

# Public Document Pack

## Licensing Committee

Wednesday, 3rd August, 2022

6.00 pm

Meeting Room A

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### AGENDA

1. **Welcome & Apologies**
2. **Declaration of Interest**
3. **Minutes of the Previous Meeting**  
**26th April 2022** **2 - 5**
4. **Revised Convictions Policy - Consultation Responses**  
**Revised Convictions Policy – Consultation responses** **6 - 28**  
**Appendix 1**  
**Appendix 2**  
**Appendix 3**
5. **Updates on the work of the Public Protection Service**  
**Update on the work of the Public Protection Service** **29 - 32**
6. **Minutes of the Licensing Sub-Committees**  
**Minutes - 10th May 2022** **33 - 43**  
**Minutes - 14th June 2022**  
**Minutes - 12th July 2022**  
**Barlow Institute - Minutes 12th July 2022**  
**Licensing Act 2003 Sub 17th May 2022**  
**General Licensing Sub Committee 17th May 2022**

Date Published: Wednesday 3<sup>rd</sup> August 2022  
Denise Park, Chief Executive

## LICENSING COMMITTEE Tuesday 26<sup>th</sup> April 2022

**PRESENT** – Councillors Akhtar (Chair), Casey, Desai, Gee, Hussain M, Salton, Brookfield, Taylor, and Fielding.

**OFFICERS** – Denise Andrews (Licensing Manager), Niky Barrett, (Principal Officer, Licensing) Shelagh Lyth (Solicitor) and Phil Llewellyn (Corporate and Democratic Lead).

### RESOLUTIONS

#### 7 **Welcome & Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Councillors Akhtar H and Patel Alt.

#### 8 **Declaration of Interest**

No Declarations of Interest were received.

#### 9 **Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 15<sup>th</sup> November 2021 were approved as a correct record and were duly signed by the Chair.

#### 10 **Statutory Taxi and Private Hire Vehicle Standards – Review of Convictions Policy**

Members discussed a report which presented a revised draft policy on convictions and other relevant considerations for Members to consider and amend as necessary, after which Officers would then undertake consultation with the trade and other relevant stakeholders.

The Department for Transport published its Statutory Standards for Private Hire and Hackney Carriage Vehicles in the summer of 2020 and the expectation of the Government was emphasised throughout the document in bold.

Blackburn with Darwen's current policy was agreed across the ten Greater Manchester licensing authorities and Blackburn with Darwen in 2012, as part of the Public Protection Partnership in place at that time.

The rehabilitation periods detailed in the Statutory Standards and the Institute of Licensing's (IOL) suitability guidance had been compared to the existing policy and were summarised in a table in the report.

In order to incorporate the Government's clearly expressed minimum standards when considering the offending behaviour of applicants and licensees, the existing policy had been comprehensively redrafted to align it to

the recommendations in the Statutory Standards in respect of criminal offences and the additional elements that featured in the IOL's 2018 guidance.

Once adopted, Members had to have regard to the revised policy when determining private hire and hackney carriage applications and reviews.

Members discussed the draft policy, feeding back their views on the proposed changes to the rehabilitation periods for offences, and were asked to feedback these views to the Licencing Team following the meeting.

Officers confirmed that the consultation exercise would involve both taxi drivers and operators, as well as other users and agencies, and that social media and texts would be used to help ensure that all taxi drivers were aware of the consultation exercise.

The results of the consultation exercise would be fed back to the July meeting of the Committee.

### **RESOLVED –**

1. That Members feedback on their views/amendments to the contents of the draft policy be noted and that any further comments be fed back to officers.
2. That the Principal Licensing Officer is directed to undertake a six week public consultation exercise.
3. That the outcome of the consultation exercise is reported back to the next scheduled meeting of the Licensing Committee.

## **11 Update on the work of Public Protection and Environmental Health Service**

Members were updated on the work of the Council's Public Protection and Environmental Health Services (PPS) where there was a connection with businesses and persons who required a licence from the Council. It also provided an update for Members on national policy changes and proposals affecting licencing work.

### **Taxi safety operation**

In March, a joint operation was undertaken with Licensing, Trading Standards and Environmental Crime Officers and the Police. 6 private hire vehicles licensed by Blackburn with Darwen Borough Council were stopped. The vehicles were given road side safety inspections and checks made that correct licences were in place. No problems were identified.

## **Officer revocation**

A taxi driver had his licence revoked using officer powers following notification by the Police of his potential involvement in an ongoing fraud investigation.

## **Appeal results**

Since the last Licensing Committee, 2 appeals against the decisions of the General Licensing Sub-Committee to revoke private hire vehicle driver licences had been concluded. In both cases the Magistrates Court agreed with the decision made by the Licensing Sub-Committee.

Licensing Officers agreed to feedback to the Committee the results of any appeals by taxi drivers to decisions made by the General Licensing Sub Committee in future.

## **Blackburn with Darwen Taxi Forum meeting**

At February's meeting of the Taxi Forum the Council's arrangements for MOT testing of hackney carriages and private hire vehicles and driver training and assessment were discussed.

## **Routine work carried out**

Figures were provided on some of the key work carried out from 1 April 2021 to 31 March 2022.

## **National Issues**

The Department for Transport (DfT) issued best practice guidance on taxi and private hire vehicle (PHV) licensing. This had recently been updated to take into account stakeholder views and changes in the way the sector operated. DfT were currently consulting on the proposed changes. The consultation ended on 20 June 2022. A response will be made on behalf of the Licensing Authority. The main areas on taxi and private hire licensing which the DfT are seeking views on were:

- Driver licensing – additional assessments above standard driving licence
- Vocational training and assessment of drivers
- Vehicles with tinted windows
- Vehicle identification and signage
- Vehicle age limits

## **Levelling up the UK**

The Government's published levelling up document included reference to exploring transferring control of taxi and private hire vehicle licensing to both combined authorities and upper-tier authorities. As a unitary council authority providing both upper and lower tier functions, Blackburn with Darwen was already the regulator for the private hire and hackney carriage trade in the Borough. However, if the Government pursued this option there would be serious implications for the 11 remaining Lancashire district councils and the 10 Manchester councils that made up the Greater Manchester Combined

Authority, as they would be reduced to 2 licensing authorities for the purpose of Hackney Carriage and Private Hire licensing functions.

**RESOLVED** – That the Committee noted the report.

**PART II - THE PRESS AND THE PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS**

**RESOLVED** – That the press and public be excluded from the meeting during consideration of the following items in view of the fact that the business to be transacted was exempt by virtue of Paragraph 3 of Part 1 contained in Schedule 12A of the Local Government Act 1972.

**12 Minutes of the Licensing Sub Committees**

The Committee received the proceedings of the following Sub Committees:

- General Licensing Sub Committee held on 9<sup>th</sup> November 2021
- General Licensing Sub Committee held on 14<sup>th</sup> December 2021
- General Licensing Sub Committee held on 21<sup>st</sup> December 2021
- General Licensing Sub Committee held on 11<sup>th</sup> January 2022
- General Licensing Sub Committee held on 8<sup>th</sup> February 2022
- General Licensing Sub Committee held on 15<sup>th</sup> February 2022
- General Licensing Sub Committee held on 5<sup>th</sup> April 2022
- General Licensing Sub Committee held on 12<sup>th</sup> April 2022

Councillor Denise Gee requested that it be formally minuted that she still did not agree with the decision making at the meeting held on 21<sup>st</sup> December 2021, which she considered was of a political nature, rather than being independent.

**RESOLVED** – That the proceedings of the Sub Committees as outlined above were approved as a correct record and were duly signed by the Chair.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

DEPARTMENT OF ENVIRONMENT AND LEISURE

**ORIGINATING SECTION: PUBLIC PROTECTION UNIT**

**REPORT TO: LICENSING COMMITTEE – 19 July 2022**

**TITLE: Revised Convictions Policy – Consultation responses**

## 1. PURPOSE

The purpose of this report is to present the outcome of the recent consultation exercise with the trade and other stakeholders, for members to consider.

## 2. RECOMMENDATIONS

- 2.1 That members decide whether they wish to amend the revised draft policy as a result of the consultation (**Appendix 1**).
- 2.2 That members agree the content of the draft policy and recommended it to the Executive Member for adoption.

## 3. KEY ISSUES

- 3.1 The Department for Transport (DfT) published Statutory Standards for Private Hire and Hackney Carriage Vehicles in the summer of 2020, which included recommendations on the assessment of previous convictions.
- 3.2 The Statutory Standards clarify that the suggested timescales for offences “should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The DfT’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”.
- 3.3 “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.**”
- 3.4 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.

- 3.5 Blackburn with Darwen's current policy was originally agreed as part of the Public Protection Partnership in 2012, by the ten Greater Manchester licensing authorities and Blackburn with Darwen Council. It has been kept under review with the most recent update being in December 2016
- 3.6 The revised draft policy was considered by this Committee in April when members resolved to undertake a public consultation exercise. This took place between 25 May 2022 and 1 July 2022.
- 3.7 **Appendix 2** is a copy of the letter sent to consultees, whilst drivers who we had up to date telephone numbers for, were sent a text message using Gov.Notify.
- 3.8 1,290 text messages were sent out to the mobile numbers provided by licensed drivers and we received confirmation from Gov.Notify that 1,009 were successfully delivered. The text message advised that the Council was consulting on a revised policy and provided a link to the webpage where they could get more information, download the draft policy and submit any comments to the Licensing Team.
- 3.9 At the close of the consultation period only one response had been submitted and that was from Cllr. Julie Slater endorsing the policy.
- 3.10 Ongoing discussions between Licensing officers and the Council's solicitors have identified 2 suggested amendments to the draft policy for members to consider.
- 3.11 These are section 18.1 revised wording to make it clear that circumstances that would result in a refusal to grant a licence, would also result in an existing licence being revoked.
- 3.12 Section 21.2 revised wording to make it clear that the right of appeal also applies to the imposition of conditions onto a licence.
- 3.13 There have been no other responses to the consultation or comments submitted to the Licensing Team.

#### **4. POLICY IMPLICATIONS**

Once adopted, members must have regard to the revised policy when determining private hire and hackney carriage applications and reviews.

#### **5. FINANCIAL IMPLICATIONS**

The costs incurred as part of the consultation process are accounted for in the discretionary fees charged for driver licences.

**6. LEGAL IMPLICATIONS**

The Department for Transport published the Statutory Standards in 2020 with a requirement to review and revise policies and practices to implement the new standards unless there is a compelling local reason not to. However, the revised policy is not immutable, and every case must be considered on its own merits.

**7. RESOURCE IMPLICATIONS**

Existing staff in the Public Protection Service will implement the revised policy once it has been formally adopted.

**8. CONSULTATIONS**

A six week public consultation exercise was undertaken with existing licence holders and other stakeholders representing over 1,400 individuals, businesses and organisations in the Borough. **Appendix 3** is a summary list of the consultees.

**9. CONTACT OFFICER**

Niky Barrett, Principal Licensing Officer

4 July 2022





# **Hackney Carriage and Private Hire Licensing**

## **Policy on Convictions and other Relevant Matters**

## 1. Introduction

- 1.1 This document aims to provide guidance to any person with an interest in public and private hire licensing, on the criteria that may be taken into account by Blackburn with Darwen Council, when determining if an applicant or existing licence holder, is a fit and proper person to hold a licence. This includes:
- Applicants for drivers' licences
  - Existing licensed drivers whose licences are being reviewed
  - Applicants for operators licences
  - Existing licensed operators whose licences are being reviewed
  - Licensing Officers
  - Members of the Licensing Committee / Panel (or other relevant decision making body)
  - Magistrates hearing appeals against local authority decisions
  - Lancashire Constabulary
- 1.2 The overriding aim of the Licensing Authority is to protect the public and it is ultimately concerned to ensure:
- That licence holders are fit and proper.
  - That the public are not exposed to persons with a history of dishonesty, indecency or violence.
  - The safeguarding of children and young persons and vulnerable adults.
- 1.3 The relevant sections of this policy will also be applied to applicants for, or holders of, Private Hire Operator's licences in so far as they relate to the fitness and propriety of the applicant.
- 1.4 The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined, but to assist decision makers, Blackburn with Darwen Council has adopted the following test in accordance with the Statutory Guidance issued by the Department for Transport in 2020
- "Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition or vulnerability, to travel alone in a vehicle driven by this person, at any time of the day or night?"**
- 1.5 All decisions will be made on the balance of probabilities and the Council will not give any applicant the benefit of doubt, or issue licences for a probationary period. If the committee/panel is only "50/50" as to whether the applicant is 'fit and proper', they will not be permitted to hold a Blackburn with Darwen licence.
- 1.6 Whilst criminal convictions, cautions and motoring offences rightly play a part in the Licensing Authority's consideration of the fitness of an individual, the Council will also take into account other relevant factors, including, but not limited to; the demeanour,

medical fitness, integrity and general character of the applicant; their driving record; information registered on NR3; soft intelligence from the Police or other regulatory body and any relevant information from other Licensing Authorities or statutory bodies.

- 1.7 Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases, or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.
- 1.8 In the case of existing licence holders, the Council will also take account of any history of compliance issues, complaints or allegations.
- 1.9 Where Licensing Officers have delegated powers to grant licences, they may do so in accordance with these guidelines. In all other cases, applicants for licences will be referred to the Licensing Committee/Panel. Nothing in this Policy prevents a Licensing Officer from referring any applicant or licence holder to the committee/panel, where they find it appropriate to do so, in the circumstances.
- 1.10 The Council recognises that it must not fetter its discretion and therefore it will consider and determine each case on its own merits, whilst having regard to this policy.
- 1.11 The Licensing Committee/Panel may, in exceptional circumstances, depart substantially from this policy, but it should be noted that, the otherwise good character or driving record of an applicant, would not ordinarily be considered to be exceptional circumstances.
- 1.12 Where the Authority does depart from this policy, it will give clear reasons for doing so.
- 1.13 Whilst existing licences will not be automatically revoked if the holders do not meet the standards in this policy, should the conduct, or offending activity of an existing licence holder be of concern to the Licensing Authority, following its adoption, the Council may consider such activity and re-evaluate any decision made in reliance on any previous policy.
- 1.14 Throughout this policy the term “conviction” includes criminal, civil or motoring convictions, cautions, warnings, reprimands, orders and endorsable Fixed Penalty Notices.
- 1.15 The term “applicant” includes new applicants and existing licence holders.
- 1.16 The term “from date sentence ended” relates to the actual sentence imposed and not to the time served, by the offender.

## **2. General Policy**

- 2.1 Whilst a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, it is normally be expected that they:
- i) Remain free of convictions for an appropriate period; and
  - ii) Demonstrate adequate evidence that they are a fit and proper person to hold a licence
- 2.2 The onus is on the applicant to produce such evidence and simply remaining free of convictions, will not normally be regarded as adequate evidence of fitness and propriety.
- 2.3 The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced, or if there is reason to question or doubt the evidence provided, that in itself, could satisfy the Council that it should refuse or revoke a licence.
- 2.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

## **3. Powers**

- 3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew a licence, if the licence holder has been convicted of an offence involving dishonesty, indecency, violence; failed to comply with the provisions of the Town Police Clauses Act 1847; failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; been convicted of an immigration offence or required to pay an immigration penalty; or for any other reasonable cause.
- 3.2 Section 62 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew an Operator's Licence if the licence holder has failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; if their conduct appears to the Licensing Authority to render them unfit to hold an Operator's Licence; other than those circumstances where the conviction is spent within the meaning Rehabilitation of Offenders Act 1974, has been convicted of an immigration offence or required to pay an immigration penalty; or any other reasonable cause.
- 3.3 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant for a driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending, or a recent pattern of repeat offending.

#### **4. Consideration of Offending History**

- 4.1 The Licensing Authority is required to ensure that an applicant for the grant or renewal of a licence is a 'fit and proper' person to hold such a licence.

In considering evidence of an individual's good character and fitness to hold a licence, where previous offences or other information relating to the applicants conduct is disclosed, the Council will consider among other things:

1. How serious the offence(s) are
  2. The intent or harm which was, or could have been caused
  3. When the offence(s) were committed
  4. Any sentence imposed by the court
  5. The circumstances of the individual at the time of the offence
  6. Whether this forms part of a pattern of offending
  7. Any other factors that are considered relevant
- 4.2 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a Blackburn with Darwen driver's licence and it follows the relevant Code of Practice on the secure storage, handling, use, retention and disposal of disclosure information.
- 4.3 Blackburn with Darwen Council requires licence holders to be registered with the DBS update service to enable the Licensing Authority to carry out periodic checks using the online service.
- 4.4 Conditions on drivers' licences require holders to notify the Licensing Authority within 48 hours of any arrest, charge or conviction for any sexual offence, any offence involving dishonesty or violence, or any motoring offence. This should trigger an initial review by the licensing authority to consider what, if any, action in terms of the licence, should be taken based on the balance of probabilities at that time.
- 4.5 The Council has a wide discretion on what information it may have regard to when making a determination and is entitled to rely on other records and information that may be available to it, when determining applications or licence reviews. This could include information held by this Council, other licensing authorities, information disclosed by the police under the Common Law Disclosure Scheme, or any other credible source.
- 4.6 Applicants who have a serious criminal history of offending may pose a significant risk to the public and are likely to be refused a licence even after the stated period expressed as being "free from offending" has expired. A serious criminal history of offending would include applicants who have multiple relevant offences, or who have been sentenced to a cumulative term of imprisonment of 6 months or more.
- 4.7 Where an applicant is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

4.8 References produced by drivers attesting to their good character must be provided at least 3 working days in advance of the hearing date. They must be current and have been produced by the referee in the full knowledge of the specific reason they are being presented to the Sub-Committee.

## **5. Crimes resulting in death**

Where an applicant 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.

## **6. Exploitation**

Where an applicant 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 exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

## **7. Offences involving violence**

7.1 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.

7.2 A licence will not normally be granted where an applicant has convictions for the following offences unless at least 5 years have passed since the conviction or completion of any sentence:-Common assault; Harassment, S.4 Public Order Act 1986 (fear or provocation of violence); S.5 Public Order Act 1986 (harassment alarm or distress)

7.3 A licence will not normally be granted where the applicant has a conviction for criminal damage unless at least 3 years has passed since the conviction or completion of any sentence.

## **8. 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 7 years have elapsed since the completion of any sentence imposed.

## **9. Sexual and indecency offences**

9.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

9.2 The licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

## **10. Dishonesty**

- 10.1 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 10.2 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be granted a licence, or be permitted to keep their licence.

## **11. Drugs**

- 11.1 Where an applicant has a 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.
- 11.2 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 5 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.
- 11.3 Applicants with 2 or more convictions for drug related offences will not normally be granted a licence.

## **12. Discrimination**

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **13. Motoring convictions**

- 13.1 Licensed 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 grant of a licence.
- 13.2 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
- 13.3 A minor traffic or vehicle related offence is considered to be one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property, including vehicles.

An applicant with 7 or more points on their DVLA licence for minor traffic or vehicle related offences, will not be granted a licence until at least 5 years have elapsed since the completion of any sentence imposed.

13.4 A major traffic or vehicle related offence is one which is not covered in 13.3 and includes any offence which resulted in injury to any person or damage to any property, including vehicles. It also includes driving without insurance or any offence connected with motor insurance.

Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

13.5 The committee/panel will have regard to the circumstances of each offence and where offences involve the use of a licensed vehicle in the course of hackney carriage or private hire work, this will be considered to be an aggravating factor.

#### **14. Drink/Drug driving**

14.1 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 7 years have elapsed since the completion of any sentence or driving ban imposed.

14.2 In the case of driving under the influence of drugs an applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

#### **15. 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 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

#### **16. Licensing offences**

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **17. Non-conviction information**

17.1 The Council will also take into account situations or circumstances that have not led to a conviction for whatever reason, including situations where the person has been arrested and bailed, but not yet charged, acquittals, circumstances in which convictions were quashed on technicalities, circumstances where a decision was taken not to prosecute and complaints from the public.

17.2 When considering the most appropriate action to take in respect of non-conviction information, the Council recognises that it is not bound by the criminal burden of proof and must merely be satisfied, on the balance of probability that the mischief under consideration had occurred.



- 17.3 The Licensing Authority will take into account the credibility of; the complainant; any witnesses; and the licence holder, along with any other evidence produced, when reaching a decision.
- 17.4 If an applicant has been arrested or charged, but not convicted for an offence which suggests they could be a danger to the public, serious consideration will be given to refusing the application or revoking the licence in the first instance, subject to the requirements of section 18.3.
- 17.5 Where an applicant has previously been refused a licence or had a licence revoked, a new licence will not normally be considered until at least 2 years have elapsed since the Council's original decision.
- 17.6 Where compelling new evidence becomes available, and is such that if it had been available at the time of the original decision, it would probably not have resulted in a refusal or revocation, para 17.5 may be dis-applied.
- 17.7 In assessing the appropriate course of action to take, the safety of the travelling public will always be the paramount concern.

## **18. Once a licence has been granted**

- 18.1 **Once a licence has been granted, there is a continuing requirement for the licensee to remain fit and proper to hold the licence. Where the licensing authority is considering a licence review, any conduct or convictions which would have resulted in a refusal to grant a licence in accordance with this policy, will result in an existing licence being revoked.**
- 18.2 Suspension or revocation of a driver's licence ordinarily takes effect at the end of the period of 21 days beginning with the day on which the decision notice setting out the reasons for the suspension or revocation is given to the driver.
- 18.3 If the Licensing Authority deem it necessary for the suspension or revocation to have immediate effect in the interests of public safety, the notice given to the driver must also include a statement issued under Section 61 (2B) Local Government (Miscellaneous Provision) Act 1976, that the suspension or revocation is effective immediately and the reasons why.
- 18.4 Any suspension or revocation of an Operator's Licence takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

## **19. Licences issued by other licensing authorities**

Applicants who hold a driver or operator licence issued by another licensing authority, must not assume that their application will automatically be granted. Only applicants who are considered to be fit and proper by Blackburn with Darwen Council, having regard to the criteria laid out in this policy, will be granted licences.

## **20. Hearings**

- 20.1 Hearing with notice – Where a committee/panel is to be convened to consider whether or not a person is “fit and proper”, notice of the time and date for the committee/panel will be given ahead of the date listed, in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.
- 20.2 Ex-parte hearing – Where a committee/panel is convened as a result of sensitive information being received by the Council, an assessment will be undertaken in balancing a person’s right to a fair hearing, against whether or not it is in the public interest to hold the hearing ex-parte.

## **21. Appeals**

- 21.1 Any applicant refused a licence has the right of appeal to the Magistrates’ Court within 21 days of the notice of refusal.
- 21.2 Anyone aggrieved by the Council’s decision to suspend or revoke their licence, or to impose additional conditions on their licence, has a right of appeal to the Magistrates’ Court within 21 days of the notice of suspension or revocation.



## APPENDIX 2

Date: 25 May 2022  
My Ref: NRB/HCPHpolicy  
Please Ask for: Licensing  
Direct dial: 01254 267666

Dear Sir/Madam

### **DFT Statutory Standards for Private Hire and Hackney Carriage Vehicles**

The Department for Transport published its Statutory Standards in the summer of 2020.

The DFT's standards says: "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.**

In order to incorporate the Government's clearly expressed minimum standards when considering the offending behaviour of applicants and licensees, the existing policy has been comprehensively redrafted to align it to the recommendations in the Statutory Standards in respect of criminal offences with some additional elements that featured in the Institute of Licensing's 2018 guidance on the suitability of applicants.

Sections 5 to 16 in the draft policy have been colour coded to assist consultees.

No highlighting – The DFT's recommended minimum standards

Green highlighting – Taken from the IOL's 2018 guidance

Yellow highlighting – BwD local considerations

I have attached a copy of the draft policy and we would be very pleased to receive your views or comments. You can email them to us at [licensingteam@blackburn.gov.uk](mailto:licensingteam@blackburn.gov.uk) or if you would rather send them by post, to: The Licensing Team, Public Protection Service, White Dove Offices, Davyfield Road, Blackburn, BB1 2LX.

It will help us if you could include your name, address, contact telephone number and whether you are already a licensed driver.

If you are responding on behalf of an organisation or business, please provide the name of the organisation.

The closing date for responses will be **12 noon on Friday 1 July 2022.**

Yours faithfully

A handwritten signature in black ink, appearing to read 'N Barrett'.

N Barrett

Principal Officer – Licensing



# **Hackney Carriage and Private Hire Licensing**

## **Policy on Convictions and other Relevant Matters**

## 1. Introduction

- 1.1 This document aims to provide guidance to any person with an interest in public and private hire licensing, on the criteria that may be taken into account by Blackburn with Darwen Council, when determining if an applicant or existing licence holder, is a fit and proper person to hold a licence. This includes:
- Applicants for drivers' licences
  - Existing licensed drivers whose licences are being reviewed
  - Applicants for operators licences
  - Existing licensed operators whose licences are being reviewed
  - Licensing Officers
  - Members of the Licensing Committee / Panel (or other relevant decision making body)
  - Magistrates hearing appeals against local authority decisions
  - Lancashire Constabulary
- 1.2 The overriding aim of the Licensing Authority is to protect the public and it is ultimately concerned to ensure:
- That licence holders are fit and proper.
  - That the public are not exposed to persons with a history of dishonesty, indecency or violence.
  - The safeguarding of children and young persons and vulnerable adults.
- 1.3 The relevant sections of this policy will also be applied to applicants for, or holders of, Private Hire Operator's licences in so far as they relate to the fitness and propriety of the applicant.
- 1.4 The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined, but to assist decision makers, Blackburn with Darwen Council has adopted the following test in accordance with the Statutory Guidance issued by the Department for Transport in 2020 **"Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition or vulnerability, to travel alone in a vehicle driven by this person, at any time of the day or night?"**
- 1.5 All decisions will be made on the balance of probabilities and the Council will not give any applicant the benefit of doubt, or issue licences for a probationary period. If the committee/panel is only "50/50" as to whether the applicant is 'fit and proper', they will not be permitted to hold a Blackburn with Darwen licence.
- 1.6 Whilst criminal convictions, cautions and motoring offences rightly play a part in the Licensing Authority's consideration of the fitness of an individual, the Council will also take into account other relevant factors, including, but not limited to; the demeanour, medical fitness, integrity and general character of the applicant; their driving record; information registered on NR3; soft intelligence from the Police or other regulatory body and any relevant information from other Licensing Authorities or statutory bodies.
- 1.7 Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases, or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

- 1.8 In the case of existing licence holders, the Council will also take account of any history of compliance issues, complaints or allegations.
- 1.9 Where Licensing Officers have delegated powers to grant licences, they may do so in accordance with these guidelines. In all other cases, applicants for licences will be referred to the Licensing Committee/Panel. Nothing in this Policy prevents a Licensing Officer from referring any applicant or licence holder to the committee/panel, where they find it appropriate to do so, in the circumstances.
- 1.10 The Council recognises that it must not fetter its discretion and therefore it will consider and determine each case on its own merits, whilst having regard to this policy.
- 1.11 The Licensing Committee/Panel may, in exceptional circumstances, depart substantially from this policy, but it should be noted that, the otherwise good character or driving record of an applicant, would not ordinarily be considered to be exceptional circumstances.
- 1.12 Where the Authority does depart from this policy, it will give clear reasons for doing so.
- 1.13 Whilst existing licences will not be automatically revoked if the holders do not meet standards in this policy, should the conduct, or offending activity of an existing licence holder be of concern to the Licensing Authority, following its adoption, the Council may consider such activity and re-evaluate any decision made in reliance on any previous policy.
- 1.14 Throughout this policy the term “conviction” includes criminal, civil or motoring convictions, cautions, warnings, reprimands, orders and endorsable Fixed Penalty Notices.
- 1.15 The term “applicant” includes new applicants and existing licence holders.
- 1.16 The term “from date sentence ended” relates to the actual sentence imposed and not to the time served, by the offender.

## **2. General Policy**

- 2.1 Whilst a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, it is normally be expected that they:
  - i) Remain free of convictions for an appropriate period; and
  - ii) Demonstrate adequate evidence that they are a fit and proper person to hold a licence
- 2.2 The onus is on the applicant to produce such evidence and simply remaining free of convictions, will not normally be regarded as adequate evidence of fitness and propriety.
- 2.3 The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver’s licence or an operator’s licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced, or if there is reason to question or doubt the evidence provided, that in itself, could satisfy the Council that it should refuse or revoke a licence.
- 2.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

## **3. Powers**

- 3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew a licence, if the licence holder has been convicted of an offence involving dishonesty, indecency, violence; failed to comply with the provisions of the Town Police Clauses Act 1847; failed to comply with the provisions of Part II of the Local Government (Miscellaneous

Provisions) Act 1976; been convicted of an immigration offence or required to pay an immigration penalty; or for any other reasonable cause.

- 3.2 Section 62 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew an Operator's Licence if the licence holder has failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; if their conduct appears to the Licensing Authority to render them unfit to hold an Operator's Licence; other than those circumstances where the conviction is spent within the meaning Rehabilitation of Offenders Act 1974, has been convicted of an immigration offence or required to pay an immigration penalty; or any other reasonable cause.
- 3.3 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant for a driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending, or a recent pattern of repeat offending.

#### **4. Consideration of Offending History**

- 4.1 The Licensing Authority is required to ensure that an applicant for the grant or renewal of a licence is a 'fit and proper' person to hold such a licence.

In considering evidence of an individual's good character and fitness to hold a licence, where previous offences or other information relating to the applicants conduct is disclosed, the Council will consider among other things:

1. How serious the offence(s) are
2. The intent or harm which was, or could have been caused
3. When the offence(s) were committed
4. Any sentence imposed by the court
5. The circumstances of the individual at the time of the offence
6. Whether this forms part of a pattern of offending
7. Any other factors that are considered relevant

- 4.2 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) off any applicant for a Blackburn with Darwen driver's licence and it follows the relevant Code of Practice on the secure storage, handling, use, retention and disposal of disclosure information.
- 4.3 Blackburn with Darwen Council requires licence holders to be registered with the DBS update service to enable the Licensing Authority to carry out periodic checks using the online service.
- 4.4 Conditions on drivers' licences require holders to notify the Licensing Authority within 48 hours of any arrest, charge or conviction for any sexual offence, any offence involving dishonesty or violence, or any motoring offence. This should trigger an initial review by the licensing authority to consider what, if any, action in terms of the licence, should be taken based on the balance of probabilities at that time.
- 4.5 The Council has a wide discretion on what information it may have regard to when making a determination and is entitled to rely on other records and information that may be available to it, when determining applications or licence reviews. This could include information held by this Council, other licensing authorities, information disclosed by the police under the Common Law Disclosure Scheme, or any other credible source.
- 4.6 Applicants who have a serious criminal history of offending may pose a significant risk to the public and are likely to be refused a licence even after the stated period expressed as being "free from offending"

has expired. A serious criminal history of offending would include applicants who have multiple relevant offences, or who have been sentenced to a cumulative term of imprisonment of 6 months or more.

4.7 Where an applicant is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

4.8 References produced by drivers attesting to their good character must be provided at least 3 working days in advance of the hearing date. They must be current and have been produced by the referee in the full knowledge of the specific reason they are being presented to the Sub-Committee.

## 5. Crimes resulting in death

Where an applicant 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.

## 6. Exploitation

Where an applicant 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 exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

## 7. Offences involving violence

7.1 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.

7.2 A licence will not normally be granted where an applicant has convictions for the following offences unless at least 5 years have passed since the conviction or completion of any sentence: -Common assault; Harassment, S.4 Public Order Act 1986 (fear or provocation of violence); S.5 Public Order Act 1986 (harassment alarm or distress)

7.3 A licence will not normally be granted where the applicant has a conviction for criminal damage unless at least 3 years has passed since the conviction or completion of any sentence.

## 8. 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 7 years have elapsed since the completion of any sentence imposed.

## 9. Sexual and indecency offences

9.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

9.2 The licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.



## 10. Dishonesty

10.1 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

10.2 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be granted a licence, or be permitted to keep their licence.

## 11. Drugs

11.1 Where an applicant has a 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.

11.2 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 5 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.

11.3 Applicants with 2 or more convictions for drug related offences will not normally be granted a licence.

## 12. Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## 13. Motoring convictions

13.1 Licensed 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 grant of a licence.

13.2 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

13.3 A minor traffic or vehicle related offence is considered to be one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property, including vehicles

An applicant with 7 or more points on their DVLA licence for minor traffic or vehicle related offences, will not be granted a licence until at least 5 years have elapsed since the completion of any sentence imposed.

13.4 A major traffic or vehicle related offence is one which is not covered in 13.3 and includes any offence which resulted in injury to any person or damage to any property, including vehicles. It also includes driving without insurance or any offence connected with motor insurance.

Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

13.5 The committee/panel will have regard to the circumstances of each offence and where offences involve the use of a licensed vehicle in the course of hackney carriage or private hire work, this will be considered to be an aggravating factor.

#### **14. Drink/Drug driving**

- 14.1 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 7 years have elapsed since the completion of any sentence or driving ban imposed.
- 14.2 In the case of driving under the influence of drugs an applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

#### **15. 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 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

#### **16. Licensing offences**

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **17. Non-conviction information**

- 17.1 The Council will also take into account situations or circumstances that have not led to a conviction for whatever reason, including situations where the person has been arrested and bailed, but not yet charged, acquittals, circumstances in which convictions were quashed on technicalities, circumstances where a decision was taken not to prosecute and complaints from the public.
- 17.2 When considering the most appropriate action to take in respect of non-conviction information, the Council recognises that it is not bound by the criminal burden of proof and must merely be satisfied, on the balance of probability that the mischief under consideration had occurred.
- 17.3 The Licensing Authority will take into account the credibility of; the complainant; any witnesses; and the licence holder, along with any other evidence produced, when reaching a decision.
- 17.4 If an applicant has been arrested or charged, but not convicted for an offence which suggests they could be a danger to the public, serious consideration will be given to refusing the application or revoking the licence in the first instance, subject to the requirements of section 18.3.
- 17.5 Where an applicant has previously been refused a licence or had a licence revoked, a new licence will not normally be considered until at least 2 years have elapsed since the Council's original decision.
- 17.6 Where compelling new evidence becomes available, and is such that if it had been available at the time of the original decision, it would probably not have resulted in a refusal or revocation, para 17.5 may be dis-applied.
- 17.7 In assessing the appropriate course of action to take, the safety of the travelling public will always be the paramount concern.

#### **18. Once a licence has been granted**

- 18.1 If a licence holder's conduct is such that if they were applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

- 18.2 Suspension or revocation of a driver's licence ordinarily takes effect at the end of the period of 21 days beginning with the day on which the decision notice setting out the reasons for the suspension or revocation is given to the driver.
- 18.3 If the Licensing Authority deem it necessary for the suspension or revocation to have immediate effect in the interests of public safety, the notice given to the driver must also include a statement issued under Section 61 (2B) Local Government (Miscellaneous Provision) Act 1976, that the suspension or revocation is effective immediately and the reasons why.
- 18.4 Any suspension or revocation of an Operator's Licence takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

## **19. Licences issued by other licensing authorities**

Applicants who hold a driver or operator licence issued by another licensing authority, must not assume that their application will automatically be granted. Only applicants who are considered to be fit and proper by Blackburn with Darwen Council, having regard to the criteria laid out in this policy, will be granted licences.

## **20. Hearings**

- 20.1 Hearing with notice – Where a committee/panel is to be convened to consider whether or not a person is “fit and proper”, notice of the time and date for the committee/panel will be given ahead of the date listed, in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.
- 20.2 Ex-parte hearing – Where a committee/panel is convened as a result of sensitive information being received by the Council, an assessment will be undertaken in balancing a person's right to a fair hearing, against whether or not it is in the public interest to hold the hearing ex-parte.

## **21. Appeals**

- 21.1 Any applicant refused a licence has the right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 21.2 Anyone aggrieved by the Council's decision to suspend or revoke their licence has a right of appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

**APPENDIX 3**

1	All licensed drivers (using Gov.Notify)	1,129 text messages sent
2	Taxi forum [includes all PHO's]	72 businesses/individuals/trade groups
3	BID	Approx. 175 businesses
4	Community centres	10 Community centre contacts
5	Voluntary sector groups	90 + Voluntary Groups
6	Licensing Officers Group	13 Lancashire Authorities
7	All BwD councillors	51 elected members
8	Darwen Bar U	15 Darwen Pubwatch members
9	Lancashire Constabulary	
10	Darwen Town Council	
11	Published on Website	

DEPARTMENT OF ENVIRONMENT AND LEISURE

**ORIGINATING SECTION: PUBLIC PROTECTION UNIT**

**REPORT TO: LICENSING COMMITTEE – 19 JULY 2022**

**TITLE: UPDATE ON THE WORK OF PUBLIC PROTECTION AND ENVIRONMENTAL HEALTH SERVICE**

## **1. PURPOSE**

The purpose of this report is to provide an update on the work of the Council's Public Protection and Environmental Health Service (PPS) where there is a connection with businesses and persons who require a licence from the Council. It also provides an update for members on national policy changes and proposals affecting licencing work.

## **2. RECOMMENDATIONS**

2.1 That members note the report

## **3. KEY ISSUES**

### **3.1 Work of the General Licensing Sub-Committees**

GLSC has met 5 times in the last quarter and have considered:-

2 applications for new street trading consents

5 applications for new driver licences

3 driver licence reviews

As a result the Sub-Committees refused to grant 5 applications, revoked 3 existing licences and granted 2 licences.

### **3.2 Work of the Licensing Act Sub-Committee**

LASC has met once in the last quarter to consider a review of the premises licence in respect of a retail store trading as Smak Polski.

After hearing the application from Blackburn with Darwen Trading Standards and the oral representations made by the licence holder, the Committee decided that it was appropriate to revoke the Premises Licence.

The Sub Committee was satisfied that the licence holders conviction in respect of illicit goods being stored and sold on the premises, together with the discovery of a significant amount on non-duty paid alcohol on the premises, seriously undermined the licensing objective 'prevention of crime and disorder'.

### 3.3 Magistrates Appeals

Since the last Licensing Committee, 2 appeals against the decisions of general licensing sub-committees to revoke private hire vehicle driver licences have been concluded. In both cases the Magistrates Court agreed with the decision made by the Licensing Sub-Committee and dismissed the appeals.

2 further appeals have been lodged with the Courts and are listed for hearings over the summer.

### 3.4 Routine work

The following table provides some figures on some of the key work carried out from 1 April 2022 to 30 June 2022.

Vehicle licences – hackney carriage and private hire	<b>428</b>
Driver licences – new and renewal applications	<b>194</b>
Licensing Act applications - These include new licences, variations to existing licences, transfers of licences and changes to the nominated DPS	<b>38</b>
Temporary Event Notices	<b>37</b>
Animal Welfare Licences	<b>5</b>
Street Trading Consents	<b>6</b>

### 3.5 Online application facility

The Licensing service has been working closely with the digital transformation team to develop a seamless online application process for drivers and vehicle proprietors. When finalised, it is anticipated that this could be further rolled out to Private Hire Operator applications.

Once this project is completed, applicants for driver licences will no longer need to attend the Town Hall, they will be able to submit their application using the Council's Digital Customer Portal and upload all of the supporting documentation and proofs for their applications electronically.

### 3.6 Blackburn with Darwen Taxi Forum meeting

The next meeting of the Taxi Forum has been scheduled for 21 July 2022. The agenda includes updates on the following matters: - Police information; MOT testing review; the revised Convictions policy and the on-line application project.

### 3.7 New Legislation

#### **Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022**

From 31 May 2022, Section 5 of this Act creates a legal duty on Licensing Authorities to report relevant concerns about drivers licensed by other authorities to their issuing authority within 10 working days,

The concerns about the driver in question must relate that person's conduct in the first authority's area and be such that if it was a Blackburn with Darwen licensed driver, we would consider suspending or revoking the licence.

The receiving authority then has 20 working days to consider whether or not to revoke or suspend the licence in reliance on this information and any other information they may also hold and inform the first authority in writing, whether or not it has suspended or revoked, or intends to suspend or revoke, the person's driver's licence, and the reasons for that action or intended action.

Section 2 of the Act will make it mandatory for Licensing Authorities to upload details of all refusals, suspensions and revocations of driver licences to a National database within 5 days of informing the driver of the decision and to search the database before granting any new or renewal licence applications.

This requirement is not yet in force. The Secretary of State will issue Regulations to bring forth these new duties and to designate the licensing information database that is to be used.

Licensing Authorities are anticipating this will be the NR3 register. NR3 has been developed by the National Anti-Fraud Network and membership and use of the register is voluntary at the moment. Blackburn with Darwen are members and currently check new applicants against the register and upload details of individuals who have had applications refused or licences revoked.

### 3.8 Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

This amended the Equality Act 2010 on 28 June 2022, to place duties on taxi drivers and PHV drivers and operators, to give disabled people specific rights and protections to be transported and receive assistance when using a taxi or PHV without being charged extra.

Taxi and PHV drivers could also face fines of up to £1,000 if they fail to provide reasonable mobility assistance to disabled passengers taking a pre-booked vehicle.

It also places a duty for local authorities to publish a list of wheelchair-accessible vehicles in the fleet.

## 4. POLICY IMPLICATIONS

None

**5. FINANCIAL IMPLICATIONS**

None

**6. LEGAL IMPLICATIONS**

None

**7. RESOURCE IMPLICATIONS**

None

**8. CONSULTATIONS**

None

**9. CONTACT OFFICER**

Niky Barrett, Principal Officer – Licensing

5 July 2022



By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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