



LICENSING AND REGISTRATION COMMITTEE

AGENDA

DATE:	Wednesday 18 January 2017
TIME:	7.30 pm
VENUE:	Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor Cossens (Chairman)	Councillor Porter
Councillor Callender (Vice-Chairman)	Councillor Raby
Councillor Amos	Councillor Skeels Jnr
Councillor B Brown	Councillor Watson
Councillor M Brown	Councillor White
Councillor Bucke	Councillor Whitmore
Councillor V Guglielmi	Councillor Winfield
Councillor J Henderson	

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686 585

DATE OF PUBLICATION: TUESDAY 10 JANUARY 2017

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 4)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Wednesday 5 October 2016.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, or other interest, and the nature of it, in relation to any item on the agenda.

4 Minutes of the Licensing (General Purposes) Sub-Committee held on 19 December 2016 (Pages 5 - 6)

The Committee is to receive and note, for information only, the above minutes.

5 Report of Corporate Director (Operational Services) A.1 - Report recommending amendment to Council's Hackney Carriage (Taxi) & Private Hire Driver Knowledge Test (Pages 7 - 10)

The Committee is asked to agree an amendment to the Council's Hackney Carriage and Private Hire Driver Knowledge Test procedures in order to delegate its authority to the Licensing Manager to allow applicants to re-sit a fourth knowledge test on appeal to the Licensing Manager, rather than having to lodge an appeal to the Licensing (General Purposes) Sub-Committee.

6 Report of Corporate Director (Operational Services) A.2 - Report recommending change to format of Hackney Carriage and Private Hire Driver Badges granted by Tendring District Council (Pages 11 - 20)

The Committee is asked to agree an amendment to the format of the Council's Hackney Carriage and Private Hire Driver Badges so that the name of the driver is displayed prominently on the front of the badge to accompany the photo of the driver concerned.

7 Report of Corporate Director (Operational Services) A.3 - Report to advise the Licensing and Registration Committee on the effects of Immigration Act 2016 on Taxi and Private Hire Licensing and recommending changes to the Council's Hackney Carriage and Private Hire Driver, Vehicle and Operator application forms as a result of the new Immigration Act. (Pages 21 - 40)

The Committee is asked to agree an amendment to the format of the Council's Hackney Carriage and Private Hire Driver, Operator and Vehicle application forms in order that our driver and operator application forms are compliant with the requirements of the Immigration Act 2016 and also that all of our Taxi and Private Hire application forms are updated to include all necessary contact details to improve the effectiveness and efficiency of the customer service provided by the Licensing Team and also to provide necessary and robust information as required by the National Fraud Initiative.

8 Exclusion of Press and Public

The Committee is asked to consider the following resolution:

“That under Schedule 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of Agenda item 9 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.”

9 Exempt Minutes of the Licensing (General Purposes) Sub-Committee held on 19 December 2016 (Pages 41 - 52)

The Committee is to receive and note, for information only, the above exempt minutes.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Licensing and Registration Committee is to be held in the Council Chamber at 7.30 pm on Wednesday 12 April 2017.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point

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Your calmness and assistance is greatly appreciated.

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**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION COMMITTEE
HELD ON WEDNESDAY 5 OCTOBER 2016 AT 7.30 P.M. IN THE COUNCIL CHAMBER,
WEELEY**

Present: Councillors Cossens (Chairman), Amos, Bray, B E Brown, M Brown, Bucke, V E Guglielmi, J Henderson, Watson, White (except items 10 – 13 (part)) and Whitmore

In Attendance: Licensing Manager (Simon Harvey), Senior Solicitor (Litigation and Governance) (Linda Trembath), Committee Services Manager (Ian Ford) and Licensing Assistant (Michael Cook)

10. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

Apologies for absence were submitted on behalf of Councillors Callender, Porter, Raby (with Councillor Bray substituting) and M J Skeels.

11. MINUTES OF THE SPECIAL MEETING OF THE COMMITTEE

The minutes of the special meeting of the Committee held on Wednesday 28 September 2016 were approved as a correct record and signed by the Chairman.

12. DECLARATIONS OF INTEREST

There were none.

13. CESSATION OF THE DRIVER AND VEHICLE STANDARDS AGENCY (DVSA) TAXI DRIVER ASSESSMENTS AND HOW THIS WILL AFFECT APPLICANTS FOR NEW HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES IN TENDRING

The Committee had before it a report which sought its agreement for the Licensing Section to find suitable alternative providers to carry out an equivalent to the Driver, Vehicle and Standards Agency (DVSA) Taxi Driver Assessment course which was to cease as of 31 December 2016.

The Committee recalled that, at its meeting held on 16 December 2014, it had reaffirmed the Council's policy requirement that all new applicants for a Hackney Carriage/Private Hire Driver's Licence must pass a DVSA Taxi Drivers Assessment. This was one of a number of prerequisites for the grant of such a licence including the Passenger Assisted Training and driver suitability and knowledge tests.

The Committee, in consultation with the local taxi and private hire trades, had introduced all of those prerequisites in order to maintain and improve the standards of driver and passenger safety and encourage applicants to regard taxi driving as a professional long-term occupation in Tendring.

It was felt that this ethos could be put in jeopardy by the DVSA's announcement on 31 August 2016 that they would be ceasing all Taxi Driver Assessments as from 31 December 2016 as the demand for those tests was outstripping the DVSA's capacity to meet that demand. The DVSA had advised Licensing Authorities, in a letter dated 31 August 2016, that they did not have enough test examiners and needed to prioritise their resources to

reduce waiting times for those waiting to take ordinary driver's licence tests. Indeed, the Licensing Manager reported anecdotal evidence that many DVSA test centres had already stopped taking any new bookings for taxi driver assessments.

In an effort to enable the Council to continue with its policy of a mandatory taxi drivers assessment the Licensing Manager had sought out alternative service providers. Three alternative companies/organisations had so far come to light namely:

- (i) The Blue Lamp Trust;
- (ii) Diamond Advanced Motorists; and
- (iii) Green Penny.

It was the view of the Licensing Manager that The Blue Lamp Trust best offered a reasonable equivalent service and assessment to the current DVSA taxi driver assessment and was also an organisation accredited by the DVSA. Members expressed their preference that new applicants were given a choice of taxi driver test providers so that they had flexibility on price and availability but that they must be accredited by the DVSA and that the test was the same or at an equivalent level. The Licensing Manager concurred and stated that he was aware of a number of such companies/organisations.

Having considered all of the information and advice given by the Licensing Manager both in his written report and orally at the meeting, it was moved by Councillor V E Guglielmi, seconded by Councillor Bray and:-

RESOLVED that the Committee agrees the following actions namely to:

- (a) continue requiring all new applicants for Tendring District hackney carriage and private hire drivers' licences to take and pass a Taxi Drivers Assessment equivalent to the standard required by the DVSA Taxi Drivers Assessment and with an accredited company or organisation
- (b) allow new applicants for Tendring District hackney carriage and private hire drivers' licences the flexibility to choose the service provider for a DVSA standard taxi driver assessment that suits their needs on locality and price of the test; and
- (c) continue to reserve the right to require existing Tendring District licensed hackney carriage and private hire drivers to take and pass a DVSA Taxi Drivers Assessment should it be deemed necessary by the Committee to do so for education and/or remedial purposes.

13. CHANGE OF SUPPLIER FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE BRACKETS AND PLATES AND OTHER MISCELLANEOUS RELATED VEHICLE AND DRIVER SUPPLIES

The Committee was aware that Hackney Carriage and Private Hire vehicles were required to display vehicle licence plates as part of the legislation that controlled the licensing of those vehicles and also the conditions of the vehicle licence. Those plates had to have the license expiry date printed on them, together with the make, model and colour of the vehicle and the number of passengers it was licensed to carry. The plates and holding brackets were paid for as part of the Council's vehicle licence fees.

Members were informed that the Council had used the same bracket and licence plate supplier for a number of years but currently the plates could wear quite badly and the poly carbon material used to make the plates was of a flimsy quality which had often allowed dirt to seep through the protective cover to the plate itself.

The Licensing Manager was therefore proposing a change of supplier as it was felt to be imperative for passenger safety that the expiry date along with all of the other details on the plate were clear and easily readable so that passengers could be assured that they were getting into a legitimately licensed vehicle and that the Police and other enforcement agencies knew that the vehicle was bona fide.

The Licensing Manager had therefore sourced an alternative provider, MOGO, whose plates were cheaper and much sharper, clearer and distinctive by design. They were also considered to be harder wearing and could also be printed to include the Council's corporate colour scheme which would help distinguish the vehicle as a Tendring District Taxi and would also carry a distinctive hologram which would make plate falsification impossible. Other councils in Essex (such as Thurrock and Brentwood) had already moved over to MOGO as their supplier.

The Committee was advised that the ongoing savings made after the first year's purchase of brackets and plates which, whilst not in any way significant at around £400 in total, would nevertheless assist the Council in minimising its overall costs passed down to the taxi and private hire trades with respect to vehicle licence fees.

The Committee was shown, and was impressed by, examples of the proposed new style and design of bracket and plate (including a hologram which made falsification/copying of a plate impossible) which it was satisfied would enhance passenger safety and enforcement.

Having discussed the matter, it was moved by Councillor Bray, seconded by Councillor V E Guglielmi and:-

RESOLVED that the Committee agrees to the following action namely that the Council's Licensing Section change its supplier for hackney carriage and private hire vehicle licence plates and brackets and other miscellaneous related vehicle and driver suppliers to MOGO (with the preferred design being that which incorporated the Tendring District Council Name and Logo) once existing plate supplies have been used, or from 1 January 2017, whichever is the earlier.

The meeting was declared closed at 8.02 p.m.

Chairman

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**MINUTES OF THE MEETING OF THE GENERAL PURPOSES SUB-COMMITTEE,
HELD ON MONDAY, 19TH DECEMBER, 2016 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors V Guglielmi (Chairman), Cossens (Vice-Chair), Davis, J Henderson, Raby and White
Also Present:	None
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance)), Simon Harvey (Licensing Officer) and Emma King (Licensing Assistant)

27. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Watson (with Councillor Davis substituting).

28. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Sub-Committee, held on 18 August 2016, were approved as a correct record and signed by the Chairman.

29. DECLARATIONS OF INTEREST

There were none.

30. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - HACKNEY CARRIAGE/PRIVATE HIRE LICENSES

The Sub-Committee noted the contents of a report (A.1) on the number of Hackney Carriage and Private Hire drivers, vehicles and operators, licensed by the Council as at 5 December 2016, which was submitted for information only.

31. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Cossens, seconded by Councillor J Henderson and:

RESOLVED that the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act:

(a) Exempt Minutes of the Last Meeting of the Sub-Committee held on 18 August 2016; and

(b) Reports of the Corporate Director (Operational Services)

B.1 - Application for the grant of a Hackney Carriage Driver's Licence

B.2 - Appeals against refusal of Hackney Carriage Drivers' Applications

B.3 - Review of Hackney Carriage/Private Hire Drivers' Licences

32. EXEMPT MINUTES OF THE LAST MEETING

The Exempt Minutes of the last meeting of the Sub-Committee, held on 18 August 2016, were approved as a correct record and signed by the Chairman.

33. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - B.1 - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee reviewed a named individual's application for the grant of a Hackney Carriage Driver's Licence. The Sub-Committee's resolutions are detailed in the exempt minutes of this meeting.

34. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - B.2 - APPEALS AGAINST REFUSAL OF HACKNEY CARRIAGE DRIVERS' APPLICATIONS

The Sub-Committee considered named individuals' appeals against the Council's decisions to refuse their Hackney Carriage driver applications. The Sub-Committee's resolutions are detailed in the exempt minutes of this meeting.

35. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - B.3 - REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Sub-Committee reviewed named individuals' Hackney Carriage/Private Hire Drivers' Licences. The Sub-Committee's resolutions are detailed in the exempt minutes of this meeting.

The Meeting was declared closed at 11.56 am

Chairman

Licensing and Registration Committee

18 January 2017

Report of Corporate Director (Operational Services)

A.1 Report recommending amendment to Council's Hackney Carriage (Taxi) & Private Hire Driver Knowledge Test

Report prepared by Simon Harvey

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Licensing and Registration Committee is asked to agree an amendment to the Council's Hackney Carriage and Private Hire Driver Knowledge Test procedures in order to delegate its authority to the Licensing Manager to allow applicants to re-sit a fourth knowledge test on appeal to the Licensing Manager, rather than having to lodge an appeal to the Licensing (General Purposes) Sub-Committee.

EXECUTIVE SUMMARY

- The Licensing Committee reviewed the procedures and process of the Council's hackney carriage and private hire driver knowledge test at its meeting of the 16 December 2014;
- As part of that review, the Committee decided to retain the appeal process to the Licensing (General Purposes) Sub Committee whereby new applicants for hackney carriage and private hire drivers licences can appeal to be allowed to take a fourth knowledge test after having failed three tests;
- There has been 10 appeals to the Licensing (General Purposes) Sub Committee in the last two calendar years 2015 to 2016 to allow new applicants for a hackney carriage/private hire drivers licence to re-sit a fourth driver knowledge test;
- This appeal process has therefore become quite onerous and expensive for the Licensing (General Purposes) Sub Committee to undertake and it is suggested that it is delegated to the Licensing Manager as a result.

RECOMMENDATION(S)

It is recommended that Members:

- a) **Agree to delegate the decision to allow applicants on appeal to re-sit a fourth hackney carriage/private hire driver knowledge to the Council's Licensing Manager or their appropriate delegated substitute if the licensing manager is unavailable.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
<p>The Council's policy to require all new applicants for hackney carriage and private hire drivers licences to take and pass a driver knowledge test promotes overall passenger safety and a better travelling experience for fare paying passengers and also links into and supports the Council's Corporate Plan for 2016 – 2020 under the following criteria:</p> <p>Community Leadership- Employment and Enjoyment</p> <ul style="list-style-type: none">• Support business growth• Enable better job prospects• Facilitate improved qualification and skills attainment
FINANCE, OTHER RESOURCES AND RISK
<p>Finance and other resources</p> <p>Risk</p> <ul style="list-style-type: none">• There is a financial and reputational risk to the Council of any successful legal challenge made against its policies in relation to the grant of new hackney carriage/private hire driver's licences.• This risk is however reasonable and proportionate when taking into account the need to promote fare paying passenger safety and their overall travelling experience by having a policy requirement for all new applicants for hackney carriage and private hire drivers licences to take and pass a driver knowledge test.
LEGAL
<p>Any decision made by the Licensing and Registration Committee in regards to matters of grant, renewal, suspension or revocations of licences and attachment of policies or conditions to individual hackney carriage and private hire licences can be appealed to the Magistrates' Court and from there to the Crown Court.</p> <p>In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council.</p> <p>In terms of challenging policy decisions, appeals can also be made by way of a Judicial Review to the Administrative Court in the High Court and again in the event of an appeal being allowed by this Court, the costs associated with the hearing could be awarded against the Council.</p> <p>There is no scope, caveat, restriction or guidance as to what may be considered as "reasonably necessary" within the Act in terms of adopting policy in regards to taxi or private hire licensing or attaching conditions to a licence but the standard of "reasonableness" imposed by the Courts is high and what is "unreasonable" has been said by the Courts to be "whether an authority had acted, or reached a decision, in a manner so unreasonable that no reasonable authority could ever have come to it" (Associated Provincial Picture Houses Ltd. v Wednesbury Corporation (1948) and in subsequent cases the Courts have considered whether a decision is "... so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it." (Council of Civil Service Unions v Minister</p>

for the Civil Service (1985))

The Courts have upheld a Council's powers to set local conditions and policy on a number of occasions as stated cases.

The most recent stated cases of interest being R v Hyndburn Borough Council ex p Rauf and Kasim 12 February 1992 QBD and R v City & County of Swansea (Respondent) Ex Parte Julie Amanda Jones (Applicant) 1996 EWHC Admin 290

While these cases have involved the setting of maximum age policies in respect to hackney carriage and private hire vehicles, nonetheless the Courts of appeal have upheld the principle of a Council's right to set reasonable policies that do not fetter the discretion of the Council in relation to the hackney carriage and private hire drivers, vehicles and operators that it licences.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

CRIME AND DISORDER

Sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976 places a responsibility on a Council that it shall not grant a Hackney Carriage and Private Hire Driver's licences unless it is satisfied that the applicant is fit and proper person to hold a driver's licence.

EQUALITY AND DIVERSITY

The suitability and driver knowledge tests applies to all new applicants for hackney carriage and private hire drivers licences and must be passed by all new applicants.

AREA/WARDS AFFECTED

All

CONSULTATION

Not necessary or applicable in these circumstances, but if it chose to do so, the Committee could decide to put this proposal out to consultation with the taxi trade before making any final decision if it felt it was an appropriate and proportionate course of action to take.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

As part of the Council's hackney carriage and private hire new driver application procedure, all new applicants are required to take and pass a driver knowledge test. This test consists of 45 questions in total broken down into sections on road signage, highway code, routes of roads within the Tending area. Places of interest and local knowledge, licence conditions, law and equality.

The test is a modular test which means that if a test is failed, applicants have to re-sit only those sections of the test that they have failed on. Applicants are allowed to sit the test on three occasions, but if the third test is failed then their application is terminated with any fee paid towards the grant of the driver licence refunded to the applicant.

Applicants cannot submit a further hackney carriage/private hire driver licence application and re-apply to sit another knowledge test for a period of 3 months from the date of the last failed test.

They do however have the right of appeal to the Council's Licensing (General Purposes) Sub Committee to be able to sit a fourth driver knowledge test at the Committee's discretion.

These procedures were last reviewed and agreed by the Members of the Licensing Committee at their meeting of the 16 December 2014.

CURRENT POSITION

Since agreeing the new procedures and in particular the appeals process to allow applicants to re-sit a fourth knowledge test, there has been 10 appeals made to the Licensing (General Purposes) Sub Committee.

To process these appeals for consideration by the Sub Committee, covering reports have to be written, agenda's printed and published and the Council chamber booked. Members and officers including a Legal officer and a Committee Services officer need to be present to assist Members at the appeal and a licensing officer has to be in attendance to present the report.

This appeal process is costly and time consuming for the Council to offer and may also be costly and time consuming for applicants if for example they need to take time off work to attend the appeal hearing.

It is therefore recommended to the Sub Committee that it agrees to delegate the appeal process and the appeal decision to the Council's Licensing Manager or in their absence, to an appropriate Licensing Officer as a substitute.

Such a change would reduce time and costs to the licensing service all round and therefore provide a more efficient and cost effective service for hackney carriage and private hire driver licence holders as a result. It will also enable Members to focus their time on those appeal matters that are perhaps not so straight forward as considering or allowing a re-sit of a fourth driver knowledge test.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

None

Licensing and Registration Committee

18 January 2017

Report of Corporate Director (Operational Services)

A.2. Report recommending change to format of Hackney Carriage and Private Hire Driver Badges granted by Tendring District Council

(Report prepared by Simon Harvey)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Licensing and Registration Committee is asked to agree an amendment to the format of the Council's Hackney Carriage and Private Hire Driver Badges so that the name of the driver is displayed prominently on the front of the badge to accompany the photo of the driver concerned.

EXECUTIVE SUMMARY

- Currently our hackney and private hire driver's badges show the serial number of the licence, a photograph of the driver, the expiry date of the licence/badge and our Tendring District Council crest.
- It is proposed to amend the format of the driver's badge to include the driver's name prominently on the front of the badge to accompany the photograph in order to aid our licensing officers in communicating with drivers and also in identifying them when carrying out roadside or taxi rank compliance checks of drivers and vehicles.

RECOMMENDATION(S)

It is recommended that Members:

- a) Agree to include the title, initial(s) and surname of the licence holder prominently on the front of the Council's Hackney Carriage and Private Hire Drivers Badges with immediate effect.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Changing the format of the current Hackney Carriage and Private Hire Drivers Badge granted by Tendring District Council will help augment the Council's Corporate Plan 2016 – 2020 by assisting and enhancing the engagement that our licensing officers have with the taxi and private hire community, particularly when they are carrying out driver and vehicle compliance checks out on the street and on taxi ranks.

FINANCE, OTHER RESOURCES AND RISK
<p>Finance and other resources</p> <p>Risk There is a financial and reputational risk to the Council of any successful legal challenge made against its policies or decisions in relation to the grant of hackney carriage/private hire driver, vehicle or operators licences. In the event of an appeal being allowed by these Courts, the costs of any such hearing or challenge could be awarded against the Council.</p>
LEGAL
<p>Any decision made by the Licensing and Registration Committee in regards to matters of grant, renewal, suspension or revocations of licences and attachment of policies or conditions to individual hackney carriage and private hire licences can be appealed to the Magistrates' Court and from there to the Crown Court.</p> <p>In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council.</p>
OTHER IMPLICATIONS
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below. Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.</p> <p>CRIME AND DISORDER There are no particular crime and disorder connotations attached to this proposal or resulting from it, but having the name of the driver clearly identified on the badge would assist passengers or enforcement agencies such as the Council, Police or VOSA in this regard if needed.</p> <p>EQUALITY AND DIVERSITY The proposed change to the Council's hackney carriage and private hire driver's badges will apply to all new applicants and existing licence holders.</p> <p>AREA/WARDS AFFECTED All</p> <p>CONSULTATION The hackney carriage and private hire trades have been invited to comment on the proposal if they wish to do so by way of a short consultation that was detailed and publicised in the December 'Taxi Newsletter' that was sent out to all Tendring licensed drivers early in December. The deadline for written comments or responses to be made to the consultation was the 5 January 2017. (See attached as Appendix 1).</p> <p>There have been no responses received at all from the taxi and private hire trades to this consultation at the time that this report was sent for printing on the 6 January.</p>

PART 3 – SUPPORTING INFORMATION

BACKGROUND
Tendring District Council grants dual hackney carriage and private hire driver's licences

and badges.

The Council's byelaws and driver licence conditions state the following in relation to drivers licences:

9. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.

Section 54 of the Local Government (Miscellaneous Provisions) Act 1976 advises the following in relation to the grant of drivers badges by a Council:

54 Issue of drivers' badges.

(1)When granting a driver's licence under section 51 of this Act a district council shall issue a driver's badge in such a form as may from time to time be prescribed by them.

(2)(a) A driver shall at all times when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.

(b) If any person without reasonable excuse contravenes the provisions of this subsection, he shall be guilty of an offence.

CURRENT POSITION

Currently our badges only show a serial number of their licence and a photograph of the driver, along with the expiry date of the licence/badge and also our Tendring District Council crest.

It is unknown as to why historically our TDC hackney carriage and private hire badge has not included the name of the driver on it, but this has been the case for a number of years now.

Not having the name of the driver on the badge can and does make communication with the driver and recognition of the driver difficult for licensing officers carrying out roadside or taxi rank compliance checks of the driver and/or the vehicle they are driving.

TDC officers have our name and photograph prominently on the front of our identity badges so that we can be readily identified by all persons for example.

It is therefore proposed to amend the format of our TDC hackney carriage and private hire drivers badge to include the title, initial(s) and surname of the driver in question. E.g. 'Mr J M Smith'.

This will aid our licensing officers to communicate more easily and readily with drivers when carrying out roadside and taxi rank compliance checks and also assist with identifying drivers for other agencies such as the Police or VOSA for example.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix 1 - Copy of Taxi Newsletter December 2016

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TAXI NEWS

December 2016

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^ND,ADDRESS.LIAPPLICANT;

^ND,REFVAL.LICASE; - ^ND,PLATEREF.LICASE;

^ST,IMAGE;



Licensing Office Move on 12 December 2016

Just a reminder that our licensing office will be moving from Weeley over to the Council Tax Offices in Pier Avenue (88-90 Pier Avenue, Clacton on Sea, CO15 1TN). All telephone numbers and e-mail contacts will remain the same.

The move will take place on Monday the 12 December 2016 and there will be no office service available at all on that day. Our phones and e-mail will be cut off, we will have no computer access and will have nowhere to see any personal callers and no facility to take in or photocopy paperwork.

The Council's main switchboard 01255 686868 will take telephone messages for us on the day and we will get back to callers as quickly as possible after the 12 December.

The office will be closed again on Friday afternoon the 16 December from 12 noon onwards in order for IT work to be completed following our move.

Please also be aware that the Council Offices in Pier Avenue are only open to the public between 10am to 4pm Mondays to Fridays. This will mean that when we move into the offices there our reception times will be as follows:

Tuesdays & Wednesday 10.00 a.m. to 12.00 noon; and

Fridays 1.00 p.m. to 4.00 p.m.

Outside these times appointments will be needed, please note that these may not necessarily be able to be made for the same day as you ring or e-mail for an appointment, but we will certainly do our very best for you to try and do so.

There will be a phone inside the main front entrance lobby of Pier Avenue which will be designated for Licensing and marked up as a Licensing phone which when picked up will be a direct line to contact the Licensing Team.

There will be positives and negatives of our move for the Licensing service to Pier Avenue and while parking will unfortunately not be as easy or accessible as it currently is at Weeley Offices, it will mean that we will be much better placed to offer the advantages of upgraded technology that the Council is introducing to its Clacton offices and for example it is planned that hopefully in the near future, we will have access to tablets in the reception area at Pier Avenue which means that instead of having to wait to see someone from the Licensing Team to drop an insurance certificate in for example, you will be able to simply scan your document in and it will be e-mailed straight to the Licensing e-mail in box. We are also looking at ways that taxi testing can be booked by you direct on line without needing to ring the licensing office.

Northbourne Road Garage Refurbishment

Please be aware that in order to carry out necessary refurbishment to the Northbourne Road garage, the workshop will be closed for taxi testing on the 20/21-27/28 December 2016 and the 3/4 January 2017. This will mean that no scheduled tests will be booked for those dates, but does not mean that we will not be able to deal with any emergency change of vehicles such as putting a temporary vehicle on the road plated to cover while the main vehicle is being repaired after accident damage for example.

MPV Vehicles

You will hopefully have read in our last newsletter that the Council has listened to the view of the taxi and private trades and the Licensing and Registration Committee has changed its policy on the removal of a seat from an MPV to permit ease of access and exit from the rearmost seats of an MPV. Copies of past newsletters are available on the taxi licensing page of the Council's web site www.tendringdc.gov.uk for anyone wanting or needing to familiarise themselves with what the new MPV seating policy is. Alternatively you can always e-mail or ring the licensing office.

You will see that the old policy of seat removal has been replaced for those proprietors that wish to take advantage of it. The new policy requires clear and professionally made signage and marking strips/covering to be in place to highlight for customers the operating levers in the vehicle which lift, tilt, tip or move seats forward to allow your customers access and exit to and from the rear of the vehicle, well positioned exit window signs where appropriate and an internal device to allow the rear hatch door to be opened from the inside in the event of an emergency.

In terms of the exit and window signage and lever marking strips these can be brought from the Council for £4.50 for the set. The exit sign and lever strips/markings are florescent. You are not obliged to buy them from the Council however and if you are able to get them cheaper then please feel free to do so, but we have been able to purchase these at a special rate and are passing them on only for what it cost us to purchase them. A number of your colleagues have already purchased these and are using them. Again though if you are able to purchase the exit and widow signage and lever strips/markings at a cheaper rate then please feel free to do so. We will not however accept any 'homemade' signage or marking in vehicles however, so these will need to be professionally made.

Driver Badges

We will be taking a report to the Licensing and Registration Committee on the 18 January 2017 which will recommend that names are put on the front of the taxi and private hire driver's badges. This is to help our licensing officers and anyone else like Police officers know who you are. When we are speaking with you out on the road or rank. It also assists with passenger safety and security. At the moment you will be aware that the driver's badges only show your badge number. Unless the Committee decides otherwise, we do not intend to put anyone's full name on the badge e.g. 'Mr John Smith', but just the initial(s) of the driver concerned e.g. 'Mr J Smith'.

If anyone has any comment on this proposal that they would like the Committee to consider we will be happy to put that to them as part of the report. Any comments would need to be made in writing and can be e-mailed to us using our licensingsection@tendringdc.gov.uk e-mail address or by letter. To be able to be included in the report, all written submissions will need to be received by no later than **Thursday the 5 January 2017**. The report and Committee meeting are both public and the meeting will take place at Weeley Council offices commencing at 7.30pm. The report will be available to view via the Council's website 7 days before the meeting.

General Advertising on Doors for Taxis and Private Hire Vehicles

We have had a number of calls from drivers and proprietors to ask what the position is regarding general or third party door sign advertising on taxi's and private hire vehicles. The details which have been circulated in previous taxi newsletters are available to view via the taxi licensing page of Council's website www.tendringdc.gov.uk The policy details are reasonably self- explanatory but should anyone require any further clarification then please e-mail the licensing team at licensingsection@tendringdc.gov.uk

Driving in adverse weather

We want everyone to keep themselves and their passenger's safe over the winter so we hope that the tips shown below might help a little in that regard.

Driving in adverse weather conditions requires additional care and attention and you should ensure your vehicle is adequately prepared. Consult your vehicles owner's manual for specific tips on driving your vehicle in poor weather, below are just some general notes intended to help you prepare for the winter.

Vehicle preparation:

We are sure that your vehicles are regularly inspected, serviced and in good working order, but in adverse weather, particular attention should be given to the following -

- Car batteries last approximately five years, and extra demand placed on them during adverse weather from the use of heaters, lights, and wipers can decrease their lifespan.
- Check the tyre pressure in accordance with the manufacturer's specifications.
- Check the tyre treads depths. For winter driving it is recommended to have 3mm of tread and certainly not less than 2mm.
- Ensure that there is an adequate amount of anti - freeze, in both the windscreen washer bottle and radiator.
- Keep lights clean and check bulbs regularly so you'll be prepared for lower visibility and shorter days.
- Make sure wiper blades aren't worn and the vehicle has sufficient windscreen washer fluid in the reservoir so you can keep your windscreen as clean as possible.
- Dirty windows and mirrors can make it hard to see as the low winter sun hits. Make sure they are kept clean and free of ice and snow in colder weather. Ensure windows are clear and de-misted before setting off.

Driving in rain is the most common adverse weather condition. Despite this this, drivers often overlook the hazards of driving in rain:

- Reduce your speed.
- Watch for pooling water on the road, trying to safely avoid if you can.
- Even light rain will reduce your visibility, so use dipped headlights.
- Your stopping distance will increase. Leave sufficient space between you and the vehicle in front, you may need up to TWICE the normal distance for braking.
- Try to drive in the tyre tracks left by cars in front of you.

Drive with caution and watch for other motorists who may lack the skill or experience to drive competently.

Christmas Closure

Please note that the offices will be closing on Friday 23 December 2016 and will not reopen until Tuesday 3 January 2017. If you have any documentation that is required by the office during these dates, please ensure that they are received before 23 December.

Finally

The Licensing Team would like to take this opportunity to wish you and your families all a very merry, safe and happy Christmas and New Year. Please keep yourselves safe and sound out on the roads and late at nights over Christmas when one or two of your customers may be a little worse for wear through drinking a little too much, or the weather may not be that good for driving. Without you being there at all times of day and night and in most weather situations to take the responsibility and stress out of driving when the weather is bad but there is that party to go to, or 'I want to go to the party and be able to have a drink safely', life would be a lot more difficult for the rest of us. So take care and thank you from us and on behalf of the public as well.

Licensing Team Contact Details:

Email:

licensingsection@tendringdc.gov.uk

Or

taxi@tendringdc.gov.uk

Phone: 01255 686565

Fax: 01255 686343

Licensing Reception Opening Times

***Pier Avenue, Clacton With effect from
13 December 2016***

Mondays	Appointments Only
Tuesdays	10am to 12 noon
Wednesday	10am to 12 noon

Thursdays	Appointments Only
Fridays	1pm to 4pm



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Licensing and Registration Committee

18 January 2017

Report of Corporate Director (Operational Services)

A.3 Report to advise the Licensing and Registration Committee on the effects of Immigration Act 2016 on Taxi and Private Hire Licensing and recommending changes to the Council's Hackney Carriage and Private Hire Driver, Vehicle and Operator application forms as a result of the new Immigration Act.

(Report prepared by Simon Harvey)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Licensing and Registration Committee is asked to agree an amendment to the format of the Council's Hackney Carriage and Private Hire Driver, Operator and Vehicle application forms in order that our driver and operator application forms are compliant with the requirements of the Immigration Act 2016 and also that all of our taxi and private hire application forms are updated to include all necessary contact details to improve the effectiveness and efficiency of the customer service provided by the Licensing Team and also to provide necessary and robust information as required by the National Fraud Initiative.

EXECUTIVE SUMMARY

- The Immigration Act 2016 which went live as from the 1 December 2016 requires Councils to make positive checks that all applicants for both new and renewed hackney carriage and private hire driver and operator licences submitting applications after the 1 December 2016 have the right to work in the United Kingdom.
- As a result of these new requirements the Licensing team has reviewed its hackney carriage and private hire driver, vehicle and operator application forms and amended the driver and operator forms specifically in line with the new Immigration Act 2016 and has also taken the opportunity to improve all of our hackney carriage and private hire forms both in terms of their customer service and customer contact profile and also in regards to the National Fraud Initiative.

RECOMMENDATION(S)

It is recommended that the Licensing and Registration Committee agree the following actions:

- a) Note the requirements that the Immigration Act 2016 places on the taxi and private hire trades and the Council and also agree the content and format of the proposed new hackney carriage and private hire driver, operator and vehicle application forms attached to this report as Appendices 1, 2 and 3.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
<p>Changing the format of the current Hackney Carriage and Private Hire Driver, Vehicle and Operator application forms will help support the Council's Corporate Plan 2016 – 2020 by assisting and enhancing the opportunities for the Licensing team to engage and communicate more easily with the taxi and private hire community and also deliver services and information to taxi businesses in a more efficient, effective and environmentally friendly way by electronic means.</p>
FINANCE, OTHER RESOURCES AND RISK
<p>Finance and other resources</p> <p>Risk</p> <p>There is a financial and reputational risk to the Council of any successful legal challenge made against its policies or decisions in relation to the grant of hackney carriage/private hire driver, vehicle or operators licences. In the event of an appeal being allowed by these Courts, the costs of any such hearing or challenge could be awarded against the Council.</p>
LEGAL
<p>Any decision made by the Licensing and Registration Committee in regards to matters of grant, renewal, suspension or revocations of licences and attachment of policies or conditions to individual hackney carriage and private hire licences can be appealed to the Magistrates' Court and from there to the Crown Court.</p> <p>In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council.</p>
OTHER IMPLICATIONS
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p> <p>Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.</p> <p>CRIME AND DISORDER</p> <p>Under the terms of the Immigration Act 2016 a person commits an offence if they try and secure employment in the United Kingdom if they do not hold the right to work in the UK either on a permanent or temporary basis. The Council is required under the Immigration Act 2016 to carry out reasonable and positive vetting of applicants for hackney carriage and private hire driver and operator licences to ensure and confirm that they have the right to work in the UK either on a permanent or temporary basis.</p> <p>EQUALITY AND DIVERSITY</p> <p>The changes to the Council's hackney carriage and private hire driver, vehicle and operator application forms will apply to all new applicants and existing licence holders. The Council also has no option other than to implement and abide by the requirements of the new Immigration Act 2016 in regards to its hackney carriage and private hire driver and operator licence applications.</p>

AREA/WARDS AFFECTED

All

CONSULTATION

Not applicable in these circumstances. The Council and all applicants for hackney carriage and private hire driver and operator licences have no option other than to comply with the requirements of the Immigration Act 2016. It is also best practice that the Council's hackney carriage and private hire application forms assist the National Fraud Initiative which is in place to protect public funds from fraud.

PART 3 – SUPPORTING INFORMATION**BACKGROUND**

The Council's current hackney carriage and private hire driver and operator application forms for new applicants and renewals of existing licences are no longer fit for purpose following the introduction of the Immigration Act 2016 which went live as from the 1 December 2016.

This means that all new applicants and those renewing existing hackney carriage and private hire driver and operator licences after the 1 December are required to provide confirmation that they have the right to work either permanently or temporarily in the United Kingdom.

The Council has a legal responsibility under the Immigration Act 2016 to ensure that it does not grant a licence to a person who does not have the right to work in the UK and must do so by verifying the applicant's identity and their right to work in the UK. The Council also has a responsibility to communicate and check with the Home Office in regards to the immigration status of any applicant or documents that they have presented in support of their driver licence application.

Applicants for hackney carriage and private hire driver and operator licences are also legally obliged to comply with the requirements of the Immigration Act 2016 when applying for these licences and will not be granted a licence unless they can prove compliance with the Immigration Act 2016. This requirement applies to all new applications and renewals and to all applicants for driver and operator licences. Neither the Council nor the applicant has any discretion to waive this requirement.

The requirement to amend our hackney carriage and private hire driver and operator application forms in light of the Immigration Act 2016 has given the Licensing team an opportunity to review all of the information that we would also want to include on our driver, operator and vehicle application forms such as comprehensive contact details for an applicant in order that we can provide better and faster communication to them and provide a more efficient and effective service by electronic service delivery for example. It has also enabled us to update our driver, vehicle and operator application forms to ensure that they are entirely robust in supporting the National Fraud Initiative which is in place to protect public funds.

In accordance with Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 it is in order for a Council to request information that it considers reasonably necessary to enable a licence to be granted and whether conditions should be attached to a licence. The relevant part of the Act is as follows:

57 Power to require applicants to submit information.

(1) A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.

(2) Without prejudice to the generality of the foregoing subsection—

(a) a district council may require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle—

(i) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or a private hire vehicle; and

(ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or a private hire vehicle;

CURRENT POSITION

The proposed new Hackney carriage and private hire driver, operator and vehicle application forms are attached to this report as **APPENDIX 1**, **APPENDIX 2** and **APPENDIX 3** respectively.

It is recommended to the Licensing and Registration Committee that they adopt these new forms for use with immediate effect in regards to new and renewal applications for hackney carriage and private hire driver and operator licences and also vehicle licence applications.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

APPENDIX 1 – Hackney Carriage and Private Hire Driver Application Form

APPENDIX 2 - Private Hire Operator Application Form

APPENDIX 3 – Hackney Carriage and Private Hire Vehicle Application Form

TENDRING DISTRICT COUNCIL

Public Health Act 1875; Town Police Clauses Acts 1847 and 1889;
Local Government [Miscellaneous Provisions] Act 1976

DRIVER'S LICENCE
FOR A PERIOD OF THREE YEARS

APPLICANTS MUST HAVE HELD A FULL EUROPEAN DRIVER'S LICENCE FOR A PERIOD OF FOUR YEARS IN ORDER TO BE CONSIDERED FOR LICENSING AS A HACKNEY CARRIAGE OR PRIVATE HIRE DRIVER.

Invoice No:Receipt No:Fee Submitted: £.....

PLEASE ENSURE THAT **EVERY** SECTION IS COMPLETED AND DELETIONS MADE WHERE NECESSARY IN ORDER TO AVOID ANY DELAY OR SUSPENSION IN THE PROCESSING OF YOUR APPLICATION

1.	Which Type of Licence are you applying for:	Hackney Carriage Dual <input type="checkbox"/>		Private Hire <input type="checkbox"/>	
2.	Application for Grant or Renewal	Grant <input type="checkbox"/>		Renewal <input type="checkbox"/>	
3.	Surname				
4.	First Name(s)			4a. Title	Mr / Mrs / Miss / Ms*
5.	Address				
		6. Post Code			
7.	Telephone No.				
8.	Mobile No.				
9.	Email Address				
10.	National Insurance No.		11.	Badge No. (renewal only)	
12.	DVLA Driving No.		13.	How long have you held a full licence?	
14.	Present Occupation		15.	Will you be working as a full time driver?	Yes / No*
16.	How many hours each week will you be working?		17.	Will you be working for yourself?	Yes / No*
18.	Please state from Office you will be working:	Company Name:			
		Proprietors Name:			

19.	Have you ever had a Hackney Carriage or Private Hire Drivers Licence refused / revoked / suspended by Tendring District Council or another local authority?	Yes / No*
19a.	If yes, please give details:	

20.	Criminal & Traffic History – Section A	Yes	No
	Do you have any criminal convictions?		

If you have answered yes, please give details in Section B (21))		
Have you ever received a caution? If you have answered yes, please give details in Section B(21))		
Do you have any traffic convictions? If you have answered yes, please give details in Section B(21))		
Do you have any pending matters, for which you are currently being investigated, for example, by the police or other enforcement agency? If you have answered yes, please give details in Section B(21))		

21.	Criminal & Traffic History – Section B		
Convictions, cautions, and pending prosecution details			
Date	Offence	Court	Penalty

22.	<u>Immigration Act 2016</u> (In force for new applications or renewals made after the 1 December 2016) <p><i>Your right to work in the UK will be checked as part of your licence application, this could include the licensing authority checking your immigration status with the Home Office. We may otherwise share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out below where indicated*. You must provide the original document(s), such as your passport or biometric residence permit, as indicated in the guidance below, so that the check can take place. The document(s) will be copied and the copy retained by the licensing authority. The original document will be returned to you. Your application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant paid has been paid.</i></p> <p><i>If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time you apply to renew or extend your licence, If, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will lapse and you must return it to the licensing authority. Failure to do so is a criminal offence.</i></p>	
Please confirm that you are able to live and work in the UK and that you will be able to provide evidence of this. The list of supporting documents which evidence this are shown below where marked* If you cannot provide any of these your application will not proceed or be processed any further at this stage.		Yes / No*

Any Convictions or Fixed Penalty offences recorded since the completion of this form must be reported immediately in writing to the Licensing Manager, Licensing Section, Tendring District Council, 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN or Email: licensingsection@tendringdc.gov.uk General Licensing Telephone: 01255 686565

I agree to submit my Disclosure and Barring Service (DBS) certificate to the Council within 5 working days of the issue date contained on the certificate. I understand that failure to do so may result in the suspension of my licence and a delay in the processing of my application.

I accept and understand that Tendring District Council may use the information provided on this form to detect and prevent fraud. The Council may also share information, for the same purposes, with other authorities and organisations which handle public funds.

I DECLARE that my answers to the questions above are true to the best of my knowledge. I understand that if there are any omissions or incorrect statements of a serious nature, my application may be refused, or if a licence has been issued it will be liable to immediate suspension or revocation. I understand that it is an offence for any person to knowingly or recklessly make any false statement or omission of material particulars and doing so may render me liable to prosecution. I also consent to the results of my DBS disclosure or my DVLA or Medical Record being shown to members of any relevant Council Committee, if necessary to determine my application.

Tick

I have read the guidelines and standards printed below and understand them ☐

CHECKLIST

Grant & Renewal Checklist					
	Document Required	Tick			Tick
1.	Completed Application Form	<input type="checkbox"/>	7.	Completed DBS Form	<input type="checkbox"/>
2.	Application Fee	<input type="checkbox"/>	8.	Passport	<input type="checkbox"/>
3.	DVLA Driving Licence ID Card	<input type="checkbox"/>	9.	Birth Certificate	<input type="checkbox"/>
4.	Medical Certificate	<input type="checkbox"/>	10.	National Insurance Number	<input type="checkbox"/>
5.	Two Passport Size Photographs	<input type="checkbox"/>	11.	Two recent proof of address	<input type="checkbox"/>
6.	DP20 Form	<input type="checkbox"/>			
Grant Checklist (in addition to the above)					
12.	Certificate of Character Reference	<input type="checkbox"/>	14.	Taxi Drivers Assessment Certificate	<input type="checkbox"/>
13.	BTEC / PATS Certificate	<input type="checkbox"/>	15.	Immigration/Right to work (If relevant)	<input type="checkbox"/>

Dated:

Signed:

Licensing Office

Licensing Section, Tendring District Council, 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN
Email: licensingsection@tendringdc.gov.uk General Licensing Telephone: 01255 686565

Please be aware that the Licensing Office is only open for personal callers Tuesdays and Wednesdays between the hours of 10.00 a.m. and 12.00 midday and Friday between the hours of 1.00 p.m. and 4.00 p.m. outside of these times an appointment will need to be made with a member of the Licensing Team.

*Immigration Act 2016

Lists of acceptable original documents for right to a licence checks. The lists of original documents are those prescribed by the Home Office to show evidence of a right to work. Documents from List A and B are the only documents that the Council will accept in respect to immigration and right to work checks.

List A: No immigration restrictions on right to a hackney carriage or private hire drivers licence in the UK.

After you have undertaken the necessary check once in respect of an application made on or after 1 December 2016, if the Council has retained a copy of a document from List A, you will not have to repeat the immigration and right to work check when you subsequently apply to renew or extend your licence. One or more of these documents shown below will be required.

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- 10 A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer

List B: Immigration restrictions on the right to a hackney carriage or private hire drivers licence in the UK.

A licence may be issued (subject to statutory limitations) up to the expiry date of your permission to work in the UK. Your immigration status will need to be checked each time you make an application to renew or extend your licence. One or more of these documents shown below will be required.

1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
5. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months** old **together with Verification** from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.
6. A **Verification** issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

PRE-LICENSING STANDARDS

In order that licensed drivers will be reliable and of a good standard, a person being considered for a Driver's licence shall:-

- (a) fully complete an application form on which must be shown any conviction and/or fixed penalty offences. Omissions or incorrect statements of a serious nature will render the licence liable to immediate suspension;
- (b) support the application with a medical certificate confirming the applicant is medically fit to be a taxi/private hire driver;

- (c) on the first application [and, if required so to do, on any subsequent occasion or renewal] pass the driver suitability and knowledge tests;
- (d) have held a full European driver's licence for at least four years
- (e) have the right to live and work in the UK as per the requirements of the Immigration Act 2016

In addition, the following guidelines will be applied in respect of applications where offences are revealed when deciding whether or not to grant a licence:-

Motoring offences, e.g. parking/speeding	Licence refused if more than 3 in previous 3 years
Serious motoring offences, e.g. Insurance/Drink Driving	Must have none in previous 5 years
Reckless driving/Driving whilst disqualified	Licence refused unless offence expired
Criminal offences, e.g. theft	Must have none in previous 5 years
Serious criminal offences, e.g. grievous bodily harm and sexual offences	Must have none in previous 7 years
Custodial sentences	Must have none in previous 10 years

In respect of the guidelines, references to offences ordinarily refer to unspent convictions

All known relevant facts will be taken into account when consideration is given to an application for a Driver's Licence. Applicants will be required to appear before the Licensing [General Purposes] Sub-Committee if they disclose offences of any nature, including Fixed Penalty offences unless, if they have no more than three penalty points, they have shown the original Fixed Penalty Notice to the Licensing Manager, or his deputy.

TENDRING DISTRICT COUNCIL

Local Government [Miscellaneous Provisions] Act 1976

APPLICATION FOR GRANT/RENEWAL**OF PRIVATE HIRE VEHICLE OPERATOR'S LICENCE*****Important – Please read these notes before completing this Form**

Question 5: All addresses, whether within the Council's area or not at which it is proposed to carry on business in connection with Private Hire Vehicles licensed under this Act should be shown.

Company: If the business is a company, all questions [except Question (3)] to be answered in respect of each Director and the Company Secretary.

Partnership: If the business is a partnership, all questions [except Question (3)] to be answered in respect of each partner.

All Applicants: Any persons knowingly or recklessly making a false statement or omitting any material particular in giving this information shall be guilty of an offence.

1. Full name of Applicant(s)	
2. Residential Address of Applicant(s)	
3. Date of Birth	
4. National Insurance Number	
5. Address of Operating Base/Business (This must be within the Tendring District)	
6. Name under which business operates/trades (e.g. company name)	
7. Details of any other Secretary, Directors or Partners involved with the business (include names and addresses)	

7. Business telephone number	
8. Alternative telephone number (e.g. home number)	
9. Mobile telephone number	
10. Business E-Mail	
11. Alternative E-Mail (e.g. personal e-mail address)	
12. State any trade or business carried on by Applicant in the past or at the present time	
13. Vehicle registration numbers and make and model for all vehicles which you will operate under this licence (Use separate sheet of paper if necessary)	
14. Have you previously made application for an Operator's Licence?	YES/NO (If YES, please give details)
15. Have you previously had an Operator's Licence refused, suspended or revoked?	YES/NO (If YES, give details)
16. Have you or any of the persons named above ever been convicted in a Court for any offence?	Yes/No
17. Have you or any of the persons named above ever been cautioned by the Police for any offence?	Yes/No
18. Give details of <u>any</u> convictions within the last ten years.	
19. Have you at any time been a Director or Secretary of any Company? If YES, please state:- (a) the name of the company (b) nature of the business	YES/NO (a) (b)

(c) any convictions recorded against the company	(c)
(d) details of any previous application for an Operator's Licence by that company	(d)
(e) details of any revocation or suspension of an Operator's Licence held by that company	(e)

Immigration Act 2016

(In force for new applications or renewals made after the 1 December 2016)

Your right to work in the UK will be checked as part of your licence application, this could include the licensing authority checking your immigration status with the Home Office. We may otherwise share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out below where indicated. You must provide the original document(s), such as your passport or biometric residence permit, as indicated in the guidance below, so that the check can take place. The document(s) will be copied and the copy retained by the licensing authority. The original document will be returned to you. Your application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant paid has been paid.*

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

Please confirm that you are able to live and work in the UK and that you will be able to provide evidence of this. The list of supporting documents which evidence this are shown below where marked* If you cannot provide any of these your application will not proceed or be processed any further at this stage.	Yes / No*
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I accept and understand that Tendring District Council may use the information provided on this form to detect and prevent fraud. The Council may also share information, for the same purposes, with other authorities and organisations which handle public funds.

I DECLARE that my answers to the questions above are true to the best of my knowledge. I understand that if there are any omissions or incorrect statements of a serious nature, my application may be refused, or if a licence has been issued it will be liable to immediate suspension or revocation. I understand that it is an offence for any person to knowingly or recklessly make any false statement or omission of material particulars and doing so may render me liable to prosecution.

I HEREBY REQUEST the Tendring District Council to issue to me a Private Hire Vehicle Operator's Licence.

Tick

I have read the guidelines and standards printed below and understand them ☐

DATE: **SIGNED:**

SIGNED

Position in Company (E.g. Owner/Secretary/Director/Partner

.....

Licensing Office

Licensing Section, Tendring District Council, 88-90 Pier Avenue, Clacton on Sea, Essex CO15 1TN
Email: licensingsection@tendringdc.gov.uk General Licensing Telephone: 01255 686565

Please be aware that the Licensing Office is only open for personal callers Tuesdays and Wednesdays between the hours of 10.00 a.m. and 12.00 midday and Friday between the hours of 1.00 p.m. and 4.00 p.m. outside of these times an appointment will need to be made with a member of the Licensing Team.

***Immigration Act 2016**

Lists of acceptable original documents for right to a licence checks. The lists of original documents are those prescribed by the Home Office to show evidence of a right to work. Documents from List A and B are the only documents that the Council will accept in respect to immigration and right to work checks.

List A: No immigration restrictions on right to a hackney carriage or private hire drivers licence in the UK.

After you have undertaken the necessary check once in respect of an application made on or after 1 December 2016, if the Council has retained a copy of a document from List A, you will not have to repeat the immigration and right to work check when you subsequently apply to renew or extend your licence. One or more of these documents shown below will be required.

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- 10 A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer

List B: Immigration restrictions on the right to a hackney carriage or private hire drivers licence in the UK.

A licence may be issued (subject to statutory limitations) up to the expiry date of your permission to work in the UK. Your immigration status will need to be checked each time you make an application to renew or extend your licence. One or more of these documents shown below will be required.

1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.

3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
5. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months** old **together with Verification** from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.
6. A **Verification** issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

TENDRING DISTRICT COUNCIL

Public Health Act 1875; Town Police Clauses Acts 1847 and 1889;
Local Government [Miscellaneous Provisions] Act 1976

Please ensure that you complete the application form correctly and submit the appropriate documentation; this will ensure that the Licensing Section will be in a position to deal with your application as speedily as possible. If you are considering the purchase of a vehicle for use as a Hackney Carriage or for Private Hire, vehicle, you should contact the Licensing Office prior to committing yourself to the purchase to check whether the Council will license it. You should be aware that the Council will not license a saloon car for less than four passengers and that while the Council will licence Multi Purpose Vehicles (MPV's) for the number of seats shown on the registration document it will only do so if certain safety measures are in place that accord with the Council's Policy in regard to MPV's that was adopted by Licensing and Registration Committee on the 28 September 2016. This policy can be viewed via the main taxi licensing page on the Councils web site www.tendringdc.gov.uk

VEHICLE LICENCE

Invoice No:Receipt No:Fee Submitted: £.....

PLEASE ENSURE THAT **EVERY** SECTION IS COMPLETED AND DELETIONS MADE WHERE NECESSARY IN ORDER TO AVOID ANY DELAY OR SUSPENSION IN THE PROCESSING OF YOUR APPLICATION

1.	Which Type of Licence are you applying for:	Hackney Carriage Dual <input type="checkbox"/> Private Hire <input type="checkbox"/>		
2.	Type of Application	*Grant / *Renewal / *Change of Owner / *Change of Vehicle		
3.	Surname			
4.	First Name(s)	4a. Title	Mr / Mrs / Miss / Ms*	
5.	Address			
		6. Post Code		
7.	Telephone No.			
8.	Mobile No.			
9.	Email Address			
10.				
11.	Will the vehicle be kept at the above address? Yes / No* (If no please complete section 12 & 13, if yes please go to section 14)			
12.	Address where vehicle will kept (if different from above)			
		13. Post Code		

N.B. Any person knowingly or recklessly making a false statement or omitting any material particular in giving this information shall be guilty of an offence.

14.	Do you drive	Full Time/Part Time
15.	If on circuit, name of operator you drive for	
16.	Date of Birth	
17.	Have you ever had a vehicle licence refused or revoked by any Licensing Authority (including the Traffic Commissioners)	Yes/No (If yes, give details of refusal below)
18.	Have you ever been convicted in a Court of any criminal or motoring offence	Yes/No (If yes, give details of conviction below)

VEHICLE DETAILS

19.	Plate No.		
20.	Vehicle Registration		
21.	Date FIRST Registered		
22.	Make of Vehicle		
23.	Model of Vehicle		
24.	Colour of Vehicle		
25.	Engine Capacity		
26.	Seating Capacity (excluding driver)	27. Wheelchair accessible	Yes / No*

28.	I am the Sole / Joint* Proprietor of this vehicle and I state that* other person(s) beside myself is/are* interested in the said vehicle. (* <u>Joint to complete section 29</u>)
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Your attention is drawn to the provisions of Section 40 of the Town Police Clauses Act 1847 and Section 48 subs [3][a] of the Local Government [Miscellaneous Provisions] Act 1976.

*I AM/WE ARE the Proprietor/Proprietors of Vehicle Registration Number for a **HACKNEY CARRIAGE VEHICLE LICENCE** and that the following are the names and surnames and addresses of the applicant(s) herein and of every Proprietor or part Proprietor of such vehicle, or person concerned, either solely or in partnership with any other person in the keeping, employing or hiring of such vehicle. This information is true to the best of my knowledge and belief.*

29. Joint Proprietor Section (Joint Proprietors to sign form where indicated * below as appropriate)		
Full Name	Full Address	Proprietor / Partner / Driver*

N.B. Any person knowingly or recklessly making a false statement or omitting any material particular in giving this information shall be guilty of an offence.

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CHECKLIST

	Document Required	Tick	Guidance Notes
1.	Completed Application form	<input type="checkbox"/>	This application form.
2.	Certificate of Insurance / Cover Note	<input type="checkbox"/>	Must include 'Public/Hire and Reward or 'Private Hire' as appropriate.
3.	Valid MOT Certificate	<input type="checkbox"/>	required annually following anniversary of first registration of vehicle. This must be produced with each application.
4.	Vehicle Registration Document	<input type="checkbox"/>	or Bill of Sale, if the document is being transferred into your name at Swansea.
5.	Application Fee	<input type="checkbox"/>	there are various fees which are detailed at the end of these Notes.

In accordance with the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, I/We make application to the Council to licence the above vehicle as a Hackney Carriage Vehicle to be used predominantly within the District of Tendring. I/We hereby declare that all information given is correct. I/We understand that any false or misleading information given or statements made may lead to the revocation of the licence granted and possible prosecution.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

*Signed		Dated	
*Signed		Dated	
*Signed		Dated	
*Signed		Dated	

Licensing Office

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