral to the Disclosure and Barring Service where a decision to revoke or refuse a licence is made due to the concern that an individual poses a threat to a child or adult at risk. In line with the DfT Taxi Standards, a referral will be considered where:

- an individual has harmed or poses a risk of harm to a child or adult at risk;
- 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;

Applicants should be aware that if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

A licence will not usually be granted to an applicant who appears on either barred list.

18.4.10 A suspension, revocation or refusal on public safety grounds will usually also be advised to the police.

18.4.11 It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence. Where an Applicant has made a false statement or a false declaration or omission on their application for the grant or renewal of a licence, the licence will normally be refused. Further applications for licences will be refused for a period of one year from the date that the lie or omission came to light.

18.4.12 The lists of offences within this Policy are not exhaustive. The Council can consider any offences not detailed in this Policy when examining the fitness and propriety of an Applicant and those offences listed below under the headings of violence, indecency,

dishonesty or driving offences should likewise not be taken as exhaustive lists of offences relevant to these categories.

18.5 Options when determining an application/licence

18.5.1 When determining an application or considering an existing licence the Council have the following options:

- approve the application or take no further action
- approve the application with a shorter than normal expiry date
- refuse the application/revoke the licence/suspend the licence
- commence enforcement action under the Council's Enforcement Policy.

18.5.2 The Authority recognises the different roles of drivers and operators and its responsibility to ensure that they are 'fit and proper' to hold such licences. For Applicants for driver's licences all of the following sections apply. Sections 18.12 and 18.13 do not apply to Applicants for private hire operators licences only.

18.5.3 Applicants who have prior convictions or driving endorsements may be invited to attend an interview with an officer where it is deemed reasonable to do so. In such cases they may be accompanied by a representative should they wish, and bring supporting evidence with them. The interviewing officer will record any mitigating circumstances. The fact that existing licensed drivers rely on their licence for their livelihood will not be seen as a mitigating factor.

18.5.4 A review of the interview will be arranged within three working days (wherever possible) with the Head of Community Protection or the Group Head of Community and Environmental Services, where that officer will review the application and the result of the interview (but not accept any new evidence) before making a determination.

18.6 Types of Offence

18.6.1 Licensed drivers, and potentially private hire operators, have close regular contact with the public. A firm line is to be taken with those who have been found guilty for offences involving violence. An application will be refused or an existing licence revoked with immediate effect if the Applicant has been found guilty of an offence that involved the loss of life.

18.6.2 A licence will not be granted, or an existing licence will be revoked with immediate effect, where the Applicant has been found guilty of an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Grievous bodily harm
- Violent disorder
- Riot
- Malicious wounding or grievous bodily harm which is racially aggravated
- Aggravated burglary
- Terrorism offences
- Any related offences (including attempted or conspiracy to commit offences) that are similar in gravity to those above.

18.6.3 Consideration may only be given to the granting / issuing of a licence if at least 10 years have passed since (the longest period will apply):

Conviction or finding of guilt; or

The end of any prison sentence; and/or

period released 'on licence'

For any offence shown below:

- Arson
- Actual bodily harm
- Robbery
- Possession of firearm
- Assault Police
- Any racially-aggravated offence against a person or property
- Affray
- Any related offences (including, attempting or conspiring to commit offences) that are similar in gravity to those above.

18.6.4 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.6.5 Consideration may only be given to the granting / issuing of a licence if at least 5 years have passed since (the longest period will apply):

Conviction or finding of guilt; or

The end of any prison sentence; and/or

period released 'on licence'

For an offence shown below:

- Obstruction
- Criminal damage
- Resisting arrest

- Any other Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Common assault
- Any related offences (including attempted or conspiracy to commit offences) that are similar in gravity to those above.

18.6.6 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.6.7 A licence will not be granted if an Applicant has been found guilty and/or convicted on two or more (separate) occasions for an offence of a violent nature.

18.6.8 Most prison sentences are for a fixed period and prisoners will generally be released at the half way point of the sentence and will spend the remaining period of their sentence 'on licence'. Time spent 'on licence' in the community is supervised by probation.

18.7 Possession of a weapon

18.7.1 If an Applicant has been found guilty and/or convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

18.7.2 Depending on the circumstances of the offence, at least 3 years must have passed since conviction and/or finding of guilt, if the sentence is not custodial, or the completion of the sentence, before a licence is granted.

18.7.3 A licence will not be granted if an Applicant has been found guilty and/or convicted on two or more separate occasions for weapon related offences.

18.7.4 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.8. Sexual and indecency offences

18.8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the Council will take a strong line in relation to Applicants or existing licence holders who have been found guilty and/or convicted of sexual offences. Similarly licensed private hire operators will have access to information regarding the location and movements of these groups of people. All sexual and indecency offences should be considered as serious. Applicants who have been found guilty and/or convicted of sexual or indecency offences that involve a third party will not be granted a licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or adults at risk
- Child Sexual Exploitation
- Trafficking, sexual abuse against children and / or adults at risk and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar in gravity or related offences (including aiding abetting, attempting or conspiring to commit) offences which replace the above

18.8.2 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.8.3 In addition to the above the Council will not grant a licence to any Applicant who is currently on the Sex Offenders Register or any other similar register.

18.8.4 Applicants, drivers or operators who are notified to the council by any agency as having failed to report when required clear instances, evidence or suspicions of child sexual exploitation or human trafficking will be considered for refusal or revocation of a licence. A driver who has their licence revoked for reasons given in this section (8.4) will not be considered for a new licence for at least 5 years.

18.9 Exploitation

18.9.1 Where an applicant or licensee has been convicted of a crime involving, related to , or has any connection it 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, trafficking, assisting unlawful immigration, child sexual abuse and exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

18.10 Dishonesty

18.10.1 A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Both drivers and operators may be privy to information regarding empty homes as taxis are often used as transport to airports etc. For these reasons, a serious view is taken of any conviction involving dishonesty.

18.10.2 A minimum period of 5 years free of conviction and/or finding of guilt will be required before an application for the grant / issue of a licence will be considered. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- any similar offences in gravity or related offences (including aiding abetting attempting or conspiring to commit) which replace the above

18.10.3 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.10.4 Applicants or existing licence holders that are found to have intentionally misled the Council, by way of omission or lie as part of the application process, will not be issued with a licence or their licence will be revoked if the matter comes to light after the grant of a licence.

18.11 Alcohol and Drugs

18.11.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst Applicants who have convictions for the supply of

drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered carefully.

18.11.2 It is recognised nationally that taxis can travel to any location at any time without raising suspicion so they are the ideal mode of transport for moving illegal items. An Applicant for an operator's licence who has been found guilty of and/or convicted in relation to the supply of illegal substances will be refused.

18.11.3 As licence holders are professional vocational drivers, a serious view is taken of findings of guilt and/or convictions for driving, or being in charge of a vehicle while exceeding the legal limit or under the influence of drink or drugs. More than one finding of guilt and/or conviction for these offences raises significant doubts as to the Applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence, following a drink drive disqualification, should elapse before an application will be considered. If there is any suggestion that the Applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed. Such a report will be at the Applicant's expense.

18.11.4 Because of the nature of a driver's involvement with the public, a licence will not be granted where the Applicant has been found guilty and/or convicted of an offence related to the supply of drugs regardless of the disposal.

18.11.5 A licence will not be granted where the Applicant has been found guilty and/or convicted of an offence or offences related to the possession of illegal / controlled drugs until at least 10 years have passed since conviction if the sentence is non custodial or the completion of any sentence and / or licence period, and only then after full consideration of the nature of the offence/s and the quantity / type of drugs involved.

18.11.6 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance the DVLA Group 2 medical standards) may be required before the licence is granted. If the Applicant was an addict then they would be required to show evidence of 5 years free from alcohol/drug taking after detoxification treatment.

18.11.7 Any existing driver or operator found guilty or convicted of an offence related to the use, supply or any other illegal involvement with drugs or alcohol will have their licence revoked with immediate effect.

18.12 Driving offences involving the loss of life

18.12.1 A very serious view is to be taken of any Applicant for a driver's licence who has been found guilty and/or convicted of a driving offence that resulted in the loss of life. A licence will not be granted if an Applicant has been found guilty and/or convicted of:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar in gravity offences (including aiding abetting, attempting or conspiring to commit) offences which replace the above

18.12.2 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

18.13 Other traffic offences

18.13.1 Minor traffic offences come under the following categories: Construction and use offences, Miscellaneous offences, Motorway offences, Pedestrian crossings, Speed limits and Traffic direction and signs. These offences may not ordinarily merit refusal.

18.13.2 Major traffic offences, which are all offences not covered under the headings in the paragraph above, will give rise to serious doubts about the Applicant's suitability to be a driving professional. An Applicant with any such convictions will be required to show a

period of at least one year free of such convictions. For Applicants with more than one offence this should normally be increased to two years.

18.13.3 In cases where the courts have imposed a disqualification in respect of the ordinary driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

18.13.4 No driver will be allowed to hold a Hackney Carriage and / or Private Hire Driver or Operator Licence if they have 12 or more current points on their DVLA licence.

18.13.5 New applicants with 7 or more points on their DVLA drivers licence will be refused until endorsement(s) expire and the number of penalty points drops below this threshold.

18.14. Outstanding Charges or Summonses

18.14.1 If the Applicant is the subject of an outstanding charge or summons their application should be suspended until the matter is resolved.

18.15 Non-conviction information

18.15.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of the witness / complainant and the licence holder/applicant will be taken into account.

18.15.2 If an applicant or existing driver or operator has been arrested for, or is on bail for or is charged with, but not convicted, with a serious offence in circumstances which suggest they could be a danger to the public, consideration should be given to refusing the

application or revocation of any existing licence. Such offences would include violent and / or sexual offences.

18.15.3 In assessing what action to take, the safety of the travelling public must be the primary concern.

18.18 Offences resulting from discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, or has been subject to a successful civil claim for discrimination, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed or the date from which any civil remedy was awarded.

18.17 Licensing Offences

18.17.1 Some offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 7 years has passed since conviction.

18.17.2 Any existing driver or operator found guilty or convicted of such a licensing offence will have their licence revoked.

18.18 Insurance Offences

18.18.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the Applicant has been free of conviction for 3 years.

However, strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

18.18.2 At least three years should elapse (after the restoration of the DVLA driving licence following disqualification), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

18.18.3 A driver found guilty of such an offence will have their licence revoked and will not be permitted to hold a licence for a period of at least three years.

18.18.4 An operator found guilty of aiding and abetting, or otherwise assisting the driving of passengers whilst without insurance will have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

18.19 Applicants with periods of residency outside the UK

18.19.1 If at any time an Applicant has spent three continuous months or more overseas the Council will expect to see evidence of a criminal record check from the country/countries visited covering the whole period spent overseas.

18.19.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those Applicants who have lived overseas. For EU nationals suitable checks should be available, for those countries for which checks are not available, one option is to require a certificate of good conduct authenticated by the relevant embassy. Where an Applicant cannot demonstrate that they were conviction free during periods abroad the authority the onus will be on the Applicant to provide proof of their fitness and propriety. Where they cannot the application will be refused.

18.20 Conditional discharge

18.20.1 Applicants are required to notify the Council of any conditional discharge or absolute discharge and these will be considered on a case by case basis. A conditional

discharge is a finding of guilt of that offence and the same guidelines for conviction of the offence will apply.

18.20.2 If an offence is committed during the period of a conditional discharge the courts may re-sentence an offender for the offence for which the conditional discharge was given. At this point the Council may consider that offence under this policy.

18.21 Summary

18.22.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an Applicant permanently from becoming licensed, in most cases, an Applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. If there is doubt about the suitability of an individual to be licensed, the council needs to be mindful of the need to protect the public and caution should be exercised.

18.22.2 While it is possible that an Applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an Applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

18.22.3 Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

18.22.4 A suspension or revocation of the licence of a driver normally takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that this is so and an explanation of why, the suspension or revocation takes effect when

the notice is given to the driver. [s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.]

19.0 Compliance and Enforcement

The licences and permissions we issue contain powers to suspend, revoke or refuse, vary or review them in the event of non-compliance with obligations in those authorisations, or following a conviction for certain offences.

Enforcement of the taxi and private hire regimes is dealt with in the Environmental Health Compliance Policy 2018 – 2021, a copy of which is available on the Watford Borough Council website.

20.0 Contact details

For information on this statement of licensing Policy, or for informal advice on making an application or whether a particular activity is likely to require authorisation, please contact:

Licensing
Watford Borough Council
Town Hall
Watford
WD17 3EN

Phone: 01923 278476

mail: licensing@watford.gov.uk Web:

<https://www.watford.gov.uk/taxilicensing>

Application forms for licences are available from our website.

Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes. When the Council answers enquiries, the answers will be based on the Council's position at that time, following current interpretation of the legislation and relevant guidance, as well as any current case law. We cannot enter into discussions about complex or specialised proposals, nor are we able to give legal advice. Any such discussions or communications will be on a without prejudice basis.

If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or a legal representative.

Appendix 1

Hackney Carriage Byelaws

- BOROUGH OF WATFORD -

BYELAWS

Made under section 68 of the Town Police Clauses Act, 1847, and section 171 of the Public Health Act, 1875, by the COUNCIL OF THE BOROUGH OF WATFORD with respect to **hackney carriages** in the Borough of Watford.

INTERPRETATION

1. Throughout these byelaws “the Council” means the Council of the Borough of Watford and “the District” means the Borough of Watford.

Provisions regulating the manner in which the number of each hackney carriage, corresponding with the number of its licence, shall be displayed.

2. (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 marked on the outside and inside of the carriage, on plates provided by the Council and affixed thereto in positions indicated by the Council.
- (b) A proprietor or driver of a hackney carriage shall: -
 - (i) 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;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

3. 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 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 two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver; and
 - (j) have fitted in the carriage an electric light sufficient to illuminate the interior thereof.
4. 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 taximeter 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 figures clearly legible and free from ambiguity the fare which the proprietor or driver is entitled to demand and take for the hire of such carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (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 figures shall
be capable of being suitable illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals and 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.

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

5. The driver of a hackney carriage shall:-
- (a) when standing or plying for hire keep the taximeter 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 time, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.

6. The proprietor or driver of a hackney carriage shall not tamper with or permit any persons to tamper with the taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire and not actually hired:-
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (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 the same direction; and
 - (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;
 - (e) when such carriage occupies the first or second position on one of the stands appointed by the Council, remain with the carriage ready to be hired at once by any person.
8. The proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. 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.
10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons (excluding the driver) than the number of persons specified on the plates provided by the Council and affixed to the outside and inside of the carriage.

Provided that for the purpose of this byelaw children under the age of three years shall not be reckoned if carried in the rear seat of the hackney carriage.

11. 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.
12. 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; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building at which he may take up or set down such person.
13.
 - (a) 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.
 - (b) a proprietor and driver of a hackney carriage shall not:-
 - (i) wilfully or negligently cause or suffer any part of the badge to be concealed from public view while the carriage is standing plying or being driven for hire;
 - (ii) **cause or permit the carriage to stand, ply or be driven for hire with any such badge so defaced that the marking thereon is illegible.**

Provisions fixing the rates or fares to be paid for hackney carriages

within the District, and securing the due publication of such fares.

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council the rate or fare being calculated by distance and time unless the hirer express at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take for the hire of the carriage a fare greater than that recorded on the face of the taximeter save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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.

16. 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.
17. 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 the Town Hall, Watford, and leave it in the custody of an officer designated by the Council to receive it on his giving receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Town Hall, Watford, whichever is the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level two on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

Repeal of Byelaws

19. The byelaws relating to hackney carriages which were made by the Council on and which are referred to in the Schedule hereto are hereby repealed.

Schedule

Date byelaws made by the Council	Date byelaws confirmed by one of Her Majesty's Principal Secretaries of State
27th November 1973	18th January 1974
23rd January 1992	5th May 1992
22nd July 1994	7th October 1994

THE COMMON SEAL of WATFORD BOROUGH COUNCIL
was hereunto affixed this 23rd day of November 2000
in the presence of :-



Ian Brown
Mayor

Carol Chen
Solicitor to the Council

The Secretary of State this day confirmed the
foregoing byelaws and fixed the date on which
they are to come into operation as the 5th
day of February 2001.

J M E Rogers 10-1-01

Signed by authority of the Secretary of State

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

**STANDARD CONDITIONS
PRIVATE HIRE DRIVER'S LICENCE**

- (1) The driver of a Private Hire Vehicle shall at all times when acting in accordance with this Licence conduct himself in an orderly manner and with civility and propriety and shall comply with every reasonable requirement of any person hiring or being conveyed in such private hire vehicle.
- (2) The Licensee shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from any private hire vehicle driven by him.
- (3) The Licensee shall not convey or permit to be conveyed in any private hire vehicle driven by him any greater number of persons (excluding the Licensee) than the number of persons specified on the plates provided by the Council and affixed to the vehicle.

Provided that for the purpose of this condition children under the age of three years shall not be reckoned.

- (4) The Licensee shall not refuse to carry in the vehicle the number of persons specified on the plates provided by the Council and affixed to the vehicle, when required by the hirer or any less number as required by the hirer.
- (5) If the Licensee has agreed or has been hired to be in attendance with a private hire vehicle at an appointed time and place he shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
- (6) If the Licensee has agreed or has been hired to be in attendance with a private hire vehicle so constructed as to carry luggage he shall, when required by the hirer or any person being conveyed in the vehicle:
 - (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 house, station or place at which he may take up or set down such person or persons.

- (7) If the Licensee shall knowingly convey in any private hire vehicle driven by him the dead body of any person he shall immediately thereafter notify the fact to the Council's Head of Community and Environmental Services.
- (8) The Licensee shall immediately after the termination of any hiring of a private hire vehicle by him or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
- (9) The Licensee shall, if any property accidentally left in any private hire vehicle by any person who may have been conveyed in the vehicle by the Licensee be found 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 the Town Hall and leave it in the custody of the officer in charge 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 5p in the £ 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).
- (10) The Licensee shall not permit or suffer any person to be carried in, on or about any private hire vehicle driven by him during the hiring without the express consent of the hirer of the vehicle.
- (11) The Licensee, if authorised by the proprietor of any private hire vehicle to act as the driver of such vehicle, shall not suffer any other person to act as driver of such vehicle without the consent of the proprietor thereof.
- (12) The Licensee shall not act as the driver of any private hire vehicle without the consent of the proprietor thereof.
- (13) The licensee shall notify the Licensing Authority within 48 hours of any arrest, charge, caution, or conviction relating to any offence, including any traffic offence. The licensee is responsible for notifying the details of the offence and any penalty or sentence awarded in connection with the offence if applicable.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

STANDARD CONDITIONS FOR PRIVATE HIRE OPERATOR'S LICENCE

(1) 1.1 The Licensee shall keep records in a manner acceptable to the Council and shall add to that record before the start of each journey the following particulars of every booking of a private hire vehicle invited or accepted by him, whether received directly from the person wishing to hire the vehicle or taking it at the request of another operator, and such record must be maintained for at least the period of 12 months from the date it was made: -

- *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.*

1.2 The licensee shall ensure any controller or other member of staff likely to be on duty alone shall have full training in order to access and provide details of these bookings immediately if required to do so by an authorised officer or police constable for the purposes of investigating offences.

1.3 If the Licensee notifies to an authorised officer of the Council in writing a call sign identifying a private hire vehicle operated by him and its driver, and the officer accepts the said call sign, the Licensee may

as an alternative to entering the particulars of the plate and registration number of the vehicle and its driver in accordance with requirements 1.1 (d) and (e) above, enter particulars of the said call sign provided that no such particulars shall be entered in respect of any bookings of a private hire vehicle which may be invited or accepted before the said call sign is notified to and accepted by the authorised officer of the Council.

1.4 If any call sign accepted by or on behalf of the Council is transferred to another vehicle and/or driver the Licensee shall not enter the said call sign as an alternative to the particulars of the plate and registration number of the vehicle and its driver until such time as the Licensee has notified the change of vehicle and/or driver to an authorised officer of the Council and the officer has accepted the change.

(2) The Licensee shall keep a record of the following particulars of any private hire vehicle operated by him: -

- (a) Registration number;
- (b) Private Hire plate number;
- (c) Permitted number of passengers to be carried as shown on Private Hire plate;
- (d) Make and model of vehicle;
- (e) Name and address of proprietor of vehicle;
- (f) Date vehicle was first licensed for motor taxation purposes;
- (g) Date when vehicle was first licensed by the Council for private hire work;
- (h) Date when vehicle was added to operator's fleet;
- (i) Date on which vehicle was withdrawn from fleet.

(3) The Licensee shall keep a record of the following particulars of all licensed private hire vehicle drivers engaged to drive any private hire vehicle operated by him: -

- (a) Full names of the driver;
- (b) Full permanent address of the driver;

- (c) Date of birth;
 - (d) Private hire badge number;
 - (e) Date that engagement/employment commenced;
 - (f) Date that engagement/employment terminated.
- (4)** The Licensee will maintain a record of the expiry dates of the licences, insurance policies and MOTs of drivers and vehicles operated by him.
- (5)** The Licensee will maintain a record of the National Insurance numbers of drivers who operate his vehicles.
- (6)** The Licensee(s) keep records to show steps taken to ensure that any private hire vehicle dispatched by them or on their behalf by a sub-contacted operator is in a suitable mechanical condition, safe, comfortable, clean and presentable and that the relevant private hire plates provided by the Council or another council are affixed to the vehicle in such manner and position as shall be prescribed by the relevant Council's officers.
- (7)** The licensee(s) shall keep records to show they have conducted sufficient checks of any other companies to which they sub-contract bookings to make sure systems are in place to protect customers, particularly children and vulnerable adults
- (8)** All records required to be kept by the Licensee shall be maintained for a minimum period of 12 months.
- (9)** The Licensee shall produce all or any of the records specified in these conditions on request to any authorised officer of the Council or to any constable for inspection as soon as possible and no later than 24 hours from the request being made.
- (10)** (a) The Licensee must publish a complaints procedure in a place where it is easily accessible to all customers.

- (b) The Licensee must maintain a written record of complaints received by them, and make those records available to authorised officers of the Council on request;
- (c) Details of how to make complaints will be made available free of charge by drivers operated by the Licensees to hirers who request them.
- (11)** The Licensee must publish a copy of their equality policy in a manner that makes it easily available for customers to view.
- (12)** The Licensee(s) shall provide a copy of a basic disclosure from the Disclosure and Barring Service on application and every 12 months throughout the period of time that the licence is held.
- (13)** The Licensee(s) will provide proof of their attendance at disability, equality and dementia awareness training to include specific training on the Equalities Act 2010 and the relevance and impact of this to service providers.
- (14)** The Licensee(s) to provide proof of their attendance at a recognised course or courses on current and emerging safe-guarding risks to include at least: Recognising and reporting the signs of Child Sexual Exploitation, Modern Slavery and Extremism.
- (15)** The Licensee(s) will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public by way of taking bookings, dispatching vehicles or in any other capacity where they have access to such records, have provided a basic criminal record check from the Disclosure and Barring Service.
- (16)** A register of this DBS check must be kept by the licensee(s) (though the certificate must not be retained) and the register kept updated as staff or workers change or the roles of staff or workers change.

- (17)** The Licensee(s) will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public have attended a recognised course or courses on current and emerging safe-guarding risks to include at least: Recognising and reporting the signs of Child Sexual Exploitation, Modern Slavery and Extremism.
- (18)** The Licensee will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public have attended a recognised course or courses on disability, equality and dementia awareness.
- (19)** The Licensee will inform the Council in writing within 48 hours of being arrested, charged, bound-over, conditionally discharged, found guilty and/or convicted or any similar involvement with police or having received a caution for any criminal offence.
- (20)** The Licensee must give the Council 28 days' written notice of a change in the Licensee's operating address, home or business address.
- (21)** The Licensee will advise the Council in writing within three working days of the name and badge number of any licensed driver who starts to work for him, whether employed or as an agent, or ceases work with him, whether employed or as an agent.
- (22)** The Licensee will keep in force a public liability insurance certificate in the sum of not less than £5 million in respect of any one event, or some other sum as may be from time to time agreed by the Council and to produce it on request to the Council's authorised officers.
- (23)** The Licensee must ensure that all advertising in connection with their private hire business makes it clear that all bookings must be pre-booked in advance through the Licensee.
- (24)** No booking is to be accepted unless the hirer is either given an estimate of the charge for that journey or is told the basis on which the charge will be made.

- (25)** The Licensee(s) must not dispatch a PSV vehicle driven by a driver who holds a PCV licence to fulfil a private hire booking without first informing the booker of this and gaining the customers consent.

- (26)** The Licensee will ensure that adequate vehicles are available to carry passengers in wheelchairs for no extra charge over any other vehicle type where to charge more would amount to discrimination.

- (27)** The Licensee to ensure any rooms provided for the public, for waiting or making bookings, to be accessible, clean, adequately heated, ventilated and lit.

Appendix 4

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 STANDARD CONDITIONS FOR HACKNEY CARRIAGE VEHICLE LICENCES

Within these conditions:

“Council” means Watford Borough Council and its officers

“Proprietor” means the person to whom the licence is granted

Maintenance of Standards

At all times that the vehicle is licensed it shall be required to comply with all parts of the Vehicle Licensing Policy 2019-2024.

Dual Plating

Licences granted to vehicles later found to be licensed with another Licensing Authority will be revoked.

Alternative Fuels

Changes to the fuel type used must be notified to the licensing authority within 7 days of conversion and the certification of installation provided. Appropriate time will be allowed for the change to the V5 document.

Tyres

Proprietors must ensure that the vehicle has, at all times, appropriate equipment and/or tools to repair or replace a punctured or damaged tyre, or a policy or maintenance contract with a supplier who can attend to repair the vehicle or assist in repair of the vehicle (i.e. by towing to a garage).

The vehicle tyres including the spare must be all radial or all cross ply construction.

Body Work

The vehicle must be maintained in a manner satisfactory for public service at all times, without evidence of corrosion, damage, unsatisfactory repairs and/or unsatisfactory modifications.

The vehicle must not have:

Dull paintwork/mismatch of paint

A single rust scab or blemish larger than 10mm x 10mm

Dents over 40mm in diameter at its widest point and over 2mm deep

A scratch over 300mm long

Visibly poor or unsatisfactory repairs or modifications

Cleanliness

The exterior of the vehicle must be kept in a suitable and clean condition at all times such that road dirt, mud or other detritus does not excessively obscure any paintwork, lights, windows, licence plates or number plates.

The interior of the vehicle must be kept in a suitable and clean condition at all times without accumulations of dust, dirt, litter, general debris, staining, excessive unpleasant odours or excessive wear.

Seat cushions and back rests must be adequately maintained in good condition and offer proper support to passengers.

Assistive Technology

Assistive Technology must not be used to allow the driver to relinquish control of the vehicle at any time when carrying passengers.

Luggage

For the purposes of bylaw 23(iii) of the Council's Byelaws relating to hackney carriages, 'luggage compartment' means the space behind the rear seats, or when the furthestmost rear seats are folded down, the space to the rear of the next complete row of seats. In purpose-built hackney carriages or mini-buses, the luggage compartment may be the front footwell on the passenger side provided that any seat in this location is not occupied by a passenger.

Proprietors must ensure the luggage compartment is kept free from corrosion, dirt, dust, grease, litter or water penetration etc that may stain or damage any luggage which may come into contact.

Proprietors must not carry any tools or other equipment in the luggage compartment unless related to maintenance of the vehicle and securely stowed.

Proprietors must not allow any packages or other luggage etc to protrude from the luggage compartment over any of the seats which may be occupied, or outside the vehicle.

All doors which allow access to the luggage compartment (e.g. a tailgate, boot, or rear doors) must be locked shut when the vehicle is in motion.

Vehicle Modifications

Proprietors must request in writing the Council's consent, and obtain such consent, before making any modification to the vehicle, including its seating capacity.

Hackney Carriage Meter

A meter must be fitted to all hackney carriages and must be fitted securely

Proprietors must only use a taximeter of a type, and secured in a position, approved by the Council's officers.

The meter must be visible from the rear passenger seats, and must not interfere with the safe operation of the vehicle.

The meter must be sealed, without showing signs of tampering or misuse.

The taximeter must be calibrated to the tariff set by the licensing authority, and must not show any other tariffs.

A calibration certificate must be provided for all vehicles which are to be licensed for the first time.

Credit Cards Machines

If a card machine is advertised as in use it shall be available for every passenger unless a fault prevents its use.

Non-Factory Fitted Equipment

Proprietors may not use non-factory fitted equipment (for example, radios, PDAs, sat-nav systems) unless they are installed in positions approved by the Council's officers

No equipment can obstruct driver or passenger movement in or out of the vehicle, affect passenger comfort, obstruct the driver's vision, or impede the driver's ability to control the vehicle.

Proprietors must notify the Council before installing any non-factory fitted equipment so that the equipment and proposed position may be tested in relation to safety and comfort.

The vehicle must not be used before approval has been given.

If the vehicle already has a licence and is to be modified to allow the use of a PDA, radio, or other such equipment, permission must be obtained from the licensing authority first.

Proprietors must ensure that equipment installed does not interfere with the electronic systems of their vehicle or other vehicles on the road.

First Aid Kit

Where a proprietor carries a first aid kit they must:

Ensure it meets the requirements of the Health and Safety (First-Aid) Regulations 1981

Keep an accident reporting log in the vehicle

High Visibility Safety Vests

A number of fluorescent/high visibility safety vests equal to the carrying capacity of the vehicle must be carried for use by passengers and driver in an emergency situation.

Fire Extinguisher

Vehicles must carry a well maintained fire extinguisher of a size deemed appropriate by the proprietor.

Extinguishers must be securely stored in the vehicle in a fixed and easily accessible location.

Defibrillators

Where a proprietor carries a defibrillator they must:

Receive satisfactory training in the use of the machine and provide certificated evidence to prove training.

Obtain the defibrillator from a recognised supplier of genuine quality machines and proof of purchase will be required.

Mount the defibrillator securely in a location where it cannot be accessed by passengers unless directed.

CCTV

Where CCTV is installed, the following conditions shall apply:

1. That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 2018 and is responsible for ensuring compliance with that Act and associated legislation;
2. The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO);

3. The footage must remain “tamperproof” and be accessible only to the proprietor or a responsible third party;
4. Vehicles must display adequate signage notifying customers of the use of cameras, how long data is stored for and how customers can access the data;
5. Drivers must provide example documentation of a CCTV usage policy, Privacy Impact Assessment and Subject Access Request application.
6. Drivers must provide an in date copy of ICO registration certificate

Safety Screens

Where a safety screen is installed, proprietors must:

Provide evidence of professional, certificated installation

Provide evidence of notification to, and approval by, the company insuring the vehicle

Vehicle Tracker

Where a tracker is fitted it must be installed by a competent professional and proof of installation will be required.

Receipts

The driver of the vehicle must offer to each passenger (or, if there is more than one passenger, at least one of those passengers) at the end of their journey a receipt containing the following information:

- (a) the date
- (b) the fare for that journey
- (c) the number of the badge issued by the Council to that driver
- (d) other information that may be specified in writing to you by Council officers.

Vehicle Plates

The plates (provided by the Council and which remain the property of the Council) identifying the vehicle as a hackney carriage or private hire vehicle in respect of which this licence has been granted must be affixed to the vehicle in such manner and position as shall be prescribed by the Vehicle Licensing Policy.

The exterior licence plate and interior licence plate (also referred to as the detachable slip) issued by the Council must be clearly visible and the details legible at all times that the vehicle is being used for work.

Door Signs

Hackney carriages that do not display a livery (see section 14.5 of the Policy) must display door signs of a type and style approved by the Council's officers.

Signs must be attached to the front doors only.

Drivers must not, without reasonable excuse, fail to display such signs at all times that the vehicle is hired, plying for hire (including waiting on a rank), on the way to collect a passenger or otherwise used as a hackney carriage.

Roof Lights

All taxis must display a roof light showing the word 'taxi' on the front.

In the case of magnetic lights used on vehicles other than purpose built taxis, the words 'taxi' or 'for hire' must appear on the rear of the sign.

The roof sign must be maintained in good working order.

The magnetic light must be securely attached

The roof-sign must be capable of being lit, and must cease to be lit when the taximeter is brought into operation.

Hackney Carriages capable of carrying passengers in a wheelchair and/or of having accommodation for wheelchairs must incorporate a sign into the roof sign indicating their purpose

Large Drivers Badge

You must make sure that there shall be displayed so that it is visible from all parts of the vehicle, whilst it is available and used for hire, an identity style badge as provided by, and which shall remain the property of, the Council, which shall have incorporated within it a photograph of your face and your badge number.

Advertisements

No advertisement or sign of any nature can be displayed on the vehicle other than an advertisement or a sign of a type authorised by the Council.

Livery

Hackney carriages may display a livery.

Where the livery is displayed it must be in accordance with the approved livery of black vehicle with yellow bonnet stripes, yellow boot stripes and yellow roof stripes to a standard colour code approved by the council

Other Signage

Vehicles must display at least one “No Smoking” sign on at least one near-side and one off-side window to be clearly visible to passengers before entering the vehicle.

Vehicles may only display the following window stickers or signs providing that they do not obscure vision:

- (a) the Council’s official plate (the detachable slip)
- (b) the name and telephone number of a Watford hackney carriage or private hire firm, recognised by the Council
- (c) an authorised parking permit
- (d) membership of a recognised motoring organization or a hackney carriage or private hire association
- (e) disability awareness signs.
- (f) If CCTV is in use, signs notifying customers of the use, storage and access must be displayed.
- (g) A sign advertising the availability of debit or credit card facilities

No other signage is permitted unless permission is expressly granted by the licensing authority on application

Appendix 5

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 POLICY REQUIREMENTS FOR PRIVATE HIRE VEHICLE LICENCES

Maintenance of Standards

At all times that the vehicle is licensed it shall be required to comply with all parts of the Vehicle Licensing Policy 2019-2024.

Dual Plating

Licences granted to vehicles later found to be licensed with another Licensing Authority will be revoked.

Alternative Fuels

Changes to the fuel type used must be notified to the licensing authority within 7 days of conversion and the certification of installation provided. Appropriate time will be allowed for the change to the V5 document.

Tyres

Proprietors must ensure that the vehicle has, at all times, appropriate equipment and/or tools to repair or replace a punctured or damaged tyre, or a policy or maintenance contract with a supplier who can attend to repair the vehicle or assist in repair of the vehicle (i.e. by towing to a garage).

The vehicle tyres including the spare must be all radial or all cross ply construction.

Body Work

The vehicle must be maintained in a manner satisfactory for public service at all times, without evidence of corrosion, damage, unsatisfactory repairs and/or unsatisfactory modifications.

The vehicle must not have:

Dull paintwork/mismatch of paint

A single rust scab or blemish larger than 10mm x 10mm

Dents over 40mm in diameter at its widest point and over 2mm deep

A scratch over 300mm long

Visibly poor or unsatisfactory repairs or modifications

Cleanliness

The exterior of the vehicle must be kept in a suitable and clean condition at all times such that road dirt, mud or other detritus does not excessively obscure any paintwork, lights, windows, licence plates or number plates.

The interior of the vehicle must be kept in a suitable and clean condition at all times without accumulations of dust, dirt, litter, general debris, staining, excessive unpleasant odours or excessive wear.

Seat cushions and back rests must be adequately maintained in good condition and offer proper support to passengers.

Assistive Technology

Assistive Technology must not be used to allow the driver to relinquish control of the vehicle at any time when carrying passengers.

Luggage

For the purposes of bylaw 23(iii) of the Council's Byelaws relating to hackney carriages, 'luggage compartment' means the space behind the rear seats, or when the furthestmost rear seats are folded down, the space to the rear of the next complete row of seats. In purpose-built hackney carriages or mini-buses, the luggage compartment may be the front footwell on the passenger side provided that any seat in this location is not occupied by a passenger.

Proprietors must ensure the luggage compartment is kept free from corrosion, dirt, dust, grease, litter or water penetration etc that may stain or damage any luggage which may come into contact.

Proprietors must not carry any tools or other equipment in the luggage compartment unless related to maintenance of the vehicle and securely stowed.

Proprietors must not allow any packages or other luggage etc to protrude from the luggage compartment over any of the seats which may be occupied, or outside the vehicle.

All doors which allow access to the luggage compartment (e.g. a tailgate, boot, or rear doors) must be locked shut when the vehicle is in motion.

Vehicle Modifications

Proprietors must request in writing the Council's consent, and obtain such consent, before making any modification to the vehicle, including its seating capacity.

Private Hire Meter

Proprietors may use a meter in a private hire vehicle providing it is secured in a safe and clearly visible position.

Credit Cards Machines

If a card machine is advertised as in use it shall be available for every passenger unless a fault prevents its use.

Non-Factory Fitted Equipment

Proprietors may not use non-factory fitted equipment (for example, radios, PDAs, sat-nav systems) unless they are installed in positions approved by the Council's officers

No equipment can obstruct driver or passenger movement in or out of the vehicle, affect passenger comfort, obstruct the driver's vision, or impede the driver's ability to control the vehicle.

Proprietors must notify the Council before installing any non-factory fitted equipment so that the equipment and proposed position may be tested in relation to safety and comfort.

The vehicle must not be used before approval has been given.

If the vehicle already has a licence and is to be modified to allow the use of a PDA, radio, or other such equipment, permission must be obtained from the licensing authority first.

Proprietors must ensure that equipment installed does not interfere with the electronic systems of their vehicle or other vehicles on the road.

First Aid Kit

Where a proprietor carries a first aid kit they must:

Ensure it meets the requirements of the Health and Safety (First-Aid) Regulations 1981

Keep an accident reporting log in the vehicle

High Visibility Safety Vests

A number of fluorescent/high visibility safety vests equal to the carrying capacity of the vehicle must be carried for use by passengers and driver in an emergency situation.

Fire Extinguisher

Vehicles must carry a well maintained fire extinguisher of a size deemed appropriate by the proprietor.

Extinguishers must be securely stored in the vehicle in a fixed and easily accessible location.

Defibrillators

Where a proprietor carries a defibrillator they must:

Receive satisfactory training in the use of the machine and provide certificated evidence to prove training.

Obtain the defibrillator from a recognised supplier of genuine quality machines and proof of purchase will be required.

Mount the defibrillator securely in a location where it cannot be accessed by passengers unless directed.

CCTV

Where CCTV is installed, the following conditions shall apply:

1. That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 2018 and is responsible for ensuring compliance with that Act and associated legislation;
2. The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO);
3. The footage must remain "tamperproof" and be accessible only to the proprietor or a responsible third party;
4. Vehicles must display adequate signage notifying customers of the use of cameras, how long data is stored for and how customers can access the data;
5. Drivers must provide example documentation of a CCTV usage policy, Privacy Impact Assessment and Subject Access Request application.
6. Drivers must provide an in date copy of ICO registration certificate

Safety Screens

Where a safety screen is installed, proprietors must:

Provide evidence of professional, certificated installation

Provide evidence of notification to, and approval by, the company insuring the vehicle

Vehicle Tracker

Where a tracker is fitted it must be installed by a competent professional and proof of installation will be required.

Receipts

The driver of the vehicle must offer to each passenger (or, if there is more than one passenger, at least one of those passengers) at the end of their journey a receipt containing the following information:

- (a) the date
- (b) the fare for that journey
- (c) the number of the badge issued by the Council to that driver
- (d) other information that may be specified in writing to you by Council officers.

Vehicle Plates

The plates (provided by the Council and which remain the property of the Council) identifying the vehicle as a hackney carriage or private hire vehicle in respect of which this licence has been granted must be affixed to the vehicle in such manner and position as shall be prescribed by the Vehicle Licensing Policy.

The exterior licence plate and interior licence plate (also referred to as the detachable slip) issued by the Council must be clearly visible and the details legible at all times that the vehicle is being used for work.

Door Signs

Private Hire Vehicle door signs must be pre-approved by the Council's officers.

At all times when the vehicle is in use for work door signs MUST be applied to the driver's and front passenger door of such dimensions and colours as may from time to time be approved by the Council.

Signs must bear:

- the words "Private Hire - Advance Bookings Only";
- the operator's name and/or telephone number,
- but may not contain the words "Taxi" or "Cab".

Door signs must be maintained in a clean, readable and undamaged state.

Roof Lights

Private hire vehicles must not have roof signs.

Large Drivers Badge

You must make sure that there shall be displayed so that it is visible from all parts of the vehicle, whilst it is available and used for hire, an identity style badge as provided by, and which shall remain the property of, the Council, which shall have incorporated within it a photograph of your face and your badge number.

Advertisements

No advertisement or sign of any nature can be displayed on the vehicle other than an advertisement or a sign of a type authorised by the Council.

Livery

There is no livery requirements for private hire vehicles

Other Signage

Vehicles must display at least one “No Smoking” sign on at least one near-side and one off-side window to be clearly visible to passengers before entering the vehicle.

Vehicles may only display the following window stickers or signs providing that they do not obscure vision:

- (a) the Council’s official plate (the detachable slip)
- (b) the name and telephone number of a Watford hackney carriage or private hire firm, recognised by the Council
- (c) an authorised parking permit
- (d) membership of a recognised motoring organization or a hackney carriage or private hire association
- (e) disability awareness signs.
- (f) If CCTV is in use, signs notifying customers of the use, storage and access must be displayed.
- (g) A sign advertising the availability of debit or credit card facilities

No other signage is permitted unless permission is expressly granted by the licensing authority on application

Appendix 6

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ADDITIONAL CONDITIONS FOR WHEELCHAIR ACCESSIBLE VEHICLES

Within these conditions:

“Council” means Watford Borough Council and its officers

“Proprietor” means the person to whom the licence is granted.

Restraints

A three-point seatbelt assembly together with suitable wheelchair restraints must be provided for the use of wheelchair occupants in vehicles capable of carrying passengers in their wheelchairs.

Anchorage must be provided for both the wheelchair and wheelchair user to the latest industry standard. Restraints for wheelchair and occupant must be independent of each other.

Ramps

A ramp(s) for the (un)loading of wheelchair passengers must be available at all times for the safe access and egress of passengers. Adequate locating device(s) must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be of sufficient strength and stability such that they will not bend and will remain stable during use and must be of a safe working limit of at least 300 kg over its entire length. The ramp(s) must be capable of being stowed away securely and safely when not in use.

Ramps which are removable must be permanently legibly marked with the registration mark of the vehicle for which they are provided.

Lifting Mechanism

Lifting mechanisms fitted to any licensed vehicle must conform and be tested in accordance with the Lifting Operations and Lifting Equipment Regulation 1998 (LOLER). Any costs associated with this requirement are the responsibility of the vehicle proprietor.

A valid compliance report conform to LOLER must be kept in the vehicle and be available for inspection.

Training

Where a vehicle is capable of carrying a passenger sitting in a wheelchair in the vehicle, the driver of the hackney carriage or private hire vehicle must demonstrate at time of vehicle inspection on application an ability to use the equipment provided

for the carriage of passengers. All drivers must attend a disability awareness course approved by the Council.

Appendix 7

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

ADDITIONAL CONDITIONS FOR STRETCH LIMOUSINE PRIVATE HIRE VEHICLE LICENCES

Within these conditions:

“Council” means Watford Borough Council and its officers

“Proprietor” means the person to whom the licence is granted.

No vehicle over 10 years old shall be licensed as a stretched limousine

Applications are accompanied by the relevant IVA inspection certificate

Vehicles are required to pass an MOT test every 6 months

That the result of this MOT test be submitted to the licensing team at the time of the test

Appendix 8

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 CONDITIONS TO BE ATTACHED IN THE CASE OF PRIVATE HIRE VEHICLE SIGNAGE EXEMPTIONS

Within these conditions:

“Council” means Watford Borough Council and its officers

“Proprietor” means the person to whom the licence is granted

Door Signs

Where an Exemption Certificate has been issued for the vehicle by the Council, and a magnetic sign applied instead to the driver’s and front passenger door, that sign must meet the requirements stated in section 14.2 of the Policy and in addition contain in prominent figures the number of the vehicle plate issued to that vehicle.

The magnetic signs must be displayed on the vehicle whilst it is being used for Non-Contract Work and may be removed whilst being used for Contract Work.

Within this condition:

Contract Work means journeys undertaken for hire or reward as part of a regular course of business with a particular client or customer as determined to the satisfaction of the Council’s officers;

Non-Contract Work means all other journeys for hire or reward including those conducted for the purposes of conveying children to or from any school or educational establishment.

Vehicle Plate

The vehicle shall display a licence disc issued in place of the vehicle plate.

The disc shall be displayed in the front windscreen of the vehicle to be clearly visible at all times.



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 authorises 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 ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	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.



Equality Impact Analysis

Title of policy, function or service	Taxi and Private Hire Licensing Policy 2021 - 2026
Lead officer	Jamie Mackenzie
Person completing the EIA	Jamie Mackenzie
Type of policy, function or service:	Existing (reviewed) <input type="checkbox"/> New/Proposed <input checked="" type="checkbox"/>
Version & Date	Version 1.0 17 February 2021

1. Background

Watford Borough Council (The Council) is the licensing authority for hackney carriage and private hire drivers and vehicles and private hire operators. Licenses are granted following application to the authority.

The Council has developed a Hackney Carriage and Private Hire Licensing Policy 2021-2026 (The Policy) to ensure that applications for licences, and decisions on how licences are granted, are clearly communicated to applicants and the wider public, and are fair and consistent.

The Policy provides comprehensive information about standards expected of drivers, vehicles and operators and information about how the authority will deal with applications and apply conditions when considering applications. The Policy provides a starting point for any decision by the authority but it is important to remember that each case must be decided on its own merit.

Background

Watford is a small town geographically. There is a high level of car ownership. It is unknown at this stage what impact, if any, there will be on this use of private cars following the pandemic.

There is no culture of hailing hackney carriages in the borough and most journeys will be made from a rank or as part of a pre-booking through an office, by telephone, website or a smartphone app. If a journey takes the passenger outside the borough boundary the price can be negotiated with the driver directly which can lead to high fares. Private hire services are traditional, mostly still being based in offices and receiving bookings through telephone calls. There is some movement to using websites and apps and this shift has accelerated over the past two to three years. There is a large presence of other app based operators not licensed by Watford Borough Council and, anecdotally, it is said that this has had significant impact on the earnings of local drivers.

There are currently 247 licensed hackney carriages, 119 Private Hire Vehicle Licences, 358 DUAL driver licences and 109 Private Hire driver licences. There are currently 16 Private Hire Operator licence holders.

App bookings are not suitable for some people. There are accessibility issues, supply issues and perceived safety issues to using those vehicles accessed by an app. It is, therefore, desirable that any policy decisions ensure that traditional telephone/human based booking systems remain a viable method of accessing taxi and private hire vehicles.

2. Focus of the Equality Impact Analysis

This Equality Impact Analysis is focussed on any potential impact of The Policy upon new and existing licence holders, potential passengers, residents and visitors to Watford.

3. Engagement and consultation

A full public consultation on the draft policy took place between 18 January 2021 and 19 February 2021

This included:

- placing the information about the consultation on the Watford Borough Council website
- sending text messages to each current licence holder informing them of the consultation and the need to respond
- the creation of audio versions of the policy sections to improve accessibility for all
- emailing all current private hire operators and the Chair of the Watford Hackney Carriage Association
- notification through the council Communications team to social media channels such as facebook and twitter.
- directly notifying a number of local organisations and authorities, including licensing authorities, charities and disability advocacy groups.

Unfortunately due to the ongoing lockdown restrictions, face to face meetings were not possible.

A separate Equality Impact Assessment was conducted for the public consultation.

In total 4 people or organisations engaged with the public consultation.

4. Coronavirus pandemic.

It is documented that the current pandemic has impacted disproportionately on the black, Asian and minority ethnic population although the reasons for this are still not known precisely. The pandemic has impacted on those who do frontline jobs in customer service facing roles such as taxi and minicab drivers, as well as other transport providers, and in Watford a high proportion of drivers are from an Asian ethnic backgrounds.

This impact has also been financial as taxi and minicab drivers have been able to work throughout the pandemic (and therefore financial support has been relatively low) but work has all but disappeared for many businesses and individual drivers

This means that any additional costs associated with licensing requirements may be disproportionately felt by the taxi and private hire industry.

The Policy has been developed with this in mind and it should be noted that changes to existing policies that have been made will mostly have no or very low financial impact overall.

5. What we know about Watford hackney carriage and private hire vehicle licence proprietors.

The general population of Watford comprises approximately 19% residents of Asian or mixed Asian ethnic background (as shown in the Census 2011). Of these, 7% were Pakistani (we know anecdotally that the vast majority – around 90% - are likely to be from a Kashmiri background). As a proportion of this total population, there is high number of licence holders, whether vehicle, driver or operator from this ethnic background (as high as 98% in terms of hackney carriage ownership and around 70% in terms of private hire vehicle ownership).

Whilst applications for a hackney carriage or private hire driver, vehicle or operator licence are open to everyone, it can be clearly shown that the majority of licence holders in Watford are Asian male and it is, therefore, very likely that any change to a taxi or private hire policy would disproportionately impact this demographic of the local population.

Of interest to note again is the impact of the pandemic. There are 366 vehicle proprietors in Watford at the time of this report. At the time of the Vehicle Licensing Policy development in December 2019 this number was 434. There are 119 Private Hire vehicles currently licensed, again, a significant decrease on December 2019 where there were 162 vehicles.

6. What we know about passengers, residents and visitors to Watford

Nationally, we know that people with a disability and older people, as well as those under 17 are less likely to drive than the population overall. Watford has a quite significantly younger population than Hertfordshire as a whole but is still faced with an ageing population.

Those who report ill health and who are limited in mobility is marginally lower than the UK average

In context, the 2011 census reports that 5,500 people reported day to day activities being limited a lot by health and disability issues. Almost 7,000 residents reported day to day activities being limited a bit. It seems reasonable that 2021 combined figures will be somewhere around 15,000 and possibly higher.

We know that a 2015 survey by Disability Watford, a local pan-disability advocacy group, returned a response that almost 60% of respondents said they experienced issues accessing local transport, including taxi and private hire services. It is possible that the pandemic will lead to further access issues caused by misunderstandings over issues such as mask wearing and exemptions.

We know that some respondents have expressed reluctance to use app based booking systems and still regularly use a taxi rank or telephone a private hire office.

We know that there is no single vehicle type that suits all passengers. Some may wish to sit down into a saloon vehicle, finding the step up in to an MPV or wheelchair accessible vehicle too high. Others may need to travel sitting in a wheelchair and therefore require a purpose built wheelchair accessible vehicle. Others may travel with a significant amount of luggage and require the use of an MPV or estate vehicle.

7. What we know from the consultation feedback?

Consultation responses were few in number overall. This is unusual for a WBC taxi and private hire consultation but may be a reflection of the current pandemic situation.

There has been a noticeable drop in licensed vehicle and driver numbers and so it is likely that there will be lower numbers interested in responding.

Those who are still licensed will likely have significant financial concerns and may not prioritise responding at this time.

There will be a far lower number of people travelling overall due to lockdown and so considerations of transport options may not be a high priority for many. Shops are closed and visitor numbers are very low. Residents may not be using public transport where private transport options are available.

Responses to a separate recent survey concerning the Taxi Strategy, conducted in November 2020, drew a number of response form the trade but most were concerned with rank provision in and around the town centre. It is worth noting that at this time, local tiers were in operation and so some travel was permitted and we had recently had the eat out to help out scheme over the summer.

The main response in terms of equality and access came from the Chair of Disability Watford whose comments are contained within the report accompanying the policy. The issued raised are addressed in the policy with the exception of talking taxi meters which have been investigated with no satisfactory solution yet found.

8. How will the council ensure equality is promoted through the introduction of this policy?

Watford BC is committed to championing equality and embracing diversity across the full range of our services, whether we deliver the service ourselves or through partnership.

To ensure the Policy promotes equality Watford BC has pro-actively sought the views of all stakeholders. The final policy proposal presented to the licensing committee on 08 March 2021 has taken into account these views and where amendments were made to the policy following consultation, these are listed clearly in the committee report for consideration by councillors.

The Council must ensure that any new policy allows for the taxi and private hire trade to continue to offer a local service with varied methods of hire (rank, office, app) and that vehicles are suitable to carry a range of passengers with varying needs.

The Council must ensure that any new policy allows for independent businesses to survive and to grow to support the local community and Watford as a town.

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the Corporate Plan:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

A. Positive impacts

- By ensuring the input from the consultation has been comprehensively considered the Council is ensuring that opportunities for all those with protected characteristics are advanced in terms of influencing the development of a policy that directly impacts a person's ability to access local transport and to get out and about in Watford and beyond.
- We know that many people who use hackney carriages and private hire vehicles do so because they are unable to drive or do not own a car. This applies to those under the age of 17 but we also know people with disabilities are less likely to drive and own a car than people without a disability. This is also true as people get older and may not be able to drive due to age related infirmities or lower incomes which make car ownership too expensive. A safe transport network is critical for the well-being of the town.
- We know that many people use taxis or private hire vehicles to travel for safety reasons and that for many vulnerable people, a taxi or private hire vehicle is not only the safest way to travel, it is also the most comfortable. We know that many people prefer the safety of travelling in a private car over and above travelling on other public transport. Any improvement in safety should therefore positively impact on any person who travels with these concerns in mind.
- The proposed policy includes a number of improvements to driver, passenger and wider community safety. Through consultation on this policy we have made sure that any additional safeguards have been considered and, where appropriate, added, prior to consideration by the Licensing Committee. This will make it less likely that users of hackney carriages, private hire vehicles, drivers of both and private hire operators will be victims of crime or of other behaviours which could include harassment, discrimination or victimisation. This has a positive impact on all those with protected characteristics but particularly those with additional vulnerabilities.
- The introduction of a written test for existing drivers will ensure that all drivers are tested on important safety and safeguarding knowledge and that customers can be confident that drivers are able to assist in a range of circumstances including in helping with access needs.
- In developing this policy the borough's existing proprietors and operators can be confident that they are fully engaged in decisions that impact them. This will have a positive impact on the reputation of the trade and help enhance good community relations.
- The enhancement of the trade and the setting of good, fair regulations should encourage investment in to the trade and to Watford, further enhancing the reputation of the town and the trade and ensuring that residents and visitors feel safe using local services.
- The proposal to continue with the previous policy of licencing new hackney carriage vehicles over and above the current decreasing limit of 247 is restricted to wheelchair accessible vehicles. It is hoped this will encourage the up-take of such vehicles.
- The continuing proposal to encourage a hackney carriage livery is a positive impact for blind, or visually impaired people and people with a learning disability.

B. Negative impacts

It is known that a number of drivers go abroad for periods of time to visit family members and the reduction from 6 months to 3 months for the requirement to provide a certificate of good conduct may disproportionately affect these drivers.

The requirement to have a DBS check every 6 months rather than every 3 years brings a financial cost. However, the update service is available at no extra cost. This change will therefore impact those who cannot sign up to the update service for financial or technical reasons.

The introduction of a written test for existing drivers may disproportionately affect those drivers who may, for a variety of reasons, struggle with a formal test format.

There is likely to be a negative impact on those proprietors who cannot afford to upgrade older vehicles, particularly given the financial impact of the pandemic. Although the dates of vehicle upgrades have been in place since December 2019, the impact of the previous year was not foreseen. As we know the majority of drivers are males and from our Kashmiri /Pakistani community, these groups will be more negatively impacted than others. If there is a loss in vehicles across the borough, there could be negative impacts on those who use taxi and private hire vehicles such as younger, older and A loss of available vehicles could impact more generally on residents and visitors ability to travel within the town. Placing restrictions on vehicle type, age and design may limit competition and restrict the ability of any person to enter the trade for the first time. It is not clear what age profile exactly this will impact but it is likely to be younger drivers.

9. Overall conclusion

Improvements to standards will inevitably lead to negative impact on some already in the trade or those thinking of entering the trade.

The requirement to introduce these measures for safety reasons is clear and any decision must weigh any impact, particularly the impact on the large proportion of proprietors from an Asian ethnic background, against the desired outcomes of improved accessibility, safety, health, and community well-being

A large amount of data has been collected over the past 2 years concerning the views of the public and stakeholders and this has been used to assist in creating a policy that provides flexibility for business owners and improvements for the town, especially improvements aimed at reducing inequality. The impact of the pandemic has been considered.

Overall, this EIA concludes that, whilst negative impacts have been identified, the positive impacts identified mean that the Policy, overall, is positive for the Watford community and for visitors to the town. This is because the Policy seeks to improve the quality of the taxi and private hire offer in Watford, making it safer, with better trained drivers in less polluting

vehicles. It does not make radical changes from existing policies that current licence holders are already aware of. The council recognises that the negative impacts will be difficult for some drivers in terms of age and ethnicity but will work with them to mitigate these impacts as far as possible and some reasonable adjustments have already been identified in the consultation process.

Summary of potential positive and negative impacts on protected characteristics

Protected Characteristic	Positive	Negative	None	Reasons for decision
Age	X	X		<p>The new policy takes in to account the needs of an aging population by providing the framework within which a successful and varied local service can operate.</p> <p>The policy aims to reduce pollution and to improve the air quality in Watford which will benefit all but particularly the very young and the elderly.</p> <p>The policy aims to make using a taxi or private hire a safer experience and, as those who use taxis tend to be younger and older, there will be positive impacts for these groups.</p> <p>There may be negative age related impacts in terms of implementing the policy – linked to the requirements around new vehicles.</p>
Disability	X	X		<p>The new policy aims to increase the availability of new wheelchair accessible vehicles.</p> <p>The new policy aims to improve the visibility of hackney carriages by introducing a livery, thereby supporting the visually impaired.</p> <p>The new policy aims to ensure proprietors must offer receipts to customers to assist in identifying drivers who have provided poor service.</p> <p>The new policy, if passed without amendment, will continue with the plan to enforce vehicle change of the oldest vehicles by April 2022. Many of these vehicles are the wheelchair accessible vehicle and so this may lead to a reduction in availability of wheelchair accessible vehicles. However, by 2022 these vehicles will be some of the most polluting on the roads and this must be considered when a decision is made.</p>
Ethnicity	X	X		<p>Improved safety and security concerns should impact positively on drivers and licence holders many of whom have faced abuse over the years due to race or ethnicity.</p>

Protected Characteristic	Positive	Negative	None	Reasons for decision
				<p>A trade viewed as professional and well trained should lead to the creation of a safer work environment.</p> <p>The new policy, if passed, will place additional burden on licence holders when applying for licences and it may restrict vehicle choice and require expenditure on behalf of the current or new proprietors which in some cases could be significant.</p>
Sex	X	X		<p>The overwhelming majority of proprietors are male and so the same impact as above would apply here also.</p> <p>A safer, more accessible and easily identifiable service is likely to positively impact female customers</p>
Sexual orientation	X			<p>There are sometimes complaints by taxi and private hire users of discrimination on the grounds of sexual orientation. Whilst this is not something reported in Watford, training for all drivers with documented testing will include training in equalities and this will hopefully lead to positive improvements. There is no specific negative impact on sexual orientation discrimination.</p>
Religion			X	<p>There is no specific positive or negative impact on discrimination due to religion other than an improvement in quality and therefore, possibly, perceived safety.</p>
Pregnancy/maternity			X	<p>There is no specific positive or negative impact on pregnancy / maternity other than an improvement in quality and therefore, possibly, perceived safety.</p>
Gender orientation			X	<p>There are sometimes complaints by taxi and private hire users of discrimination on the grounds of gender orientation. Whilst this is not something reported in Watford, training for all drivers with documented testing will include training in equalities and this will hopefully lead to positive improvements. There is no specific negative impact on gender discrimination other than an improvement in quality and therefore possibly perceived safety.</p>

Summary of potential positive impacts and ways in which they can be ensured

Positive Impact	Protected characteristics	Ways to ensure the positive impact
<p>Greater understanding among licence holders and applicants of the processes in place regulating the trade.</p> <p>General increase in reputation of local trade</p> <p>Improvements in safety and perception of safety</p> <p>Tightening of compliance regulation in relation to discrimination by licence holders.</p> <p>Improvement in safety measures for private hire operators leading to greater confidence in the service available in the town.</p> <p>Improvements in vehicle standards</p> <p>Increase in visibility and therefore business and reputation</p> <p>Increase in number of wheelchair accessible hackney carriages</p>	All	Introduction of the new policy

Summary of potential negative impacts and ways in which they can be removed or mitigated

Negative Impact	Protected characteristics	Ways to mitigate the negative impact
Concern of some drivers over completing written tests.	Ethnicity/sex	Ensure that changes are made with reasonable adjustment to account for applicants' needs.

Negative Impact	Protected characteristics	Ways to mitigate the negative impact
<p>Concern over drivers providing certificate of good conduct if out of country for 3 months.</p> <p>Cost of vehicle requirements to be borne by existing proprietors</p> <p>Changes may deter new proprietors from licensing vehicles.</p> <p>Potential initial reduction in availability of wheelchair accessible vehicles</p>	<p>Ethnicity/sex</p> <p>All</p> <p>Disability</p> <p>Ethnicity/sex</p>	<p>Retain existing and long-standing requirement of 6 month period until certificate required.</p> <p>Monitor ongoing situation regarding pandemic and financial impact on trade and determine whether amendment is needed at a later date bearing in mind the impact on the environment of much older vehicles.</p> <p>Explore possibility of vehicle purchase and lease programs supported by the council, particularly wheelchair accessible vehicles in the first instance.</p>

This EIA has been approved by:

...Kathryn Robson..... Date ...02.March 2021.....