

Date of issue: Monday, 4<sup>th</sup> June, 2018

<b>MEETING</b>	<b>LICENSING COMMITTEE</b> (Councillors Davis (Chair), S Parmar (Vice-Chair), B Bains, M Holledge, Mann, D Parmar, Qaseem, Shah, Strutton, Usmani and Wright)
<b>DATE AND TIME:</b>	TUESDAY, 12TH JUNE, 2018 AT 6.30 PM
<b>VENUE:</b>	VENUS SUITE 2, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	SHABANA KAUSER 01753 787503

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**NIGEL PALLACE**  
Interim Chief Executive

**AGENDA**

**PART I**

<u>AGENDA</u> <u>ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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Apologies for absence.

**CONSTITUTIONAL MATTERS**

1. Declarations of Interest

*All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances*



**AGENDA**  
**ITEM**

**REPORT TITLE**

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*described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.*

*The Chair will ask Members to confirm that they do not have a declarable interest. All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.*

- |    |   |        |     |
|----|---|--------|-----|
| 2. | Guidance on Predetermination/ Predisposition - To Note                          | 1 - 2  | -   |
| 3. | Minutes of the Last Meeting held on 15th February 2018                          | 3 - 8  | -   |
| 4. | Establishment of a Licensing Sub-Committee and Appointment of Designated Chairs | 9 - 12 | All |

**LICENSING ISSUES**

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| 5. | Code of Conduct/Best Practice Guide for Buskers and Street Entertainers  | 13 - 18  | All |
| 6. | Adoption of Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades                         | 19 - 72  | All |
| 7. | Gambling Act 2005: Lapse of No Casino Policy, Review of Statutory 'Statement of Gambling Principles' and Development of a 'Local Area Profile' | 73 - 78  | All |
| 8. | Revised Proposed Low Emission Standards and New Vehicle Age Policy for Saloon Hackney Carriage and Private Hire Vehicles                       | 79 - 136 | All |
| 9. | Date of Next Meeting - Thursday 18th October 2018  | -        | -   |

**Press and Public**

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

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## **PREDETERMINATION/PREDISPOSITION - GUIDANCE**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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**Licensing Committee – Meeting held on Thursday, 15th February, 2018.**

**Present:-** Councillors Cheema (Chair), S Parmar (Vice-Chair), Davis, Mann, Qaseem (from 7.06pm), A Sandhu, Sohal, Strutton and Wright

**Apologies for Absence:-** Councillor Rasib

**PART 1**

**16. Declarations of Interest**

None were received.

**17. Guidance on Predetermination/ Predisposition - To Note**

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

**18. Minutes of the Last Meeting held on 17th October 2017**

**Resolved –** That the minutes of the last meeting held on 17<sup>th</sup> October 2017 be approved as a correct record.

**19. Update on Proposed Emissions Strategy for Hackney Carriage and Private Hire Vehicles**

The Committee received a report that updated on the proposals for low emission standards for existing hackney carriage and private hire vehicles in Slough and to seek approval that all new applicants meet the required emission standards from 1<sup>st</sup> September 2018.

The new standards were in line with legislation and with the Council's draft Low Emissions Strategy which included the aim to reduce emissions from road transport to help improve air quality. Pollution was already relatively high in Slough and the associated health risks were noted. In relation to the policy for existing drivers, Members were reminded that the Committee had agreed on 17<sup>th</sup> October 2017 that further engagement with the trade would take place before any new policy was approved and it was anticipated the Committee would consider proposals at the meeting in June 2018. A breakdown of the age of vehicles had been requested and this was tabled at the meeting.

The Committee was asked to approve a proposal that all new vehicles to be licensed for the first time as a private hire vehicle by a new applicant for a private hire driver licence must be to a ULEV standard effective from 1<sup>st</sup> September 2018.

Mr Aftab Khan representing the Slough Private Hire Driver Association had requested to address the Committee and the Chair invited him to speak. The key points raised were as follows:

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- The principle of taking measures to improve air quality were supported.
- However, requiring all vehicles to be under 3 years of age at the time of being licenced would increase costs and may be prohibitive to new drivers entering the trade.
- That a proposal based on emissions rather than the age of vehicles would be a better system.
- The approach being taken by Transport for London was highlighted.

The Licencing Officer responded that the priority was to improve public safety and it was noted that several areas of Slough already breached air quality limits. Members agreed the importance of taking proactive measures to improve air quality for the benefit of the health and wellbeing of residents. Members did recognise that vehicle emissions were the primary consideration and they requested that the policy regarding the criteria specifying that all vehicles be under 3 years of age be monitored. It was agreed that action should be taken to introduce the policy for new drivers to begin to implement the new policy approach and secure the benefits as soon as possible.

The Committee also requested clarification on whether both private hire and/or hackney carriage drivers would be eligible to utilise the 4 plug-in electric vehicles and it was agreed this information would be provided.

At the conclusion of the discussion, the Committee noted the update on the proposed introduction of emissions standards for existing drivers and agreed that the proposals for such standards for new drivers from 1<sup>st</sup> September 2018 be approved as set out in paragraph 6 of the report.

### **Resolved –**

- (a) That it be noted that the main proposals as previously discussed would be put back until 6th June 2018 to allow for further engagement with the hackney carriage and private hire trade bodies and their representatives.
- (b) That the report be noted.
- (c) That the proposals, as set out in Section 6 of the report, for all new applicants wishing to licence a private hire vehicle for the first time be approved.

## **20. Proposal for the Removal of Minimum Sizes for Hackney Carriage and Private Hire Vehicles**

The Senior Licensing Officer, Ms Rumney, introduced a report that sought approval that the existing 'Minimum Size of Vehicle' policy for all licenced hackney carriage and private hire vehicles be rescinded with immediate effect and that Licensing Officers continue to have discretion in determining the number of passengers a vehicle could be licensed to carry.

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The original policy on the minimum size of vehicles had been approved by the Committee on 4<sup>th</sup> November 2009, however, since that time the types, makes and models of vehicles had increased significantly providing more choice of vehicles to be suitably licensed, including smaller, low emission and electric vehicles which often did not comply with the current policy. The proposal to rescind the policy and continue to give discretion to Licensing Officers would therefore increase the choice of vehicles and would mean smaller vehicles could be licensed but for fewer passengers. The Committee was assured that the proposal was in line with Department for Transport Best Practice Guidance and the primary consideration would be to determine the number of passengers a vehicle could carry safely and comfortably.

*(Councillor Qaseem joined the meeting)*

Members asked a number of questions about the impact of rescinding the policy, including wheelchair access and whether problems would arise if smaller taxis arrived that were unable to carry the number of passengers the customer requested. Ms Rumney explained that these issues would be matters for the trade to deal with when taking bookings, not a matter for the licensing authority which was seeking to widen choice and flexibility. It was also noted that a majority of journeys were for single passengers. Members were assured that vehicles would still be required to meet all other standards expected of a licensed vehicle in terms of safety and accessibility.

The Committee recognised that the market had changed considerably since the policy had been approved in 2009 and agreed to rescind it to provide more choice. Members felt that it was important to raise public awareness of the need to ensure a vehicle ordered was able to carry the required number of passengers at the point of booking and it was therefore agreed that a press release be issued and communications activity take place. It was also agreed that an update report on the take up and impact of the change to be provided at a future meeting of the committee after approximately a year of operation.

### **Resolved –**

- (a) That the current 'Minimum Size of Vehicle' policy for all licensed hackney carriage and private vehicles be rescinded with immediate effect.
- (b) That any size of vehicle could be considered for licensing as either a private hire or hackney carriage vehicle, providing it complied with Slough Borough Council's assisting policies including (but not limited to) the Vehicle Age Policy, Tinted Window Policy and Wheelchair Accessibility Policy.
- (c) That Licensing Officers would continue to have the discretion to determine how many adult passengers the vehicle could safely and comfortably carry.

## **Licensing Committee - 15.02.18**

- (d) That the Committee receive an update on the impact of the change in circa 12 months.

### **21. Update on Mandatory Safeguarding Training for Hackney Carriage and Private Hire Drivers and Operators**

The Licensing Officer, Mr Idowu, introduced a report that updated on the mandatory safeguarding training for all hackney carriage and private hire drivers and operators and sought approval to suspend a licence where the licence holder had persistently failed to attend the training.

Members reminded that the training had been introduced in 2015 following high profile safeguarding issues around the country in particular relating to child sexual exploitation which had involved some taxi drivers. Safeguarding training was therefore an important part of the licensing authority's primary role in the protection, safety and wellbeing of the public. The training had commenced on 17<sup>th</sup> September 2016 and was considered to be effective and successful. Thirty-six sessions had been held which had been attended by 901 new applicants and existing licence holders. Further sessions were planned in each of the next four months. The Committee was informed that approximately 55 current licence holders had failed to attend any of the 36 sessions despite regular invitations and reminders. In view of the importance of the training it was proposed that a licence be suspended if a driver had not attended the training by 31<sup>st</sup> May 2018.

Members welcomed the fact that the training programme had been a success overall, however, they were concerned that a number of drivers had not yet attended and the reasons for this were discussed. Mr Idowu assured the Committee that every effort had been made to advise the drivers of the dates of sessions and it was noted that some licence holders may not be active in the trade and therefore not feel they needed to undertake the training. The Committee agreed that it was essential for all drivers to undertake the mandatory training and the ability to suspend a licence was approved.

#### **Resolved –**

- (a) That the contents of the report be noted.
- (b) That it be approved with immediate effect that where any current holder of a Hackney Carriage or Private Hire Driver or Operator licence had repeatedly failed to attend a scheduled Safeguarding Training session by 31<sup>st</sup> May 2018, their licence would be suspended until they attended a scheduled training session.

### **22. Members Attendance Record 2017/18**

**Resolved –** That the Members' Attendance Record be noted.

**Licensing Committee - 15.02.18**

**23. Date of Next Meeting - 28th March 2018**

The date of the next meeting was confirmed as 28<sup>th</sup> March 2018.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.33 pm)

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee      **DATE:** 12<sup>th</sup> June, 2018

**CONTACT OFFICER:** Shabana Kauser (Senior Democratic Services Officer)  
**(For all Enquiries)** (01753) 787503

**WARD(S):** All

**PART I  
FOR DECISION****ESTABLISHMENT OF A LICENSING SUB-COMMITTEE AND  
APPOINTMENT OF DESIGNATED CHAIRS****1. Purpose of Report**

This report seeks approval for the establishment of a Licensing Sub-Committee and the appointment of designated Chairs to the Sub-Committee.

**2. Recommendations**

The Committee is requested to Resolve:

- (a) That a Licensing Sub-Committee (drawn from the Members of the Licensing Committee) be established as required on a proportional basis (2 Labour 1 Conservative) with terms of reference as set out in the appendix.
- (b) That three Labour Members be appointed to act as designated Chairs of the Sub-Committee for the 2018/2019 municipal year.

**3. Slough Joint Wellbeing Strategy Priorities**

There are no implications.

**4. Other Implications****(a) Financial**

There are no financial implications associated with this report at this stage.

**(b) Human Rights Act and other Legal Implications**

The relevant law in respect of this matter is set out in Sections 15-17 (inclusive) of the Local Government and Housing Act 1989 (the Act) and the Local Government (Committees and Political Groups) Regulations 1990 (as amended). Applying the basic principles of Sections 15-17 of the Act requires not all the seats on the Sub Committee to be allocated to the same political group. However as an alternative to applying the political proportionality rules the Committee is entitled under Section 17 of the Act to adopt different arrangements provided all of the members vote for/abstain from a proposal (ie: no member votes against).

(c) Workforce

None.

5. **Supporting Information**

- 5.1 The Licensing Committee first established a Licensing Sub-Committee at its meeting on 31<sup>st</sup> May, 2006 and agreed the terms of reference (set out in the appendix).
- 5.2 The Committee agreed to the appointment of designated Chairs of the Sub-Committee and that these Members would chair the meetings of the Sub-Committee on a rotational basis.
- 5.3 It was agreed that the Sub-Committee would consist of three Members drawn on a rotational basis from the Members of the Licensing Committee on a politically proportionate basis.
- 5.4 As the Labour Group has an overall majority on the Council, the Sub-Committee should comprise two Labour Members and one Member of the Conservative Group. Meetings of the Sub-Committee are held during the day time and must be held within the statutory deadlines prescribed. There were 5 meetings of the Sub Committee convened in the 2017/18 municipal year.
- 5.5 The membership of the Licensing Committee for the 2018/19 Municipal Year comprises 9 Labour and 2 Conservative Members. A Licensing Sub-Committee (drawn from the Members of the Licensing Committee) must be established as required on a proportional basis (2 Labour, 1 Conservative) with terms of reference as set out in Appendix A.

6.0 **Conclusion**

The Committee is requested to establish a Licensing Sub-Committee and appoint three Members of the Licensing Committee as designated Chairs for the 2018/2019 municipal year.

7. **Appendices**

Appendix A – Licensing Sub Committee Terms of Reference

8. **Background Papers**

None.

**LICENSING SUB-COMMITTEE**

**Constitution**

3 Members of the Licensing Committee (Quorum 3 Members)

**Terms of Reference**

- 1 To consider and determine applications for licences for private hire vehicles, operators and drivers and for hackney carriage drivers where:
  - (i) The individuals involved have been convicted of traffic or other offences.
  - (ii) Where CRB checks on an individual give cause for concern with regard to their suitability as a fit and proper person to hold such a licence.
  - (iii) In any other special circumstance where the officers consider it appropriate to refer the matter to the Sub-Committee.
- 2 To hear and determine any appeal against a decision of the Director of Customer and Community Services taken under delegated powers to refuse an application for approval of premises or to revoke any approval previously granted under the Marriage Act 1994.
- 3 To determine such other licensing appeals or other licensing matters referred by officers including but not restricted to:
  - Sex establishments
  - Street trading.

**Licensing Act 2003**

- 4 To consider applications for a personal licence where a representation has been made.
- 5 To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.
- 6 To consider applications for premises licences/club premises certificates where a representation has been made.
- 7 To consider applications for provisional statement where a representation has been made.
- 8 To consider applications for variations to premises licences or club premises certificates where a representation has been made.
- 9 To consider applications for the transfer of a premise licence where a representation by the Police has been made.

- 10 To consider reviews to premises licence/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.
- 11 To determine a Police representation in respect of a temporary event notice.
- 12 To consider applications for Interim Authorities where a representation by the Police has been made.

### **Gambling Act 2005**

- 13 Application for a Non Fast Transitional Conversion for a Premises Licence where representations have been made.
- 14 Application for new Premises Licence where representations have been made.
- 15 Application for a Provisional Statement where representations have been made.
- 16 Application to vary a Premises Licence where representations have been made.
- 17 Application for Transfer of a Premises Licence where representations have been made
- 18 Cancellation of Club Gaming / Club Machine permits
- 19 Applications for other permits where representation have been made
- 20 Decision to give a counter notice to a temporary or Occasional Use Notice
- 21 Application a for a Review of a Premises Licence

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee      **DATE:** 12<sup>th</sup> June 2018

**CONTACT OFFICER:** Michael Sims – Licensing Manager  
**(For all Enquiries)** (01753) 477387  
 Ginny de Haan, Service Lead – Regulatory Services  
 (01753 477912)

**WARD(S):** All

**PART I**  
**FOR DECISION****PROPOSAL FOR A VOLUNTARY CODE OF PRACTICE FOR BUSKERS AND STREET ENTERTAINERS****1. Purpose of Report**

The purpose of the report is to inform the Committee of a draft 'Code of Practice for Buskers and Street Entertainers' for Slough Town Centre.

**2. Recommendation(s)/Proposed Action**

The Committee is requested to;

- a) comment on the draft code of practice.
- b) make any amendments to the draft code of practice, and
- c) recommend that a full public consultation takes place on the draft code of practice.

**3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The report outlines that there is no legislation outside of London to regulate or control buskers or street entertainers. Slough as a diverse community, welcomes the vibrancy and atmosphere that buskers and street entertainers bring to the Town Centre.

Enforcement action to tackle problem buskers and street entertainers is limited, depending on the type of activities taking place.

The adoption of a 'Code of Practice for Buskers and Street Entertainers' would provide best practice guidance and information for such performers to act in a manner to promote and enhance the vibrancy of the Town Centre and assist the work done by the Town Centre Team to take forward the cleaner, safer and vibrant Town Centre agenda.

**3a. Slough Joint Wellbeing Strategy Priorities**

The proposal will contribute to the SJWS priorities of:

Priority:

1. Protecting vulnerable children.

3b. **Five Year Plan Outcomes**

The proposals will contribute to the Five Year Plan with the specific outcomes of:

1. Slough children will grow up to be happy, healthy and successful.
2. Slough will be an attractive place where people choose to live, work and stay.
3. Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

4. **Other Implications**

(a) Financial

There are no financial implications of proposed action.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
<p>a. To comment on the draft code of practice.</p> <p>b. To make any amendments to the draft code of practice, and</p> <p>c. To recommend that a full public consultation takes place on the draft code of practice.</p>	<p>The proposal for a Code Practice for Buskers and Street Entertainers will enhance the vibrancy of the Town centre and work towards a cleaner, safer and vibrant Town Centre.</p>	None	2	None at this time

(c) Human Rights Act and Other Legal Implications

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(d) Equalities Impact Assessment

An Equality Impact Assessment has been completed which highlights that there are no adverse or negative impacts of opportunity for any equality group or for any other reason.

(e) Workforce

None

**5. Supporting Information**

- 5.1 Slough Borough Council welcomes buskers and street entertainers that enhance the experience, atmosphere and vibrancy of the town centre. It is in everyone's interest to have a positive relationship with all users of public spaces which includes buskers and street entertainers.
- 5.2 Busking is defined as "to play music in the street or other public place for voluntary donations".
- 5.3 Outside of London busking is not covered by any legislation whatsoever, as the Licensing Act 2003 does not regulate busking and The Live Music Act 2012 removed any suggestion that there is a requirement for permission under the 2003 Act for any backing track (recorded music) to be played.
- 5.4 Therefore a number of local authorities have developed their own 'Codes of Practice for Buskers and Street Entertainers'.
- 5.5 Noise in the street may be a statutory nuisance under the Environmental Protection Act 1990 (as amended). The Council has a duty to abate noise nuisances and prohibit their recurrence. In addition the Control of Pollution Act 1974 prevents amplification in any public space after 9pm and before 8am.
- 5.6 In reality, being able to use statutory nuisance provisions in respect of buskers and street entertainers would be extremely difficult as it would be difficult to class a one off busker or entertainer playing for a period of one or two hours as causing a statutory nuisance.
- 5.7 Statutory nuisance can be defined as an act of default by a party that causes material interference with the comfort, use or enjoyment of a neighbour. In the case of busking and street entertainment it would predominantly be businesses and shoppers complaining and not a resident who is being kept awake or has to turn the television up because of the busker or street entertainer. Assessing intrusiveness in this commercial setting would therefore be extremely difficult.
- 5.8 Over the years the Council has received some complaints from businesses in the in the town centre during the summer months when the likelihood of buskers and street entertainers is increased by the good weather. At present the Council has no authority to move the buskers or street entertainers on or prevent them from playing unless the noise they are making amounts to noise nuisance. If their behaviour is threatening amounting to a breach of the peace or they are 'begging' for money then the Police can remove the persons concerned.
- 5.9 Buskers are not permitted to sell items as this would be street trading but they can have CDs that are free. Voluntary donations can be taken. To sell items a

street trading consent would be required and to collect for charity a charitable collection permit would be required.

5.10 Beyond these statutory powers, the only way to regulate busking is to establish a Code of Practice. We have considered what other councils have done to regulate and control busking and street entertainment in their areas, and as outlined above many local authorities have adopted a Code of Practice.

5.11 A draft 'Code of Practice for Buskers and Street Entertainers' at **Appendix A** has been developed which is based on best practice from a number of other local authorities, such as St Albans, Dacorum, Gloucester, Worcester and others. The draft 'Code of Practice' aims to set proportionate and reasonable limits to balance the rights of the performers and local businesses/residents.

5.12 It will be necessary to carry out a wide ranging public consultation through the Council website, all local businesses in the town centre, the Police, pro-busking groups such as Keep Streets Live Campaign Ltd and the Musicians' Union, relevant SBC services, Town Centre Partnership Team and the Town Centre Partnership Team to work towards and promote a safer, cleaner and vibrant town centre.

## **6. Comments of Other Committees**

None.

## **7. Conclusion**

That the Committee approve:

- a. To comment on the draft code of practice
- b. To make any amendments to the draft code of practice, and
- c. To recommend that a full public consultation takes place on the draft code of practice.

## **8. Appendices Attached**

'A' - Code of Practice for Buskers and Street Entertainers.

## **9. Background Papers**

None.

# APPENDIX A

## Code of Practice for Buskers and Street Entertainers

Slough Borough Council welcomes buskers and street entertainment that enhances the experience and atmosphere of the town. It is in everyone's interest to have a positive relationship with all users of public spaces and these guidelines aim to support this objective.

All buskers and street entertainers who wish to perform in Slough town centre are asked to agree to follow our best practice code of conduct. The code is intended to set out a standard which, if followed, should enable busking and street entertainment to continue and thrive whilst protecting businesses, visitors and residents from excessive noise or prolonged exposure to the same performances.

**This code applies to buskers and street entertainers in Slough Town Centre every day of the year.**

### Do:

1. Anticipate the impact that your act will have on others in the area you choose before setting up your performance; performers should be mindful of street traders and others who use the public space under licence to perform their day to day living.
  - a. If crowds are likely to gather, you are responsible for ensuring the free passage of persons not wishing to view the performance (i.e. don't let the crowd block the street between you and the shops).
2. Store your belongings and equipment neatly during the performance to avoid causing an obstruction or trip hazard to either you or members of the public.
3. Be mindful that although the town centre is largely pedestrianised, a number of vehicles are still allowed access throughout the day.
4. Be courteous if you are approached by a member of the public.
5. Protect yourselves by taking out Personal Liability Insurance (minimum cover £1,000,000.00)
6. Due to variable acoustics at any given location it is not possible to dictate a decibel level but as a guideline the sound level at 10 metres or more from the performance area should not be dominant over the level of ambient street noise.
7. Perform between 10am and 6pm; one continuous performance per act, per day lasting for a maximum of 2 hours, with no return or moving to an alternative pitch on the same day.  
**Alternative option for point 7: Perform for a maximum of 2 continuous hours then take a break for 1-1.5 hours before resuming. Performers are asked to vary their material as repeating a limited number of songs/performance pieces can increase complaints from nearby home owners and/or businesses.**
8. Anyone under 18 years old wishing to perform in Slough town centre, while not encouraged, must be accompanied at all times whilst performing by their parent or legal guardian.
9. Lower the volume, move to another location or cease performing when asked by an Authorised Officer of Slough Borough Council or Thames Valley Police if your entertainment conflicts with another event or activity.

NOTE: The Observatory and Queensmere shopping centres are private shopping areas. Performing in these areas requires permission from the Town Centre Management Team.

# APPENDIX A

## Don't:

1. Act in a way that is likely to cause alarm, distress, harm or offense to any other persons; including but not limited to:
  - a. Begging
  - b. Preaching (i.e. promoting political, religious, racist or ideological messages)
  - c. Inappropriate / immodest dress
  - d. Inappropriate /offensive language (i.e. promoting political, religious, racist or ideological messages)
  - e. Inappropriate / offensive imagery (i.e. promoting political, religious, racist or ideological messages)
2. Perform in a manner which may be considered dangerous to them or the general public i.e.:
  - a. Make use of street furniture, e.g. public seats, lampposts, railings whilst performing.
  - b. Perform acts involving fire, knives, weapons, striptease or nudity, live animals (other than registered assistance animals).
3. Bring any non-performing animals (other than registered assistance animals) with you whilst you are performing.
4. Stand, sit, or spread out your equipment so as to cause an obstruction of the highway (footpath), ATM machines, entrances or exits to shops and other premises.
5. Actively collect money.
  - a. You may have a receptacle (box, hat or musical instrument case) into which you can accept donations.
  - b. You are not allowed to purport to collect for charitable or other purposes. This would be a 'street collection' requiring a permit from the Council.
    - i. Details of these regulations can be found on the council's website at <https://www.slough.gov.uk/business/licences-and-permits/charitable-collections.aspx>
6. Sell CD's, DVD's, Tapes or any other goods. This is classed as street trading and you will require a permit for this. To obtain consent please visit the Council Office in Landmark Place and obtain a permit from the Licensing Department, which will cost £10 per trading day.
  - a. Anyone who is found to be selling goods without permission will be instructed to stop performing and vacate the site; this is an offence for which you could be prosecuted.
  - b. Information about and an application form for a street trading consent can be found on the council's website at <https://www.slough.gov.uk/business/licences-and-permits/business-and-street-trading-licences.aspx>
7. Perform within 50 metres of another busker/entertainer who is already performing.
8. Perform whilst under the influence of alcohol, solvents or drugs.
9. Leave any litter behind.

If performers are following this code, it is very unlikely that enforcement will be necessary. It should be noted that a range of statutory powers can impact on performers however these will only be used as a last resort.

This code is managed on behalf of Slough Borough Council by the Licensing Team Tel 01753 875664.

This code will be reviewed every 12 months or sooner as appropriate to the changing nature of the town centre.

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee      **DATE:** 12<sup>th</sup> June 2018

**CONTACT OFFICER:** Michael Sims – Licensing Manager  
**(For all Enquiries)** (01753) 477387  
 Ginny de Haan, Service Lead – Regulatory Services  
 (01753 477912)

**WARD(S):** All

**PART I**  
**FOR DECISION**

**ADOPTION OF GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES**

1. **Purpose of Report**

To inform the Committee of the newly published 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' produced and published by the Institute of Licencing, and a recommendation for the current 'Policy and Guidance on Convictions and Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators' to be amended to incorporate the recommendations of the time periods as contained within the new Guidance.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to;

- a. Note and comment on the new Guidance published by the Institute of Licensing.
- b. Agree that the new Guidance at **Appendix B** be adopted by the Council.
- c. Agree that the current 'Policy and Guidance on Convictions and Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators' to be amended to incorporate the recommended types of offences and time periods in relation to convictions and cautions contained within the Guidance.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

As the report details, the Council, as the licensing authority, is under a duty to have in place a policy and guidance when carrying out its functions relating to the suitability of new applicants for and current licence holders of Hackney Carriage and Private Hire Driver and Operator licences.

The overriding factor is that of the protection and wellbeing of the public using Hackney Carriage and Private Hire Services. Although there is no national or statutory published guidance or standards, as with nearly all other local authorities, Slough Borough Council does have a 'Policy and Guidance on Convictions and

Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators'. However guidance on this matter varies greatly from authority to authority throughout England and Wales, with some being far less stringent than others.

The adoption of the new Guidance produced and published by the Institute of Licence will go further to enhance the decision making process by officers and Members on determining the suitability of new applicants for and current licence holders in the Hackney Carriage and Private Hire trade.

3a. **Slough Joint Wellbeing Strategy Priorities**

The proposals will contribute to and support the Slough Joint Wellbeing Strategy priority:

Priority: Protecting vulnerable children.

3b. **Five Year Plan Outcomes**

The proposals will contribute significantly to the Five Year Plan with the specific outcomes of:

1. Slough children will grow up to be happy, healthy and successful.
2. Slough will be an attractive place where people choose to live, work and visit.

4. **Other Implications**

(a) Financial

There are no financial implications of proposed action.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
<p>a. Note and comment on the new Guidance published by the Institute of Licensing.</p> <p>b. Agree that the new Guidance at <b>Appendix B</b> be adopted by the</p>	Adoption of the new Guidance will go further to the enhance the decision making process on determining the suitability of new applicants for and current licence holders in the Hackney	Approved policy already in place.	4	None at this time unless national ministerial guidance is published.

<p>Council.</p> <p>c. Agree that the current 'Policy and Guidance on Convictions and Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators' to be amended to incorporate the recommended types of offences and time periods in relation to convictions and cautions contained within the Guidance.</p>	<p>Carriage and Private Hire trade.</p>			
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(c) Human Rights Act and Other Legal Implications

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

2. The Local Government (Miscellaneous Provisions) Act 1976, allows a Local Authority to determine the suitability of an applicant for the grant of taxi and private hire vehicle Licenses and to request such information as it considers reasonably necessary from the applicant in order to determine if a licence should be granted/revoked.

(d) Equalities Impact Assessment

On 10th November 2008, an Equalities Impact Assessment Screening on the Licensing of Private Hire and Hackney Carriage drivers was completed. The Assessment highlighted that there is no adverse or negative impact of opportunity for any equality target group for any reasons.

(e) Workforce

None.

**5. Supporting Information**

- 5.1 The Council, as a licensing authority, is under a duty to have in place a policy and guidance when carrying out its functions relating to the suitability of new applicants for and current licence holders of Hackney Carriage and Private Hire Driver and Operator licences. Currently policies vary greatly from authority to authority with some policies being far less stringent than others.
- 5.2 The principle requirement for the licensing authority is that it must be satisfied that the applicant or current licence holder is a 'Fit and Proper Person' to be granted a licence or continue to hold a licence. The relevant legislation is the Local Government (Miscellaneous Provisions) Act 1976 – Sections 51 and 59 for Hackney Carriage and Private Hire Drivers and Section 55 for Private Hire Operators.
- 5.3 The current approved 'Policy and Guidance on Convictions and Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators', attached at **Appendix A**, was originally approved in 2008 and has been subject to various revisions since that date due to either legislative changes or other Council Policy, the main policy being the Enforcement and Regulatory Services Enforcement Policy.

## **6 The Institute of Licensing**

- 6.4 The Institute of Licensing (IoL) of which the Slough Licensing Team is a member, is a professional body for licensing practitioners across the UK. The IoL is also a registered charity (No. 4884548). The IoL membership comprises of practitioners from regulatory, industry and legal fields and Local Authorities. The IoL exists for its members in pursuit of its stated objectives and operates both regionally and nationally across the UK with established regions covering England, Wales and Northern Ireland, and members in Scotland.
- 6.5 The IoL objectives are for the benefit of the public, one of the main objectives being to advance the development, evaluation and recognition of professional skill, technical competency, ethical conduct and practical achievement in the field of licensing and regulatory activity; including their application in the public and private sectors and in the framing and enforcement of laws and regulations in pursuit of prevention of crime disorder and nuisance, the promotion of health and safety, the protection of children and vulnerable people, the protection of the environment and other licensing and regulatory objectives.
- 6.6 On the 26<sup>th</sup> April 2018 the IoL published a document called 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trade', which is attached at **Appendix B**.
- 6.7 The guidance has been produced in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing Enforcement Officers (NALEO) and has been subject to a wide ranging public consultation including Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.
- 6.8 In light of there being no national or statutory guidance, the IoL have produced this document with the recommendation that it is adopted by local authorities nationally and in doing so will result in a degree of national uniformity and to serve the public

interest in consistency, certainty and confidence in the system of licensing. Adherence to the Guidance may also provide protection to licensing authorities on any appeal.

- 6.9 Although the recommended time periods in the new Guidance are not dissimilar to those in the current Council policy and guidance on convictions and cautions, it is proposed that the current policy should be amended to incorporate the new recommended time periods and for the IoL guidance to be used in conjunction with the current policy, when determining the suitability of new applicants and current licence holders.
- 6.10. Attached at **Appendix C** for the information of the Committee is an article by Mr James Button – Principle of James Button & Co Solicitors and Champion of the IoL published in the March 2018 Edition of the IoL's Journal of Licensing. The Committee may wish to have regard to the last three paragraphs of this article.

## 6. **Comments of Other Committees**

None.

## 7. **Conclusion**

That the Committee:

- a. Approve the new Guidance published by the Institute of Licensing.
- b. Agree that the new Guidance at **Appendix B** be adopted by the Council.
- c. Agree that the current 'Policy and Guidance on Convictions and Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators' to be amended to incorporate the recommended types of offences and time periods in relation to convictions and cautions contained within the Guidance.

## 8. **Appendices Attached**

- 'A' - Current 'Policy and Guidance on Convictions and Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators'
- 'B' - 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trade'.
- 'C' - Article from the Journal of Licensing by Mr James Button

## 9. **Background Papers**

- '1' - Local Government (Miscellaneous Provisions) Act 1976

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**APPENDIX A**

**POLICY AND GUIDANCE ON CONVICTIONS AND  
CAUTIONS TO BE USED WHEN DETERMINING  
WHETHER OR NOT TO GRANT, RENEW, SUSPEND OR  
REVOKE A HACKNEY CARRIAGE DRIVERS LICENCE A  
PRIVATE HIRE DRIVERS LICENCE OR OPERATORS  
LICENCE**

## **CONTENTS**

1. Background Documents
2. Spent Convictions
3. Cautions
4. Requirement to Disclose Convictions, Cautions, Motoring Offences including fixed Penalty Notices.
5. General Policy
6. Fit and Proper
7. Relevant Legislation
8. Enforcement and Regulatory Services Enforcement Policy
9. Offences and Sentencing

## 1. **BACKGROUND DOCUMENTS**

1.1 This Policy and Guidance original approved by the Licensing Committee on 2<sup>nd</sup> June 2011 and as amended, is based on the guidelines relating to the relevance of convictions and cautions contained in the following publications:

- Disclosure of Criminal Records: Applicants for Hackney Carriage and Private Hire Vehicle Driver's Licences
- Home Office Circular 30/2005 – Cautioning of Adult Offenders
- The Crown Prosecution Service – National Standards for Cautioning
- Road Transport Act 2006
- Home Office Circular 6/2006 The Notifiable Occupations Scheme: Revised Guidance for Police Forces
- Home Office Circular 13/92, and
- The Slough Borough Council – Guidelines Relating to the Relevance of Convictions – adopted by Slough Borough Council in 1998
- 'Local Government Regulation' Taxi and PHV Licensing Criminal Convictions Policy (2010)
- Enforcement and Regulatory Services Enforcement Policy

1.2 The Council will also give due regard to Section 17 of the Crime and Disorder Act 1998, which states:-

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.

1.3 **Simply, the Section requires that all local authorities consider crime and disorder reduction while exercising their duties.**

## 2. **SPENT CONVICTIONS**

2.1 With effect from 28<sup>th</sup> February 2002, The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, added Hackney Carriage and Private Hire Drivers to the list of “Exempted Occupations” contained in the Act. Applicants must disclose **ALL** convictions.

- 2.2 Nothing is now “SPENT” for such applications including cautions. However the Council is required to have a policy as to what it does in respect of convictions / cautions disclosed by the Criminal Records Bureau. Legal advice has been taken, which shows that this “Guidance” meets that policy requirement.
- 2.3 The Council must also take into account those people banned or prohibited from working with children within the terms of the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000, and those person barred by the Disclosure and Barring Service.

### **3. CAUTIONS**

- 3.1 The following conditions / criteria that **MUST** be met before a caution can be administered by the Police or any other prosecuting agency in accordance with the “National Standards for Cautioning”:

- **There is a realistic prospect of conviction**
- **The offender admits the offence**
- **The offender understands the significance of a caution and gives informed consent to being cautioned**

### **4. REQUIREMENT TO DISCLOSE CONVICTIONS, CAUTIONS, MOTORING OFFENCES INCLUDING FIXED PENALTY NOTICES**

- 4.1 **All new applicants and current licence holders must complete a ‘Declaration of Offences’ form at the time of making an application or at the time of renewal.**
- 4.2 **ALL Hackney Carriage Drivers, Private Hire Drivers or Private Hire Operators MUST notify the Licensing Authority (Licensing Team) in writing within seven days of any conviction, caution or motoring offence including fixed penalty notice.**

### **5. GENERAL POLICY**

- 5.1 Slough Borough Council licenses Hackney Carriage / Private Hire Drivers and Operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 The Council may refuse to grant, renew, suspend or revoke a Drivers or Operators Licence on any of the following grounds:
- (a) there has been a conviction for an offence involving dishonesty, indecency or violence
  - (b) there has been a conviction for an offence under or a failure to comply with statutory legislation or by-laws, or
  - (c) any other reasonable cause (for example but not limited to formal Police caution or serious road traffic offence)

## 6. **FIT AND PROPER**

- 6.1 It should be considered whether the applicant is a 'fit and proper person' to hold a drivers licence. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters is disclosed the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant.
- 6.2 Where an applicant has been convicted of a criminal offence the Council cannot review the merits of the conviction (***Nottingham City Council v. Mohammed Farooq (1998)***).
- 6.3 A driver need not necessarily have been convicted or cautioned in respect of a criminal offence for his behaviour to be taken into account in deciding whether the test of 'fit and proper' has been satisfied. Furthermore, the fact that an applicant does have a criminal conviction does not necessarily mean that the applicant is not a 'fit and proper person' to hold Hackney Carriage or Private Hire Drivers Licence.
- 6.4 **The Council is not considering whether the applicant is guilty of an offence but whether he or she is a 'fit and proper person'.**
- 6.5 **In all cases the overriding consideration will be the protection and wellbeing of the public.**
- 6.6 ALL new applicants who have not resided in the UK for a full five (5) years immediately before submitting the application must also satisfy the Licensing Team / Committee that they are a 'fit and proper person'. This will require:
- Obtaining a Certificate of good Conduct via the respective embassy from the country(s) where the applicant has resided for the previous 5 years
  - Obtaining a written English translation certificate at the applicants own expense for the above certificate, where applicable
  - Production of National Insurance details and / or documentary evidence that allows an applicant to work in the UK in line with Immigration requirements.

Each Case will be decided on its own merits.

- 6.7 On 22<sup>nd</sup> January 2001 the Licensing Committee resolved to authorise Licensing Officers with powers for the following matters:
- (a) To review and monitor applicants for and holders of Hackney Carriage and Private Hire Vehicle Drivers Licenses who have more than 6 penalty points endorsed on their driving licences and bring before the Committee those cases where the endorsement is for offences of dangerous or careless driving or driving without insurance,
  - (b) To automatically revoke the licence of a driver who has been disqualified from driving and not bring any further application before the committee until at least 12

months has elapsed from the end of disqualification subject to the right of appeal to the Committee.

- 6.8 A new applicant who has more than 6 current points on the D.V.L.A. driving licence will not be considered.

## 7. RELEVANT LEGISLATION

- 7.1 The main requirement for any person to be granted either a Private Hire Drivers Licence or Hackney Carriage Drivers licence is that the applicant must be a "Fit and Proper" Person.

- 7.2 For Private Hire Drivers the relevant legislation, Section 51 (1) LG (MP) Act 1976 states;  
Provided that a District Council shall not grant a licence –

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a drivers licence: or
- (b) to any person who has not for at least twelve months been, and is not at the date of the application for a drivers licence, the holder of a licence granted under Part 111 of the Act 1972 (not being a provisional licence) authorising him to drive a motor car.

- 7.3 For Hackney Carriages Drivers the relevant legislation, Section 59 (1) LG (MP) Act 1976 states;

Notwithstanding anything in the Act of 1847, a District Council shall not grant a licence to drive a Hackney Carriage –

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence ; or
- (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the time of the application for driver's licence so authorised.

- 7.4 Section 61 of the relevant legislation (*as amended by Section 52 Road Safety Act 2006*) gives the District Council power to suspend, revoke or refuse to renew a Hackney Carriage or Private Hire Drivers licence and states;

- (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefore under section 46 of the Act of 1847 or Section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds;-

- (a) that he has since the grant of the licence –
  - (i) been convicted of an offence involving dishonesty, indecency or violence; or
  - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(b) any other reasonable cause.

(2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within 14 days of such demand return to the district council the drivers badge issued to him in accordance with Section 54 of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [level1 on the standard scale].

[(2A) Subject to section (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2) (a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.]

(3) Any driver aggrieved by a decision of a district council under [subsection (1) of] this section may appeal to a magistrates court.

## **8. Enforcement and regulatory Services Enforcement Policy.**

8.1 The Enforcement and Regulatory Services Enforcement Policy (originally approved by the Cabinet on 23<sup>rd</sup> June 2014) details specific requirements for new applicants for and current licence holders of hackney carriage and private hire driver licenses. The purpose of these requirements is to ensure that drivers are and continue to be 'fit and proper persons' to hold drivers licence with the protection of the public being of paramount importance. The policy requirements are as follows:

### **Section 7.16.2**

#### **Grounds for Refusal, Suspension or Revocation of a Hackney Carriage or Private Hire Drivers Licence**

- Where application is for the GRANT of a licence, the Committee has to be satisfied that the applicant is a "fit and proper" person to hold a licence.
- The Committee's current policy requires an applicant to have held a full DVLA driver's licence for at least two years.
- All new applicants are required to pass a driving assessment and

undergo a medical examination prior to becoming licensed.

- Applicants are also subject to a criminal record check.
- Where a new applicant for a Hackney Carriage or Private Hire drivers licence or where an existing licence holder has been convicted or is subsequently convicted of any offence of dishonesty, a licence will not be granted, will not be renewed and will be either suspended or revoked with immediate effect where it is deemed necessary in the interests of public safety to do so.
- Where a new applicant for a Hackney Carriage or Private Hire drivers licence has been convicted of any offence of indecency or violence or any other criminal offence of a serious nature, a licence will not be granted, until the applicant is free from conviction for at least a period of 10 years (the date when the conviction becomes spent being the start date for the calculation of the 10 year period)
- Where an existing Hackney Carriage or Private Hire drivers licence holder is convicted, during the period of the licence, of any offence of indecency or violence or any other criminal offence of a serious nature, the licence will be either suspended or revoked with immediate effect, and any new application will not be considered until the applicant is free from conviction for at least a period of 10 years (the date when the conviction becomes spent being the start date for the calculation of the 10 year period)

**Whilst each case will be considered on its own merits, the protection of the public is paramount.**

## **9. OFFENCES AND SENTENCING GENERAL GUIDE**

### **9.1 GENERAL GUIDE**

**9.2 Where a period of imprisonment / community sentence or court order has been imposed the applicant must show 3 years conviction free from the end of the imprisonment /**

sentence NOT the reduced sentence.

9.3 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but must show 3 to 5 years free from conviction, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

9.4 The following examples afford a **GENERAL GUIDE** on the action to be taken where convictions or cautions are disclosed, other than those detailed in the Enforcement and Regulatory Services Enforcement Policy.

## 1. MINOR TRAFFIC OFFENCES

Where a period of disqualification has been imposed, an application will not be considered until the D.V.L.A. driving licence has been restored for a period of 12 months and no further motoring conviction has been endorsed within that period. Should the D.V.L.A. licence demonstrate a further conviction since the disqualification period, then a 12 month period must elapse from the date of the last conviction on the D.V.L.A. licence before an application is approved.

Offences covered under this section include but is not limited to;

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
AC30	Undefined accident offence
CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU60	Undefined failure to comply with Construction and Use Regulations
LC10	Driving without a licence
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS60	Offences not covered by other codes
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined Contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
PL10	Driving without 'L' plates
PL20	Not accompanied by a qualified person
PL30	Carrying a person not qualified

PL40	Drawing an unauthorised trailer
PL50	Undefined failure to comply with conditions of a Provisional Licence
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motor way
SP60	Undefined speed limit offence
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a 'Stop' sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction or sign

## 2. MAJOR TRAFFIC OFFENCES

**Where a period of disqualification has been imposed an application will not be considered until the D.V.L.A. driving licence has been restored for a period of 12 months and no further motoring conviction has been endorsed on it in that period. Should the D.V.L.A. licence demonstrate a further conviction since the disqualification period, then a 12 month period must elapse from the date of the last conviction on the D.V.L.A. licence before an application is approved.**

Offences covered under this section include but is not limited to:

CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
IN10	Using a vehicle uninsured against third party risks
BA10	Driving while disqualified by order of Court
BA20	Driving while disqualified under age

**An application received which details one of the following offences on the D.V.L.A. driving licence (DD30; DD60; DD70, MS50) will automatically be refused, or a current licence suspended or revoked. No further application will be considered until such time as that conviction become spent in accordance with the Rehabilitation of Offenders Act 1974 (Refer to final page). Other offences covered in this section will be treated under the dishonesty/violence category.**

DD30	Reckless driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD70	Causing death by reckless driving
MS50	Motor racing on the highway
UT10	Taking or driving away a vehicle without consent or an attempt thereat (see under dishonesty)
UT20	Stealing or attempting to steal a vehicle (see under dishonesty)
UT30	Going equipped for stealing or taking a vehicle (see under dishonesty)

UT40	Taking or attempting to take a vehicle without consent, driving or attempting to drive a vehicle knowing it to have been taken without consent, allowing oneself to be carried in or on a vehicle knowing it to have been taken without consent (see under dishonesty)
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### 3. DRUNKENNESS

#### WITH MOTOR VEHICLE

**An application with one conviction on the D.V.L.A. driving licence under this category will not be considered until a period of 36 months has elapsed since the restoration of the D.V.L.A. licence. (More than one conviction of this type and the application will be refused until only the most recent conviction remains on the D.V.L.A. licence an a period of 36 months has elapsed since the restoration of the licence)**

Offences under this section include but is not limited to;

DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink or drugs
DR30	Driving or attempting to drive then refusing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink or drugs
DR60	In charge of a vehicle then refusing to supply a specimen for analysis
DR70	Failing to provide a specimen for breath test

#### NOT IN MOTOR VEHICLE

**An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In most cases a warning will be sufficient. However a number of convictions for drunkenness, over a short period of time could indicate an alcohol problem needing critical examination.**

### 4. DRUGS

**An application will not be considered until a minimum of 3 years free of conviction or Caution is shown.**

Offences within this category will include but is not limited to;

1	Possessing Controlled Drug
2	Possessing Controlled Drug with Intent to Supply
3	Producing Controlled Drug
4	Import Drugs

### 5. INDECENCY OFFENCES

**An application will not be considered until a period of 3 years free of conviction or caution is shown and any application with a conviction within this category will be put before the Licensing Committee for determination.**

Offences within this category will include but is not limited to;

1.	Indecent Exposure
2.	Indecent Exposure to the Annoyance of Residents
3.	Indecent Exposure with intent to insult a Female
4.	Unlawful Sexual Intercourse
5.	Soliciting or persistently soliciting a woman for prostitution
6.	Importuning
7.	Gross indecency with Female
8.	Gross Indecency with Male
9.	Indecent Assault on Female
10.	Indecent Assault on a Child Under 16 years
11.	Living Off Immoral Earnings
12.	Prostitution
13.	Possessing or Distributing Obscene Material
14.	Buggery
15.	Rape
16.	Indecent or Nuisance Telephone Calls

## **6. VIOLENCE**

**A firm line should be taken with applicants who have convictions or Cautions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.**

Offences in this category will include but is not limited to;

1	Common Assault
2	Assault – Section 47
3	Grievous Bodily Harm – Section 20
4	Grievous Bodily Harm – Section 18
5	Assault Police
6	Affray
7	Riot
8	Manslaughter or Culpable Homicide with Driving
9	Using Threatening, Abusive Words or Behaviour
10	Breach of the Peace
11	Drunk and Disorderly
12	Common Assault – Aggravated
13	Obstruction
14	Robbery
15	Possess Offensive Weapon
16	Possess Firearm
17	Possess Firearm with Intent
18	Criminal Damage
19	Violent Disorder
20	Resist Arrest

21	Arson
22	Murder

**An applicant with a conviction for murder will not be considered**

**An application will not be considered until a minimum period of 3 years free of conviction is shown with the exception of 9, 10 and 11 when 2 years for a single offence will be the appropriate period.**

## **7. DISHONESTY**

**An application will not be considered until a minimum period of 3 years free of conviction is shown.**

Offences in this category will include but is not limited to;

1	Theft
2	Theft – Shoplifting
3	Theft – Employee
4	Theft – From Vehicle
5	Burglary & Theft – Dwelling
6	Burglary & Theft – Non Dwelling
7	Burglary – Aggravated
8	Fraudulent Use
9	Handling
10	Receiving
11	Forgery
12	Conspiracy to Defraud
13	Obtain Money by Deception
14	Obtain Money by Forged Instrument
15	Deception
16	False Accounting
17	False Statement to Obtain Benefit
18	Going Equipped
19	Taking/Driving or Attempt to Steal Vehicle
20	Allow to be Carried in Stolen Vehicle
21	Perverting the Course of Justice

## **8. COMBINATION OF ABOVE OFFENCES**

**More than one conviction for any combination of the above offences should raise serious concerns about a person’s fitness to hold a Hackney Carriage or Private Hire Licence. In general, a period of at least 5 years free from conviction should be required before entertaining an application.**

## **9. CONDITIONS OF LICENCE**

- 9.1 A warning should, in general, be sufficient where there are breaches of conditions of the licence issued by Slough Borough Council. However, where there are substantial and repeated breaches of the licence over a short period of time a period of suspension together with a strict warning will, generally, be required.**
- 9.2 Certain offences under the ‘relevant legislation’ such as illegally plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has elapsed.**

The list of offences in this guidance / policy is not exhaustive.

**Notwithstanding the guidance given in the policy, any application may be put before the Council’s Licensing Committee, where it is considered to be the appropriate course of action. Similarly, where officers have indicated that the grant or renewal of a licence will not be recommended, the applicant will be informed that the matter will be referred to the Assistant Director Public Protection or Licensing Sub Committee for determination.**

**Nothing in this guidance / policy will remove an applicants right to appeal to a Magistrates Court against the Council’s refusal to grant or renew a licence, or decision to suspend or revoke a licence, or against any conditions which may have been imposed on any such licence by the local authority. Such appeal is to be made within 21 days of the refusal or decision.**

## **DISCLOSURE GUIDANCE / REQUIREMENTS**

**APPLICANTS SHOULD NOTE THAT TO MAKE A FALSE STATUTORY DECLARATION IS A SERIOUS CRIMINAL OFFENCE, PUNISHABLE UPON CONVICTION BY IMPRISONMENT FOR A TERM NOT EXCEEDING TWO YEARS OR TO A FINE TO BE DECIDED BY THE COURT OR BOTH. THIS STATUTORY DECLARATION MAY IN CERTAIN CIRCUMSTANCES, BE FORWARDED TO THE POLICE FOR EXAMINATION.**

Applicants for driver licenses are required to declare **ANY** convictions or cautions including those regarded as “**Spent**” under the Rehabilitation of Offenders Act 1974 (as amended).

The information you give will be treated in confidence and will only be taken into account in relation to your application.

You should be aware that the Licensing Authority is empowered in law to check with the Disclosure and Barring Service for the existence and content of ANY criminal record held in the name of the applicant. Information received from the Disclosure and Barring Service will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.;

The disclosure of a criminal record or other information does not debar applicants from obtaining a licence unless the Council considers that the applicant is not a ‘fit and proper person’ to hold that licence.

In making this decision the Council will consider the nature of the offence(s), the period since convictions(s), at what age the offences were committed and any other relevant factors.

The Council will not be considering whether a person is guilty of the offence for which they have been convicted or cautioned for an offence but whether he or she is a ‘fit and proper person’.

***This document can be revised at any time to reflect Acts of Parliament, new legislation, associated revisions to existing legislation and / or policy changes as approved by the Licensing Committee.***

## **REHABILITATION OF OFFENDERS ACT 1974**

(as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2014)

<b>Sentence</b>	<b>End of rehabilitation period for adult offenders</b>	<b>End of rehabilitation period for offenders under 18 at date of conviction</b>
A custodial sentence of more than 30 months and up to, or consisting of, 48 months	The end of the period of 7 years beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of more than 6 months and up to, or consisting of, 30 months	The end of the period of 48 months beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of 6 months or less	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 18 months beginning with the day on which the sentence (including any licence period) is completed
Removal from Her Majesty's service	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed
A sentence of service detention	The end of the period of 12 months beginning with the day on which the sentence is completed	The end of the period of 6 months beginning with the day on which the sentence is completed
A fine	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed
A compensation order	The date on which the payment is made in full	The date on which the payment is made in full
A community or youth	The end of the period of 12 months	The end of the period of 6 months

<b>Sentence</b>	<b>End of rehabilitation period for adult offenders</b>	<b>End of rehabilitation period for offenders under 18 at date of conviction</b>
rehabilitation order	beginning with the day provided for by or under the order as the last day on which the order is to have effect	beginning with the day provided for by or under the order as the last day on which the order is to have effect
A relevant order	The day provided for by or under the order as the last day on which the order is to have effect	The day provided for by or under the order as the last day on which the order is to have effect

**NOTES**

- (i) There is no rehabilitation period for-
  - (a) An order discharging a person absolutely for an offence, or
  - (b) Any other sentence in respect of a conviction where the sentence is not dealt with in the above table
- (ii) Consecutive terms of imprisonment or other custodial sentences are to be treated as a single item
- (iii) Terms of imprisonment or other custodial sentences which are wholly or partly concurrent (as defined under section 7 (b) of the Act) are to be treated as a single item.

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# Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades



April 2018

 Institute of Licensing

Produced by the Institute of Licensing in partnership with:



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## Foreword

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC  
Cornerstone Barristers

April 2018

## Chapter 1: Introduction

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- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications<sup>1</sup>. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

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<sup>1</sup> Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*<sup>2</sup>.

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

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<sup>2</sup> [2007] 1 WLR 2067

## Chapter 2: Offenders and Offending - An Overview

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- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.<sup>3</sup> With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm<sup>4</sup>. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

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<sup>3</sup> DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

<sup>4</sup> Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

- 2.6 Flaud<sup>5</sup> noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place<sup>6</sup>.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future<sup>7</sup>. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%<sup>8</sup>. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences<sup>9</sup>.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity<sup>10</sup>. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population<sup>11</sup>. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

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<sup>5</sup> Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>6</sup> Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>7</sup> Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

<sup>8</sup> Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

<sup>9</sup> Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

<sup>10</sup> McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

<sup>11</sup> Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

### Risk of re-offending:

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”<sup>12</sup>.
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”<sup>13</sup>.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over<sup>14</sup>. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships<sup>15</sup>. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males<sup>16</sup>.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist<sup>17</sup>. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance<sup>18</sup>. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

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<sup>12</sup> National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

<sup>13</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

<sup>14</sup> Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

<sup>15</sup> Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

<sup>16</sup> Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

<sup>17</sup> Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

<sup>18</sup> Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3<sup>rd</sup> Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”<sup>19</sup>.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

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<sup>19</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

## Chapter 3: 'Taxi' Licensing Overview

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- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:
- "The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

### Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory

criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person<sup>20</sup>.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK<sup>21</sup>.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.<sup>22</sup>
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*<sup>23</sup>. Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”
- 3.16 This is reflected in a test widely used by local authorities:
- ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’<sup>24</sup>
- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

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<sup>20</sup> Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

<sup>21</sup> Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

<sup>22</sup> “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1<sup>st</sup> December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

<sup>23</sup> [2002] EWHC 1145 (Admin), [2003] RTR 199

<sup>24</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

“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.”<sup>25</sup>

This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments<sup>26</sup>. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared<sup>27</sup>) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker<sup>28</sup>.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks<sup>29</sup> and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

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<sup>25</sup> Local Government (Miscellaneous Provisions) Act 1976 s57(1)

<sup>26</sup> See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

<sup>27</sup> “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

<sup>28</sup> See *Adamson v Waveney District Council* [1997] 2 All ER 898

<sup>29</sup> “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability<sup>30</sup>.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account<sup>31</sup>. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

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<sup>30</sup> As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

<sup>31</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

## Private Hire Operators

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same

authority<sup>32</sup>. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person<sup>33</sup>.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”<sup>34</sup>
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

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<sup>32</sup> See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD

<sup>33</sup> Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>34</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation<sup>35</sup>. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

## Vehicle Proprietors

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence<sup>36</sup> and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.
- 3.47 A suitable test would be:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be

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<sup>35</sup> See s57(1)(c) of the 1976 Act.

<sup>36</sup> S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”<sup>37</sup>

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<sup>37</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 8.98

## Chapter 4: Guidance on Determination

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- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

### Pre-application requirements

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

#### Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

#### Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

#### Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership<sup>38</sup>) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

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<sup>38</sup> Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>39</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>40</sup>.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

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<sup>39</sup> This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

<sup>40</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee 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.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

## Drivers

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

#### Crimes resulting in death

- 4.29 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

#### Exploitation

- 4.30 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

#### Offences involving violence

- 4.31 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

#### Possession of a weapon

- 4.32 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.

#### Sex and indecency offences

- 4.33 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.
- 4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

### Dishonesty

- 4.35 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.

### Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 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 will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### Discrimination

- 4.38 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.

### Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. 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 or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

### Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 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. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 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.

### Other motoring offences

- 4.42 A minor traffic or vehicle related offence is 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). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also 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.

### Hackney carriage and private hire offences

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

### Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## Private Hire Operators

- 4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

- 4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

## Vehicle proprietors

- 4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 4.54 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## Acknowledgements

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In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

The Institute is delighted to have the Local Government Association, the National Association of Licensing and Enforcement Officers and Lawyers in Local Government contributing to and supporting this project with IoL.

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- Professor of Criminology Fiona Measham, Durham University
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- Councillors Catriona Morris and Mick Legg, Milton Keynes Council
- Louise Scott Garner
- Jenna Parker, Institute of Licensing

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National Association of Licensing and Enforcement Officers (NALEO). [www.naleo.org.uk](http://www.naleo.org.uk)

*average could earn, charging the basic tariff, the average of the median salaries of Guildford residents and workers. The Claimant has not shown that that expectation was unreasonable on the basis of the evidence that the Borough Council had. If the Borough Council's estimates of the costs that such a driver incurs were wrong, the Claimant, the other members of his Association and other operators of hackney carriages in Guildford have only themselves to blame for not submitting sufficient reliable evidence on such costs in the two consultations that the Borough Council conducted. . . .*

*In my judgment it may also reasonably be concluded from the evidence submitted by the Borough Council in respect of the particular matters in issue that the maximum fares selected were reasonable and that the table of fares adopted preserves a fair balance between the public interest and the interests of drivers.*

This is an extremely useful and important judgment, and local authorities involved in taxi licensing need to consider the approach taken by Guildford when next setting their hackney carriage fares.

Beyond that, we remain in legislative and quasi-legislative limbo. By the time you read this, it is hoped that the Ministerial Working Party report will have been published, thereby allowing progress to be made by the Department for Transport on producing the drafts of the revised *Best Practice Guidance* and the s 177 Guidance for consultation. It remains to be seen whether the arrival in January of a new Minister, Nusrat Ghani as the replacement for John Hayes, will assist or hinder the process.

In this spirit of fiddling while Rome burns, any prospect of new taxi legislation for England seems as far away as ever, but let us hope that my (increasing) cynicism is misplaced.

### **Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades**

As readers will be aware by now, during February the Institute consulted on our Guidelines on suitability for taxi drivers. By the time you read this, the consultation will have finished and we will be close to launching the final version at the Taxi Conference on 26 April. This may lead you to wonder what the purpose of this element of this article is?

Well, the answer is: to give you some background. For many years there has been concern about the widespread variation in standards applied by local authorities when considering applications for new drivers' licences, and renewals from existing licensees. In 1992, when the law was changed to

enable local authorities to consult the police (subsequently repealed when the Criminal Records Bureau came into effect), the Home Office and Department of Transport issued guidance on the suggested approach to the use of previous convictions for drivers in the form of Annex D to a Joint Circular. Whilst this has gone through various reincarnations by local government regulation and the Local Government Association, these have been based firmly on those original guidelines.

It is now clear from the research undertaken by Hannah Jones which underpins the "Offenders and Offending - an Overview" section of the Guidelines that there is no hard evidence to explain what time period must elapse before a person can be considered to be no longer at a risk of reoffending. As the provisions of the Rehabilitation of Offenders Act 1974 (and the rehabilitation periods therein) do not apply to taxi drivers, and spent convictions can be taken into account for other hackney carriage and private hire licences, it is clear that longer periods of time must be considered.

Our Guidelines are significantly more stringent than many councils' existing policies, and deliberately so. As previously outlined in my articles, taxi drivers are in a unique position of power and control over passengers, whilst operators and proprietors are also persons with significant power in relation to information and the use of vehicles. It is therefore completely correct that society as a whole, which includes our most vulnerable members who are heavy users of taxi services, is protected as far as possible from unsuitable persons. It is hoped these Guidelines are widely accepted, and then rigorously applied. Councillors and officers let their citizens down when unsuitable and unsafe persons are licensed.

The vast majority of those involved in the hackney carriage and private hire trades are decent, law-abiding, hard-working and caring individuals, who provide levels of service ranging from good to outstanding. Every unsafe or unsuitable person who is licensed undermines that reputation, so for the good of the trades, as well as society, it is imperative that standards are not only raised but then maintained. These Guidelines will go a long way to achieving that.

There is still one fundamental question which society needs to address: considering the role of a taxi driver, why do we accept any level of criminality? That question cannot be answered by the Institute, but we can and should ask it, and see what the response is.

**James Button, CIOl**

*Principal, James Button & Co Solicitors*

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee      **DATE:** 12<sup>th</sup> June 2018

**CONTACT OFFICER:** Rachael Rumney – Senior Licensing Officer  
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**WARD(S):** All

**PART I**  
**FOR DECISION****GAMBLING ACT 2005: LAPSE OF NO CASINO POLICY, REVIEW OF STATUTORY 'STATEMENT OF GAMBLING PRINCIPLES' AND DEVELOPMENT OF A 'LOCAL AREA PROFILE'.****1. Purpose of Report**

The Committee to consider:

- (i) that the 'No Casino Policy' is to lapse;
- (ii) instigation of the 3 yearly review of the Gambling Act 2005 'Statement of Gambling Principles;' and
- (iii) the development of a 'Local Area Profile' for inclusion in the revised policy document.

**2. Recommendation(s)/Proposed Action**

The Committee is requested to;

- (a) resolve that the 'No Casino Policy' should lapse, for the reasons detailed to the Licensing Committee in 2015 and as set out in this report.
- (b) note that the consultation exercise for the Gambling Act 2005 'Statement of Gambling Principles' will begin; and
- (c) agree the development of a 'Local Area Profile' for inclusion in the new policy document.

**3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

As detailed in the report, the Council previously adopted a 'No Casino Policy' in accordance with the provisions of the Gambling Act 2005.

In 2012/2013 Parliament considered proposals put forward the by 'South East England Council's Partnership', the 'National Casino Industry Forum' and others to increase the portability of existing casino licenses granted under grandfather rights as an existing licence granted prior to the implementation of the Gambling Act 2005. It has previously been confirmed that the proposals were considered by Parliament and a decision was made that there would be no relaxation in the portability of those existing licenses or any new licenses.

In addition the Government originally introduced eight new large casinos and eight new small casinos. As a result 16 local authorities applied to be selected to be able to grant the new licenses. Not all licenses have been applied for or granted and it has been confirmed that the Government would not be reviewing that position.

In light of the above Slough would never be able to accept or consider an application for a casino and therefore the intention is for the 'No Casino Policy' to lapse.

As the report outlines, a 3 yearly review and consultation on the Statement of Gambling Principles for the Gambling Act 2005 is a statutory requirement that ensures that the Licensing Authority can carry out its functions under the 2005 Act.

In 2016, the Gambling Commission introduced provisions in its Social Responsibility Code within the Licence Conditions and Codes of Practice, i.e. Code 10.1.1, which requires gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate the risks. This provision came into force on 6th April 2016.

As suggested by the Gambling Commission, in its Guidance to Local Authorities, Slough Licensing Team is preparing a 'Local Area Profile'. This guidance document is being developed to assist gambling operators in undertaking and preparing their local (premises) risk assessment.

### 3a. **Slough Joint Wellbeing Strategy Priorities**

The Licensing Authority is responsible for administering all functions under the 2005 Act. In developing a Statement of Licensing Principles and the Local Area Profile the Licensing authority will ensure that the Licensing Objectives are promoted at all times and therefore contribute to the following wellbeing priorities:

Priorities: Protecting vulnerable children.

### 3b. **Five Year Plan Outcomes**

The report outlines the requirement to conduct the review under the 2005 Act and of the Gambling Commission guidance on developing Local Area Profiles. In doing so this contributes toward the Five Year Plan with the specific outcome of:

- Slough will be an attractive place where people choose to live work and stay.

## 4. **Other Implications**

### (a) Financial

There are no financial implications of proposed action.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
<p>(a) For the Committee to approve that the 'No Casino Policy' should lapse, for the reasons detailed in this report.</p> <p>(b) Note that the consultation exercise for the Gambling Act 2005 'Statement of Gambling Principles' will begin, and</p> <p>(c) The development of a 'Local Area Profile' for inclusion in the new policy document.</p>	<p>As the Council would not now be in a position to accept or consider an application for a casino, the No Casino policy will not have any impact on an operator in Slough. The Council will not be able to properly control gambling premises without the Statement of Licensing Principles being fully reviewed. The development of a Local area profile will assist in gambling operators developing their own risk assessments.</p>	<p>Current policy is already in place.</p>	<p>4</p>	<p>The review and consultation are a 3 yearly statutory requirement.</p> <p>Development of a Local Area Profile is an option available to local authorities.</p>

(c) Human Rights Act and Other Legal Implications

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(d) Equalities Impact Assessment

A Equalities Impact Assessment has previously been completed and the conclusions are that there are no adverse or negative impacts on equality for one group or any other.

(e) Workforce

None

**5. Supporting Information**

**5.1 No Casino Policy.**

The Council previously adopted a 'No Casino Policy' in accordance with the provisions of the Gambling Act 2005, which was further adopted in 2012 and 2015.

5.2 As detailed to the Licensing Committee in 2015, in 2012/2013 Parliament considered proposals put forward the by 'South East England Council's Partnership', the National Casino Industry Forum and others to increase the portability of existing casino licenses granted under grandfather rights as an existing licence granted prior to the implementation of the Gambling Act 2005. In 2015 it was confirmed that the proposals were considered by Parliament and a decision was made that there would be no relaxation in the portability of those existing licenses or any new licenses.

5.3 In addition the Government originally introduced eight new large casinos and eight new small casinos. As a result 16 local authorities applied to be selected to be able to grant the new licenses. Not all licenses were applied for or granted and it was confirmed that the Government would not be reviewing that position. In light of the above Slough would never be able to accept or consider an application for a casino and therefore the intention the Committee is asked to resolve to that the No Casino Policy should lapse.

**6. Statement of Gambling Principles**

6.1 The Council was required by the 2005 Act to adopt a gambling policy, called A "Statement of Gambling Principles" and the policy was adopted by the Council in December 2006. The 2005 Act requires that the policy is reviewed every three years. The policy was reviewed 2009, 2012 and 2015 and therefore a further consultation and review needs to take place to ensure a new adoption is made by December 2018.

6.3 The Licensing Team have commenced planning the consultation on the policy. The consultation will include the public, businesses, statutory Responsible Authorities and licensed operators. Members of the Licensing Committee will be kept closely informed and involved in the consultation process an updated report will put before the Committee in due course.

**7. Local Area Profile**

7.1 With regards to the 'Statement of Gambling Principles, the published Gambling Commission Guidance (2016) to Local Authorities highlighted that, licensing authorities should consider developing local area profiles, identifying, quantifying and mapping the vulnerabilities and other relevant features of their areas. Such profiles will then be used to inform the new generation of gambling policies, against which all applications will have to be judged and completion by gambling operators of the statutory required under Code 10.1.1 of the Social Responsibility Codes to produce and have in place a 'Local Risk Assessment.'

- 7.2 This approach represents an opportunity for local authorities to contain the number and distribution of gambling premises and to enforce high standards of operation which respect the sensitivities and vulnerabilities of their locality.
- 7.3 The principle documents that will be used in developing the 'Local Area Profile' will be the Slough Joint Wellbeing Strategy and the Joint Strategic Needs Assessment (JSNA).
- 7.4 Once the consultation exercise has been completed on the revised Gambling policy document a report will be brought back to Committee on 18<sup>th</sup> October 2018 for formal approval.
- 7.5 In addition, once the 'Local Area Profile' has been developed this will be put before the Licensing Committee for information purposes only. It is important for the Committee to note that there is no statutory need for any consultation on or formal approval by the Licensing Committee of the 'Local Area Profile', as they are optional for the Licensing Authority to develop in order to be used by gambling operators when developing their own local risk assessments..
- 7.6 Once the revised gambling policy document has been approved by the Licensing Committee it must be approved by Full Council by 31<sup>st</sup> January 2019.

## **8. Comments of Other Committees**

None.

## **9 Conclusion**

That the Committee approves:

- (a) that the 'No Casino Policy' should lapse, for the reasons provided to the Licensing Committee in 2015 and as detailed in the report.
- (b) and notes that the consultation exercise for the Gambling Act 2005 'Statement of Gambling Principles' will begin, and
- (c) the development of a 'Local Area Profile' for inclusion in the new policy document.

## **10. Appendices Attached**

None.

## **11. Background Papers**

1. Gambling Act 2005.
2. Gambling Commissions Guidance to Local Authorities.
3. Gambling Commission Social responsibility Code within Licence Conditions and Code of Practice.

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee **DATE:** 12<sup>th</sup> June 2018

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**WARD(S):** ALL

**PART I**  
**FOR DECISION****REVISED PROPOSED LOW EMISSION STANDARDS AND NEW VEHICLE AGE POLICY FOR SALOON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES****1. Purpose of Report**

To update the Committee on the proposals for low emission standards for saloon hackney carriage (taxi) and private hire vehicles in Slough, as part of the Council's draft Low Emission Strategy (LES) with the proposed feasibility for a Clean Air Zone, and proposals for a new Vehicle Age Policy for saloon hackney carriage and private hire vehicles following further consultation.

**2. Recommendation(s)/Proposed Action**

The Committee is requested to:

- (a) Note the report and comment on the revised proposals for Low Emission Standards and effective dates for all saloon hackney carriage and private hire vehicles, following the consultation.
- (b) Note the responses to the consultation.
- (c) Agree that the revised proposals for low emission standards at **Section 6** be approved.
- (d) Agree any amendments to the revised proposed low emission standards having regard to the responses and alternative proposals received from the consultation.
- (e) Agree that the current Vehicle Age Policy for private hire and saloon hackney carriage vehicles be rescinded.
- (f) Agree the new Vehicle Age Policy at **Section 7** be approved with the effective dates.
- (g) Agree any amendments to the current or proposed new vehicle age policy, taking into account responses from the consultation.
- (h) Note that a separate consultation on Low Emission Standards for Wheelchair Accessible Vehicles and vehicles constructed or adapted to carry wheelchairs used for home to school transport is to be conducted.

**3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The European Union Air Quality Directive 2008/50/EC13 sets out the obligations for Member States in terms of assessing ambient air quality and

ensuring that Limit Values (“LV”) for certain pollutants are not exceeded. In the UK, the requirements of the Directive have been transposed into domestic law through the Environment Act 1995 and subordinate regulation 14.15. Slough has finalised its draft Low Emission Strategy (“LES”) 2018-2025 produced in line with the Government’s new National Air Quality Plans, published on the 5<sup>th</sup> May 2017. The draft Slough LES forms part of the Slough Air Quality Action Plan and includes measures to reduce emissions from road transport vehicles, the main cause of elevated levels of Nitrogen Dioxide (“NO<sub>2</sub>”) and a key contributor to particulate matter (“PM”) concentrations in the Borough. Both NO<sub>2</sub> and PM have significant health impacts for the residents of Slough.

**3a. Slough Joint Wellbeing Strategy Priorities**

The revised proposals for low emission standards for all saloon hackney carriage and private hire vehicles will support the Slough Joint Wellbeing Strategy priorities:

Priorities

- Increasing life expectancy by focusing on inequalities.
- Improving mental health and wellbeing.

**3b. Five Year Plan Outcomes**

The proposals will contribute significantly to the Five Year Plan with the specific outcomes of:

- Slough children will grow up to be happy, healthy and successful.
- Our people will become healthier and will manage their own care needs.
- Slough will be an attractive place where people choose to live, work and stay.
- Slough will attract, retain and grow businesses and investment to provide opportunities for our residents.

**4. Other Implications**

(a) Financial

There are no financial implications of proposed action.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
(a) Note the report and comment on the revised proposals for Low Emission Standards and effective dates for all saloon hackney carriage and	The proposals will support the recommendations of low emission standards for private hire and hackney carriage vehicles as	None	4	Further proposals for all wheelchair accessible vehicles to included vehicle constructed or adapted for

<p>private hire vehicles, following the consultation.</p> <p>(b) Note the responses to the consultation.</p> <p>(c) Agree that the revised proposals for low emission standards at Section 6 be approved.</p> <p>(d) Agree any amendments to the revised proposed low emission standards having regard to the responses and alternative proposals received from the consultation.</p> <p>(e) Agree that the current Vehicle Age Policy for private hire and saloon hackney carriage vehicles be rescinded.</p> <p>(f) Agree the new Vehicle Age Policy at Section 7 be approved with the effective dates.</p> <p>(g) Agree any amendments to the current or proposed new vehicle age policy, taking into account responses from the consultation.</p> <p>(h) Note that a separate consultation on Low Emission Standards for Wheelchair Accessible Vehicles and vehicles constructed or adapted to carry wheelchairs used for home to school transport is to be conducted.</p>	<p>contained in the Council's draft 'Low Emission Strategy' (LES) 2018-2025 which forms part of the Slough Air Quality Action Plan</p>			<p>Home to School Transport will be consulted upon post June 2018.</p>
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(c) Human Rights Act and Other Legal Implications

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

2. The Local Government (Miscellaneous Provisions) Act 1976, allows the Local Authority to set standards for the granting of taxi and private hire vehicle licenses.
3. There is a legal requirement to improve and maintain air quality standards. The European Union Air Quality Directive 2008/50/EC13 sets out the obligations for Member States in terms of assessing ambient air quality and ensuring Limit Values (LV) for certain pollutants are not exceeded. The requirements of the Directive have been transposed into domestic law through the Environment Act 1995 and subordinate regulation 14.15.

(d) Equalities Impact Assessment

An Equality Impact Assessment has not been completed as there are no equality issues identified, since the proposals will apply to any proprietor of a private hire or hackney carriage vehicle in similar circumstances. However a full statutory consultation has been conducted on the Council's draft Low Emission Strategy (LES), due to be put before Cabinet for approval in July 2018.

**5. Supporting Information**

- 5.1 The Committee will be aware that the draft Slough Low Emission Strategy ("LES") 2018-2025 forms part of the Slough Air Quality Action Plan and includes measures to reduce emissions from road transport vehicles, the main cause of elevated levels of Nitrogen Dioxide ("NO<sub>2</sub>") and a key contributor to particulate matter ("PM") concentrations in the Borough. Both NO<sub>2</sub> and PM have significant health impacts for the residents of Slough. The finalised draft strategy will be put before Cabinet in July 2018 for formal approval and adoption.
- 5.2 A report was put before the Licensing Committee on 17<sup>th</sup> October 2017, outlining proposals for low emission standards for all saloon hackney carriage and private hire vehicles following a public consultation as well as consultation with all hackney carriage and private hire licence holders and operators.
- 5.3 For the information of the Licensing Committee the proposals from 17<sup>th</sup> October 2017 are attached at **Appendix A**.
- 5.4 On 17<sup>th</sup> October 2017 the Licensing Committee also requested further information and statistics to be put back before the Committee to assist in making a decision on the proposals for low emission standards. Details were provided to the Licensing Committee on 15<sup>th</sup> February 2018 for information only as well as being supplied to the representatives of the Slough Private Hire Driver Association and Slough Taxi Federation.
- 5.5 The information and statistics have now been further updated taking into account the revised proposals and are detailed in **Section 9** of the report.

**6. Revised Proposal**

- 6.1 As the Low Emission Strategy ("LES") (*which is due to be put before Cabinet in July for formal approval*), is the Council's overarching strategy to tackle and reduce high pollution emitting transport vehicles, the original proposals have been

further revised in order that the Council can meet its obligations to reduce emission levels as part of the (LES) and Air Quality Action Plan. In addition there are now also further proposals for a new Vehicle Age Policy for all saloon hackney carriage and private hire vehicles, which will encourage licence holders to licence newer low emission vehicles to be compliant with the new proposal as well as being licensed for an extended period of time.

The revised proposals for low emission standards are detailed below.

### Proposed Low Emission Standards

Compliance Dates & Emission Standard	Vehicle to be Licensed All Private Hire and Saloon Hackney Carriages
1st September 2019 CAZ* ULEV**	All licensing renewals i.e. renewals of currently licensed vehicles***.
1st September 2019 CAZ* ULEV**	All new vehicles to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
ULEV from 1st September 2025	All licensing renewals i.e. renewals of current vehicles and all new vehicles to be licensed.

\*Clean Air Zone

\*\*A vehicle that uses low carbon technologies and emits less than 75g of CO2/km from the tailpipe and is capable of operating in zero tailpipe emission mode for a range of at least ten miles.

\*\*\* Any ULEV\*\* Standard vehicle must only be replaced by another ULEV \*\* Standard vehicle.

## 7. Proposed Revised Vehicle Age Policy

7.1 The proposals for a new Vehicle Age Policy for all saloon hackney carriage and private hire vehicles are detailed below.

7.2 From **1st September 2019** the vehicle age policy for all saloon hackney carriage and private hire vehicles be amended from, *under 5 years to maximum of 9 years*, to:

**Under 3 years of age from date of first registration and will be licensable up to a maximum of 12 years.**

This will apply to all new vehicles being licensed by current licence holders on or after that date; the vehicle must be compliant with the approved Low Emission Standards.

This new Vehicle Age Policy will also to apply to all new applicants for driver licenses wanting to licence a vehicle for the first time from 1st September 2018.

**NOTE:** This will support the proposals approved by the Licensing Committee on 15<sup>th</sup> February 2018 for all new drivers wanting to licence a vehicle for the first time as of 1<sup>st</sup> September 2018.

7.3 The revised formal proposals for low emission standards and new proposed Vehicle Age Policy were subject to a full consultation with all hackney carriage and private hire drivers and Operators between 13<sup>th</sup> April and 16<sup>th</sup> May 2018. In

addition meetings were also held with the representatives of the Slough Private Hire Driver Association and Slough Taxi Federation to seek their views on the new proposals.

### **Consultation Responses**

- 7.4 The full responses to the consultation are attached at **Appendix B**.  
A copy of the minutes of the meeting with the Private Hire Driver Association and Taxi Federation are attached at **Appendix C**.  
A written response and petition from the Slough Taxi Federation of an alternative proposal is attached **Appendix D**.  
A written response and petition from the Slough Private Hire Driver Association is attached at **Appendix E**
- 7.5 A summary of the alternative proposals put forward by the Slough Private Hire Driver Association and Slough Taxi Union are attached at **Appendix J**.

### **8. Wheelchair Accessible Vehicles**

All wheelchair accessible vehicles and vehicles constructed or adapted to carry wheelchairs used for home to school transport will be part of a separate consultation, planned for after the June Licensing Committee meeting. A new vehicle age policy is to be agreed, however the proposal as detailed in the above chart is that all vehicles must be ULEV by 1st September 2025.

### **9. Statistics and information.**

- 9.1 The information and statistics have now been updated as of 1<sup>st</sup> May 2018.
- 9.2 **Appendix F** details the number of currently licensed vehicles that will be non-compliant with the revised proposals on a year by year basis as of 1<sup>st</sup> September 2019.
- 9.3 The statistics show that there will be a significant impact on all current licensed vehicles in that **as of the implementation date no current licensed vehicle will meet the revised proposals and all vehicles will have to be replaced at the date of renewal**. In addition, any current licensed vehicle that will need to be replaced due to reaching the 9 year vehicle age policy will have to be replaced with a vehicle that meets the revised proposals.
- 9.4 **Appendix G** details the age, number and percentage of the current fleet, together with information on CO2 Ratings.
- 9.5 In summary there are **668 saloon hackney carriage and private hire vehicles in total**, with 67.5% of the fleet being aged between 4 and 8 years and 9.6% being under 3 years of age. The current highest CO2 rating is 271, the lowest being 89 with the average CO2 rating being 129.
- 9.6 **Appendix H** details the age of new vehicles being licensed between the 1<sup>st</sup> April 2017 and 30<sup>th</sup> April 2018.
- 9.7 The figures show that 82.2% of vehicles licensed were over 4 years of age at the point of being licenced. The highest mileage being 191,085 miles and the lowest 21miles, with the fuel types being 41 Hybrid, 4 Petrol and 84 Diesel.

## 10. Incentives and Grants.

- 10.1 The Licensing Committee on 15<sup>th</sup> February 2018 rescinded the vehicle size policy to allow any size of vehicle to be licensed, as there is now a wide range of low emission/electric vehicles available on the market, these vehicles tend to be smaller than the normal family saloon vehicles that are currently licensed. Since the change in policy there has been significant interest by drivers wanting to licence ULEV vehicles.
- 10.2 The Government has awarded Slough £157,000 and Slough will match this funding to install the Electric Vehicle Charging Point (EVCP) rapid infrastructure to meet the growing demand of electric and plug-in vehicles and this grant was awarded specifically to cater for Electric Taxis and Private Hire Vehicles in readiness for their transition.
- 10.3 As detailed in previous reports, there is a Plug-in Car Grant available of up to £4,500. Further information on this grant is attached at **Appendix I**.
- 10.4 There is also an Electric Vehicle Home Charge Scheme. The key feature of the Electric Vehicle Home Charge Scheme is a grant of a 75% contribution towards the cost of one charge point and its installation up to a maximum of £500 (including VAT) per household/eligible vehicle. The grant is subject to a set eligibility criteria for the vehicle owner, type of vehicle, type of residential premises and approved installer. Further information can be found the GOV.UK website at;
- <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-guidance-for-customers-version-21>
- 10.5 In addition to the vehicle details on Appendix I, there are a number of websites available and easily accessible with extensive information of new and used ULEV vehicles available on the market, examples are:

Next Green Car

<http://www.nextgreencar.com/emissions/ultra-low-emission-vehicles/>

<http://www.nextgreencar.com/emissions/low-emission-cars/>

The Go Ultra Low website

<https://www.goultralow.com/choosing/electric-car-selector/>

Buyacar (Used cars)

<https://www.buyacar.co.uk/cars/economical-cars/low-emission-cars>

- 10.6 Information on the grants available and the above website links are now being provided to those individuals interested in wanting to purchase ULEV vehicles.

## 11. **Additional proposals**

- 11.1 To promote the take up of ULEV vehicles the following proposals are being made to be agreed by the Committee for all current licence holders on or after 1<sup>st</sup> September 2019:

- (a) That annually, the first 20 fully Electric and Plug-in ULEV vehicles i.e. as at \*\* above, to be licensed on or after 1<sup>st</sup> September 2019 will not pay a licence fee for the first 2 years.
- (b) The first 20 Electric and Plug-in ULEV vehicles will receive the first 50 charge events free.

## **12. Comments of Other Committees**

### **12.1 On 15<sup>th</sup> February 2018 the Licensing Committee resolved –**

- (a) that it be noted that the main proposals as previously discussed would be put back until 6<sup>th</sup> June 2018 to allow for further engagement with the hackney carriage and private hire trade bodies and their representatives.
- (b) that the report be noted.
- (c) that the proposals, as set out in Section 6 of the report, for all new applicants wishing to licence a private hire vehicle for the first time be approved.

### **12.2 On 17<sup>th</sup> October 2017 the Licensing Committee resolved:**

- (a) that the Licensing Officers come back to the next meeting with a breakdown of vehicle age for private hire cars and saloon hackney vehicles.
- (b) that the Licensing Officers provide projected figures of PH and SC vehicles that would be non-compliant with the LES for 2021, 2022 and 2023 at the next meeting.
- (c) that an Extraordinary Meeting be arranged to consider the matters above.

### **12.3 On 27<sup>th</sup> June 2017 the Licensing Committee resolved:**

- (a) that the report on the proposals for low emission standards and effective dates be noted.
- (b) that the proposed low emission standards be approved, subject to consultation.
- (c) that any amendments to the proposed low emission standards and implementation dates prior to consultation be approved.
- (d) that all final proposals after consultation are brought back before Committee for approval.

It was agreed that the consultation would also be published on the Council's website.

### **13. Conclusion**

The Committee concluded to:

- (a) Note the report and comment on the revised proposals for Low Emission Standards and effective dates for all saloon hackney carriage and private hire vehicles, following the consultation.
- (b) Note the responses to the consultation.
- (c) Agree that the revised proposals for low emission standards at **Section 6** be approved.
- (d) Agree any amendments to the revised proposed low emission standards having regard to the responses and alternative proposals received from the consultation.
- (e) Agree that the current Vehicle Age Policy for private hire and saloon hackney carriage vehicles be rescinded.
- (f) Agree the new Vehicle Age Policy at **Section 7** be approved with the effective dates.
- (g) Agree any amendments to the current or proposed new vehicle age policy, taking into account responses from the consultation.
- (h) Note that a separate consultation on Low Emission Standards for Wheelchair Accessible Vehicles and vehicles constructed or adapted to carry wheelchairs used for home to school transport is to be conducted.

### **14. Appendices Attached**

- 'A' - Proposals for Slough Low Emission Standards for taxi and private hire vehicles (17/10/2017)
- 'B' - Responses to consultation.
- 'C' - Copy of the minutes of the meeting with the Slough Private Hire Driver Association and Slough Taxi Federation.
- 'D' - A written response and list of signatures from the Slough Taxi Federation of an alternative proposal is attached.
- 'E' - Response from the Slough private Hire Driver Association.
- 'F' - Number of currently licensed vehicles that will be affected by the revised proposals on year by year basis as of 1st September 2019.
- 'G' - Details the age, number and percentage of the current fleet, together with information on CO2 Ratings.
- 'H' - The age of vehicles being licensed from 1<sup>st</sup> April 2017 to 30<sup>th</sup> April 2018.
- 'I' - Information on Plug-in Car Grant
- 'J' - Summary of alternative proposals put forward by The Slough Private Hire Driver Association and Slough Taxi Union.

### **15. Background Papers**

- '1' - SBC draft Low Emission Strategy 2018-2025
- '2' - Slough Air Quality Action Plan
- '3' - Local Government (Miscellaneous Provisions) Act 1976
- '4' - Office of Low Emission vehicles
- '5' - European Union Air Quality Directive 2008/50/EC13
- '6' - Slough Ultra-Low Emission Taxi Feasibility Study

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**Revised Proposals (Saloon Hackney Carriages and Private hire Vehicles)  
from Licensing Committee on 17<sup>th</sup> October 2018**

7.1 The rationale for the revised low emission standards is based on the current age of licenced vehicles, the current vehicle age policy for private hire vehicles and saloon hackney carriages and the implementation dates of Euro emission standards of:

**Euro 6 Diesel (September 2014)**

**Euro 5 Petrol (September 2009)**

**Euro 6 Petrol (September 2014).**

7.2 The below proposals will apply to all saloon hackney carriages and private hire vehicles as well as any temporary replacement vehicle.

<b>Compliance Dates &amp; Emission Standard</b>	<b>Vehicle to be Licensed</b>
<b>1st September 2018</b> ULEV** Standard	All new vehicles to be licensed by new applicants on or after that date. ***
<b>1st September 2018</b> CAZ Standard (Euro 6 diesel / Euro 5 petrol)	All licensing renewals i.e. renewals of currently licensed vehicles.
<b>1st September 2018</b> CAZ Standard (Euro 6 diesel / Euro 5 petrol)	All new vehicles to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
<b>1st September 2020</b> CAZ Standard (Euro 6 diesel / Euro 6 petrol)	All new vehicles to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
<b>ULEV from 2025</b>	All licensing renewals i.e. renewals of current vehicles and all new vehicles to be licensed.

\*Clean Air Zone

\*\*A vehicle that uses low carbon technologies and emits less than 75g of CO<sub>2</sub>/km from the tailpipe and is capable of operating in zero tailpipe emission mode for a range of at least ten miles.

\*\*\* Any ULEV\*\* Standard vehicle must only be replaced by another ULEV \*\* Standard vehicle.

7.3 The Council will be holding 'Trade' days when vehicle owners can meet with ULEV manufacturers and service providers to discuss opportunities.

7.4 Saloon drivers qualify for a Plug-in Car Grant of (about £4.5k)

## **8. Additional Proposals**

8.1 To promote the take up of ULEV vehicles the following proposals are being made to be agreed by the Committee.

- (a) That annually, the first 20 fully Electric and Plug-in ULEV vehicles i.e. as at \*\* above, to be licensed on or after 1<sup>st</sup> September 2018 will not pay a licence fee for the first 2 years.
- (b) The first 20 Electric and Plug-in ULEV vehicles will receive the first 50 charge events free.
- (c) The vehicle age for saloon vehicles that are fully Electric, Plug-in ULEV i.e. that meet \*\* above, the age limit will be extended from 9 years to 12 years and will apply to all new and existing vehicles that meet the criteria.

## **9. Wheelchair Accessible Vehicles.**

9.1 The proposed setting of low emission standards impacts most on those proprietors of wheelchair accessible vehicles.

- There are currently 50 licensed wheelchair accessible vehicles
- 33 vehicles are over 10 years of age with the oldest vehicle being 20 years of age.
- Only 2 currently licensed vehicles would comply with the revised proposals
- The current vehicle age policy for wheelchair accessible vehicles allows vehicles to be licensed indefinitely subject to twice yearly testing at 14 years

9.2 For the above reasons it is proposed to conduct a separate consultation for wheelchair accessible vehicles and hold meetings with the representatives and proprietors to discuss replacing existing vehicles with ULEV vehicles, Electric vehicles, Plug-in ULEV vehicles and the availability and use of rapid charging units as detailed in (Appendix A).

9.3 The previous report also outlined that the London Taxi Company will be producing a new range extended electric London Taxi which will be on the market later this year. The cost for this new London Taxi will be in the region of £33k with the top up grant (about £7.5k, including the Plug-in Car Grant) available from the Government. In addition, the Nissan eNV 200 electric taxi is also available and qualifies for the Plug-in Car Grant (about £4.5k) and costs around £20k. As Slough completed an Ultra-Low Emission Taxi Study, Proprietors of Wheelchair Accessible vehicles drivers will qualify for the top up Grants, in addition to the Plug-in Car Grant.

**Consultation Responses.**

<b>Response / Comment</b>	
<p>I would like to suggest existing hackney carriage vehicles that have been licensed should be allowed the full 9 years age of use. Once the car has reached the age, new recommended vehicle can be used.(euro 6)</p> <p>The work in slough is limited and drivers are finding it hard to make a living, Investment has been made in the car and fitting of taxi meters.</p> <p>The luxury cars like mercedes have cost a lot for the drivers to prepare to the high standard of slough.</p>	<p>Current Licence Holder Email Response</p>
<p>I would like to suggest existing hackney carriage vehicles that have been licensed should be allowed the full 9 years age of use. Once the car has reached the age, new recommended vehicle can be used.(euro 6)</p> <p>The work in slough is limited and drivers are finding it hard to make a living, Investment has been made in the car and fitting of taxi meters.</p> <p>The luxury cars like mercedes have cost a lot for the drivers to prepare to the high standard of slough.</p>	<p>Current Licence Holder Email Response</p>
<p>With reference to what you are proposing for the new car rules, I agree on the carbon emissions cars . Hybrid cars are not cheap at all in the present climate and day by day they are getting more expensive. For a new driver, a present driver who has to change his car due to the age limit or in an emergency due to an accident or so , where will they get the money for a car that is 3 years old . Unless the council can make a contribution to help the driver, then the age I should be 5 years old for a new car upto the age limit of 12 years from the date of registration. The cars on not cheap, and with the present uncertain climate with the problems of Uber etc the above is what I agree with.</p>	<p>Current Licence Holder Email Response</p>
<p>I am writing my response to the letter received for new vehicle age proposal. I think the change of vehicle under 5 Years is fair. As u can imagine any car with low emmisson is not Cheap.</p>	<p>Current Licence Holder Email Response</p>

Say for example we buy an eclass or a Toyota Prius. For one just under 5 year old is around average price of £13,000 This is no a joke. This is a lot of money to buy a car for. And to use for taxi. Works been affected to much after uber has been around that lot of drivers are thinking of getting tfl badges made.

Drivers are already frustrated and stressed about the fact uber was able to operate in slough. On top if you was to change to a car under 3 years. This will now cost over £16,000 to buy. And honesty after all expenses wear tear rent etc. We ate just about struggling to make nearly 10k per year.

I am willing to have a council member to sit on my car for one week so u can get an idea of what kind of money we are making. Seriously things are very hard on top it seems like every couple of years the council puts policy in place that targets drivers to reach far and borrow more money just to renew there cars. You think if I earn £80 On a shift.

£80. Earning.

£20 radio rent.

£15 diesel.

£5 car wash etc wear tear.

Already we are down to £40 to £50 a day if we are lucky after all our expenses.

I would urge the council not to take such step and to leave the minimum age to 5years upon renewal.

Already drivers are experienced very very hard times. Any such measure will have a big impact. As for myself I have been considering making another council badge but was always happy with slough.

But some times we need to put things into prospective that is it really worth it.

I along with a lot of drivers will be against the idea of the proposal. And I will be happy to get you signatures to show u tue affect and thoughts of others.

Sorry I would like to add to my message.

On one hand u proposing cars under 3 years. And on other drivers can driver car Upto 12 Years.

Driving a car for that long that has been driven in taxi has done a lot of mileage so to keep the car and standards still to a good limit. My opinion how was before

<p>was a bee fair system.  New cars under 5 years of age. Max can drive up to 10 Years.  But this 3 year proposal really needs to be thought about from a drivers point of view also.  If such proposal was to go through the way I feel I think I would personally take this to court and put my case forward. Or a strike for 3 days would bring slough to a halt.  It seems like the council is always doing things to make things hard for every driving livelihood. And this is not fair.</p>	
<p>With reference to what you are proposing for the new car rules, I agree on the carbon emissions cars . Hybrid cars are not cheap at all in the present climate and day by day they are getting more expensive. For a new driver, a present driver who has to change his car due to the age limit or in an emergency due to an accident or so , where will they get the money for a car that is 3 years old . Unless the council can make a contribution to help the driver, then the age I should be 5 years old for a new car upto the age limit of 12 years from the date of registration. The cars on not cheap, and with the present uncertain climate with the problems of Uber etc the above is what I agree with.</p>	<p>Current Licence Holder  Email Response</p>
<p>I have received a letter regarding Ultra Low Emission.  I run a chauffeur company and I have look at this proposal Ultra Low Emission on all Private Hire Vehicles and Hackney Carriage.  Chauffeur company's use different cars like Audi A8LWB and BMW 7 series L and Mercedes which now there Co2/km does not meet your proposal.  I have look at a few cars and there Co2/km are around the 155 -314 Co2/km which full outside.  I think we should be given an exemption until these cars become more available at a reasonable price to allow us to change in a few years' time.  I would like a meeting in the further to discuss the above matter as Chauffeur company's seem to get forgot when it comes to Licensing.</p>	<p>Current Licence Holder  Email Response x1</p>

<p>I have had more time to think and do research about items in your letter. Please can you consider my following points as follows.</p> <p>The costs of buying a new or replacing current car for one with regulations for your letter 01/09/2019 is very expensive. The cost of buying a new car with your requirements for 01/09/2018 is approx £18,000 to £25,000.(thousand) I do not have that much money to spend on a car. This means i may have to change jobs or go on benefits.</p> <p>The availability or stock of new/replacement cars to meet your requirements for 01/09/2019 is very small and limited. I made a visit to a Ford dealership, and they advise me none of their petrol or diesel car meets the requirements for you .i.e. 75g of C02/km. They have only one car in the CAZ/ULEV range and the C02/km reading is 108. This car is a Mondeo hybrid. Ford will not be engaging with CAZ/ULEV cars until 2022 i was advised</p> <p>Another expamle is the vauxhall ASTRA. The cost of a new ULEV ASTRA IS £22,000.(thousand) The C02/km reading is 88. This does not meet your requirement.</p> <p>Another example is the Nissan LEAF. This is a ULEV car, but has range of only 155 miles on a full charge. What will happen if on a long journey job and car runs out of charge? There is not enough charging points for cars. The infrastructure is not in place for CAZ/ULEV cars.</p> <p>What about the cost of having a charge point fitted at or outside home for car. What about if someone lives in flats , second or third floor, etc. How will they charge car overnight. What about if someone can not park outside their property and have to park , eg 50/100/200 meters away. How will they charge car?</p> <p>There is only one car i have found that meets your requirements. the Toyota PIRUS. This car , new or to replace under 3 years old comes in at approx £18,000 to</p>	<p>Current Licence Holder Email Response x2</p>
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<p>£25,000 (thousand). Like i have said before , i cannot afford this.</p> <p>I understand the need to move forward, ref C02, etc. I feel above points need looking at before you make your decisions.</p> <p>Please can you look into or pass on my comments in this e-mail and previous before you make your decision.</p> <p>Thank you for your time and help with this matter.</p>	
<p>Ulev from 1september 2025</p>	<p>Current Licence Holder Email Response</p>
<p>Please can you note my points to the new rules you wish to engage. My car does not meet the criteria for the new rule, i.e. 1/09/2019 , CAZ , 75g of C02. This means i will have to purchase a new car. What about the cost of a new car with the regulations you require? I still have approx 2 years use with my car with present conditions. Changing my car is going to cost me a lot of expense, time, stress. My present car will be wasted if i have to get rid off. What about if one of the other drivers purchased a vehicle in the last one or two years, and the car does not meet your regulations for 1/09/2019. If they have to replace car, they will lose a lot of money. I understand the need for the new regulations. Please can the costs involved to the drivers be considered. How about bringing the new regulations as follows. Current drivers can use present car they have up to maximum usage as per present rules, i.e. 5 to 9 years approx. After this , they then have to purchase new car with your new regulations. This i feel would be more cost effective and would be more understanding with the drivers Please can you consider my points. Thank you for your time and help with this matter.</p>	<p>Current Licence Holder Email Response</p>
<p>I am a more than a little concerned by the suggested new rules as currently I have an AUDI A8 which is a high end large car I have to have to service my clients. With the suggested changes it would be impossible for me to actually continue to</p>	<p>Current Licence Holder Email Response</p>

<p>use this type of car as there are no alternatives in car size that will come close to meeting your suggested new regulations (Mercedes S Class BMW 7 Series Audi A8 would all fall very short). This seems very unfair as my business is based on supplying high end cars and high end service, With this in mind I do understand why Slough would like to bring in these changes but feel that once again you are not considering all of your licensed drivers but just using a 'one size fits all' approach to everyone. I do not run a 'taxi' business and these suggested changes would mean I would not be able to operate my business</p> <p>I would be more than happy to discuss this with anyone and explain my position (it might be clearer than trying to put down on an email)</p>	
<p>I am emailing regarding a letter we have received outlining your consultation in licensing ultra low emission vehicles for existing drivers from September, 2019. We are vehemently opposed to the idea. Primarily, the taxi trade is very competitive; most drivers are struggling with the rising cost of fuel, insurance and general maintenance of the vehicle. Is it fair and appropriate to now burden us with further expenditure? This is an extremely selfish and disheartening decision from the Council.</p> <p>In addition, how will drivers make a living if their costs are higher than their profit margin? Is this something you have accounted for? You need to consider the impact of the increasing fare prices to help bridge the gap so that drivers are able to make a decent living. On the other hand, can our calibre of customers afford the financial burden which comes with your new plans? I do not think they require a recent model because new cars require respect and mutual care. However, on the whole, we do not have those type of customers. If drivers are constantly cleaning vomit and beer stains from their cars (another added cost), it is counterproductive and a waste of our money. This is the reality of our line of work and it cannot be sidelined.</p> <p>Moreover, you need to consider the financial implications of this initiative as most drivers shall have to buy the new</p>	<p>Current Licence Holder Email Response</p>

<p>vehicle on a finance package because, irrespective of the government grant, I (and many others) cannot afford to purchase it outright. This is a debt which is avoidable and unnecessary.</p> <p>Most cars function up to 3 years and, inevitably, hereafter start causing mechanical problems. Therefore, it is highly unlikely the ULEV vehicle will last up to 12 years as a taxi because of the sheer amount of usage and maintenance of the vehicle over a prolonged period of time.</p> <p>It is glaringly transparent that the drivers' needs have not been considered and this is the underlying issue: we are always at the brunt of financial ruin. We are exasperated by the Council's schemes which debilitate our livelihood; we have had enough and this has to stop.</p> <p>You need to appreciate this industry is becoming increasingly difficult to sustain a profitable income due to the many rising costs. As a council, protector of its people, you should be considering the impact of your decision from all angles and try to facilitate the needs of the drivers' as opposed to creating more financial worries for us. I urge you to discard this unjust and unfair policy and provide the committee members with our argument.</p>	
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<p>I saloon Hackney carriage plate 61 badge 42 would like the car age of 9 years from registration. I do not agree with new proposal.</p>	<p>Current Licence Holder Email Response</p>
<p>121 I oppose new council rule for hybrid cars</p>	<p>Current Licence Holder Email Response</p>
<p>If I buy a car under 5 years old now and only drive it for 1 year and then have to change it in a year due to the new policy if effective is behind belief. I haven't got that much money to keep changing cars. As you are aware we are self employed. So forking our now and</p>	<p>Current Licence Holder Email Response</p>

<p>then after a year doesn't make sense .          Already a under 5 year old car doesn't come cheap.          Because of this I be losing a month of work.          I would like to know can we drivers attend this meeting and give our views how we feel about this ?          As you know that it will effect all of us and some of us even more ,even London taxi councils are not even this tight .          Also the low emission cars are not cheap to buy and the government funding if there is any is not a helpful amount .          Let's hope it doesn't go through.          If all the taxi are on low emissions what about the rest of Slough's millions of cars on the road.          Who ever designs these policy we should find out what cars they drive.          Whether there cars are 75g km under.</p>	
<p>We only operate contract home to school transport and specialize in wheelchair accessible vehicles, and feel there should be special dispensation/ exceptions for this type of vehicle, as the type of vehicle which we operate are specially manufactured and not readily available to purchase.</p>	<p>Current Licence Holder          Email Response</p>

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**CONSULTATION MEETING WITH SLOUGH PRIVATE HIRE DRIVER ASSOCIATION AND SLOUGH TAXI FEDERATION 2<sup>ND</sup> MAY 2018 AT LANDMARK PLACE, SLOUGH.**

**Attendees:**

Mick Sims – Licensing Manager

Ibrar Khan – Private Hire Driver Association

Iftikhar Ahmed – Private Hire Driver Association

Mohammed Farid – Private Hire Driver Association

Mohammed Fazil Khan – Private Hire Driver Association

Aftab Khan – Private Hire Driver Association

Sarfarz Khan – Slough Taxi Federation

Ranjit Ghotra – Slough Taxi Federation.

- All representatives confirmed that they had received a copy of the new consultation letter on revised low emission standards for PH and saloon HC vehicle.
- All representatives immediately voiced their extremely strong objections on the revised proposals because of the significant impact the proposals would have on current licence vehicles.
- The trade organisations stated that in addition to the current consultation being conducted by the Licensing Manager, they had also carried out their own consultation with their members and every person objected to the revised proposals.
- A discussion took place around the Slough Low Emission Strategy (LES) and the trade asked why they had not been formally consulted on that document.
- The Licensing manager outlined that the LES was subject to wide ranging public consultation and that proposals for low emission standards for HC and PH vehicles was being consulted on separately for inclusion in the final LES to be put before Cabinet In July for formal approval.
- The Licensing Manager was asked in his opinion how extensive would the impact be on the revised proposals. The response was that the current proposals would impact on every current licenced vehicle, as to his knowledge no current licence vehicle would be compliant with the revised proposals. However the statistics as previously requested and supplied to the Licensing Committee would be fully reviewed this week to establish how many current licence vehicles after 1<sup>st</sup> September 2019 would be non-compliant and

would need to be replaced together with those that would need to be replaced in any event because of the vehicle age policy. These statistics would be provided to all the trade representatives prior to the Licensing Committee meeting and be included in the final report for the Licensing Committee.

- All representatives voice concerns that licence holders would not be able to afford new ULEV vehicles, that the sizes of ULEV vehicles were not big enough to carry out normal private hire and taxi work, and even more so contract or corporate work as their clients would not want use these types of vehicles. Concerns were also expressed that if by any chance the revised proposals were approved the charging infrastructure for ULEV vehicles was not in place and would not in place by the implementation date.
- The Licensing Manager outlined that a full update on electric charging points and grants for installation on home charging points would be included in the final report.
- The licensing manager stressed several times that at this stage a further consultation is taking place on the revised proposals, hence the reason for the meeting and that as representatives of the PH and HC trade it is imperative to put their views, opinions and any alternative proposals formally in writing to be put before the Licensing Committee.
- All the representative present stated that they were under the impression that the original proposals put forward at the Licensing Committee in October 2017 would be put back before the Committee for further consideration taking into account the additional statistics and information discussed at the Committee meeting in October and that they would be in favour of the original proposals being approved subject to some minor and sensible changes. They could not understand why they had now been revised again.
- The Licensing manager again emphasised that if the trade representatives put alternative proposals forward they would be included in the final report for consideration by the Licensing Committee together with all other responses to the consultation.

02/05/18

Dear Licensing Officer Mick Sims,

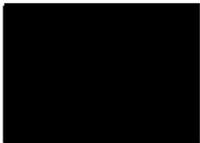
We have consulted with our member drivers of Slough Taxi Federation. The drivers totally disagree with the revised proposal.

We can suggest original proposal 1st September 2017, 2020 cat standard euro 6 for all new vehicles to be licensed by current licence holders. Over 100 drivers are trying to feed their families and the local authority needs to think of them to.

As Slough Borough Council know there is no work at station due to every company in slough have their own shuttle. Our request is to keep it to our original proposal of 2017.

On the renewal we want to keep as existing five year old and 12 year age limit.

Kind Regards



MR S Khan

Chairman

Slough Taxi Federation

(Signatures of drivers included).

Hackney Carriage Driver plate number / NAME	YES	NO
1 TAHIR KHAN	✓	
2 Zia Minhas	✓	
3 J.S. NAGRA	✓	
4 J.S. SEEMRA	✓	
5 J.M.S. AUJLA	✓	
6 M. AZAM	✓	
7 S.SINGH		NO
8		
9 BS Jaglal.	✓	
10 B. SAIFAT AB AHMED		
11		
12 AKHTAR	✓	
13		
14 WASEEM KHAN	✓	
15 DALIP SINGH	✓	
16 Kundan SINGH	✓	
17		
18		
19 A.S. GREWAL	✓	
20 J.S. Mann	✓	
21		
22 J.S. BAL	✓	
23		
24 D. Singh		NO
25 Buteh SINGH GANIR		NO
26 MR. T. S. NIGWA		NO
27 MR. S.S. SANDHU		
28		
29		
30 M.R.G.S. DHOOI		NO
31 R. BANSAL		NO
32		

Comments  
ADDRESS

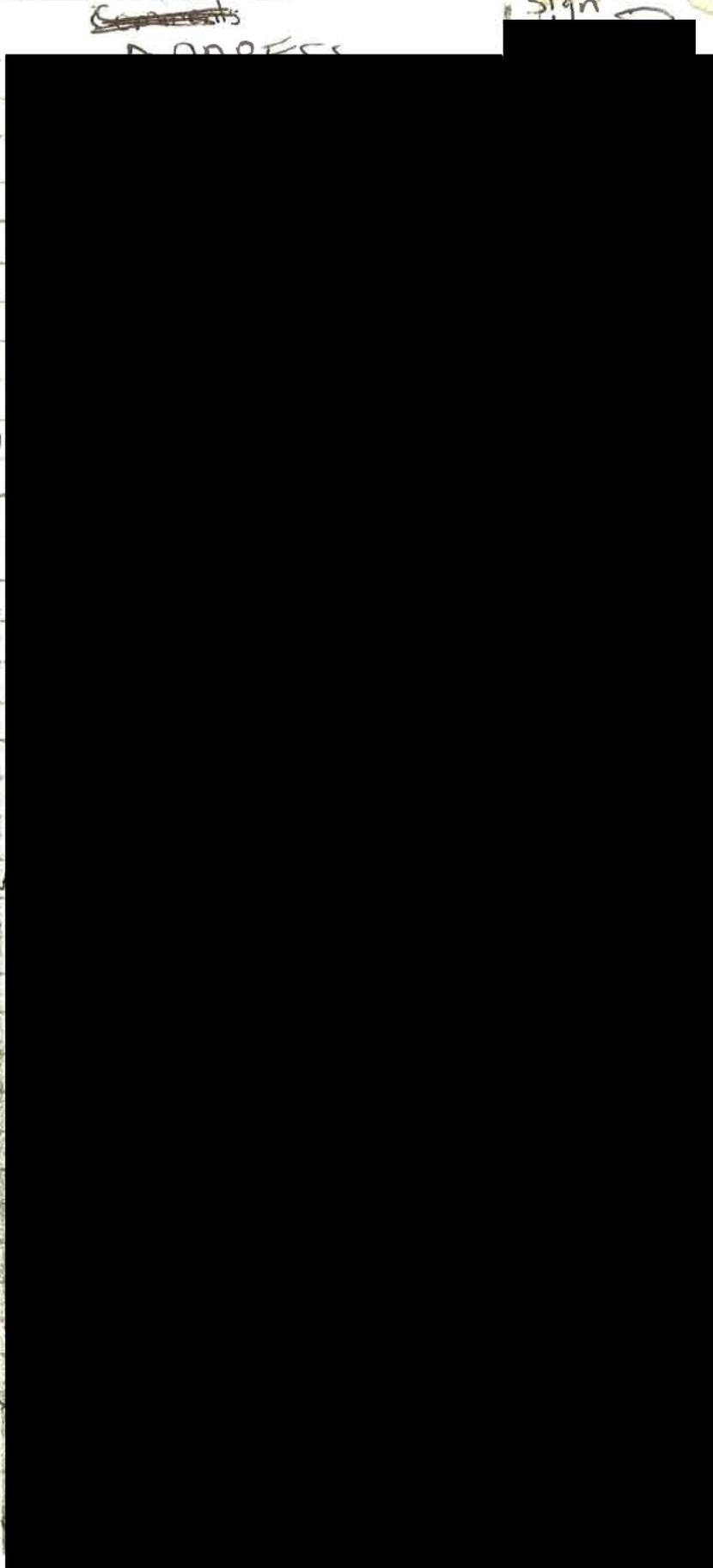
/Sign



Hackney Carriage Driver		ADDRESS		Sign
Date number	NAME	YES	NO	
33	S.S. DHESI.		NO	[REDACTED]
34	N. HUSSAIN		NO	
35	R.S. BOLLHAN		NO	
36	HAMID QASIM		NO	
37	<del>ARSIAD</del> <del>ARSIAD</del>		NO	
38	K.K. Mohan		NO	
39		NO	NO	
40	M. ZAFAR		NO	
41	J.S. MASHIANA		NO	
42	MR R S ISHAMBRA		NO	
43	MR SUKHWINDER S MULTANI		NO	
44	m. KAMRAN		NO	
45				
46	J.S. SANGHA		NO	
47	K. RAZA		NO	
48	MR. S.S. DILLON		NO	
49	S.S. SANJHU		NO	
50	H.S. IKANG		NO	
51	D. Singh		NO	
52		NO	NO	
53				
54	MIR. A-S. KANG		NO	
55	MR. K.S. MULTANI		NO	
56		NO	NO	
57	MR. SASID MAHMOOD.		NO	
58	Surinder Dhesi		NO	
59	MR. DAUE		NO	
60	SULAKHANSINGH		NO	
61	JASPAL. ASSI		NO	
62				
63	HARBANS S. KANG		NO	
64	Ranjit Singh Ghotra		NO	
65	H.S. Sehmi		NO	
66	Karnail S Ghotra		NO	
67	M. NASEER.		NO	
68		NO	NO	
69	ZAMIR HUSSAIN		NO	
70				
71	ARSHAD M. HASRAT		NO	

(2)

Hackney Plate number	Carriage driver NAME	YES	NO
72	R. Mahmood		✓
73			
75	MR. S. KHAN		NO
76	S. A. MIRZA		NO
77	I L L		
78	PAKISTAN		
79	MR ALI		NO
80	M. Y. RASHID		NO
81	JAMAL		NO
82	PAKISTAN		
83	GONE		
84	GONE		
85	M. K. BOSTAN		NO
86	T. MAHMOOD		NO
87	N/A		
88	M. IKRAN		NO
89	M. AMEEN		NO
90	M. SALEEM		NO
91	M. SHAN		NO
92			
93	NOT ON R		
94	K MALIK		NO
94	MR - JABARHEL		NO
95			GONE
96			
97	N/A		NO
97	R. HUSSAIN		
98	GONE		
99			99
100			
101			
102	S SASAWAL		NO
103	TOM		NO
104			NO
105	J. HAIDER		NO
106			HOLIDAY
107			HOLIDAY
108	M. MASOUD		NO
109			NOT



?

3

**SPHDA**

**Slough Private Hire Drivers Association**

Aftab Khan ( Vice Chairperson )

Dear Mick Simms (licensing Manager),

13th May 2018

**Ref: Proposed Emission Standards Hackney and Private Hire Drivers**

Thank you for the recent consultation meeting with regards the above issue.

Please find attached Slough Private Hire Drivers members signatures and proposals regarding CAZ (Clean Air Zone) and ULEV (Ultra Low Emission Vehicle).

All our members reject the proposal of having Licensing renewals and all new vehicles licenced from 1st Sep 2019 to be licenced CAZ (Clean Air Zone) and ULEV (Ultra Low emission Vehicle) Standard.

**Our members propose as follows :-**

- \* **All currently licenced Vehicles to be allowed run there term of 9 Years.**
- \* **The Original proposal from 1st Sep 2018 of CAZ (Euro6 Diesel/Euro5 Petrol) or ULEV Standard Vehicle. (New Licenced Vehicle)**
- \* **The Original proposal from 1st Sep 2020 of CAZ (Euro6 Diesel/Euro6 Petrol) or ULEV Standard Vehicle. (New Licenced Vehicle)**
- \* **ULEV Standard Vehicles from 2025**
- \* **Any ULEV Standard Vehicle age up maximum of 12 Years (New Licenced Vehicle)**

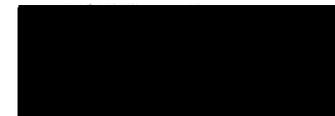
Please note that the members are aware of the need for replacing there vehicle for a cleaner emission vehicle.

However if the main concern is having cleaner vehicles and lower emission vehicles then age should NOT be an Issue with Licensing older ULEV Vehicle as the majority are fully Electric Plug In Hybrid vehicles with very low emissions.

Therefore our members confirm and propose that they want older ULEV Vehicles up to 12 years old to be licenced from 2025, as there will be a wider range and bigger vehicles available at affordable prices.

Please note that the above proposals have been fully agreed with our members and the members have also confirmed that they will consider having Strikes and other protests if the above are not met.

Yours Sincerely



Aftab Khan ( Vice Chairperson )

E-mail: 

We the Undersigned Private Hire Drivers hereby object and will strongly oppose Slough Borough Council Licensing proposal of:-

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4. ULEV Standard Vehicles from 2025
5. Any ULEV Standard Vehicle age up maximum of 12 Years (New Licenced Vehicle)

CAZ

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Date	Name	Badge No.	Signature
07.05.18	MuHAMMAD FAZIL KHAN		
07.05.18	MUHAMMAD FAROOQ		
07.05.18	Raja Hasan Taimoor Jalap		
07.5.18	ANSAR H212		
07/5/18	MURTAZA ESUPALLY		
07/5/18	SYED S.S. NAQVI		
7/5/18	ABID REHMAN		
07/5/18	SYED IURAN BUKHARI		
07/5/18	MOHSIN ALI SHAH		
07/5/18	RUWAN WENGAPPULI		
8/5/18	Muhammad IBRAHIM		
8.5.18	MANZOOR AHMED		
8.5.18	Raja M. ADIL		
8.5.18	Jamil - Balan		
7/5/18	FASAHAT ANWAR		
8/5/18	TAHIR MALIK		
9/5/18	Mohammed HAFIS BAITA		
9/5/18	Tabarik Mehmood		
8/5/18	Muclassar Khan		
8/5/18	RIZWAN AHMED		
8/5/18	FARID KHAN		
8/5/18	MUSHTAQ KEYANI		
8/5/18	TARIQ MAHMOOD		
08/05/18	TAMIR HUSSAIN		
8/5/18	ZAFAR JAVED		

Date	Name	Badge No	Signature
8.5.18	Sharif Khan		
8.5.18	S. Zahir Shah		
11	Ali Ashamed		
8-5-18	Ibrahim Malic		
8-8-18	CLYDE RUAN		
8.5.18	M. AYAZ		
8-5-15	M. TUFFAIL		
8/5/15	JAVED KHAN		
9/5/15	YARQUB HASSAN		
9/5/15	(Ubaad) Rehman		
9/5/18	SARFRAZ KHAN		
9/5/18	SUBINDER S. DUELA		
9/5/18	Afroz Mahmood		
9-5-18	M. SHABAN		
9/5/18	SYED-TASWIR-H. SHAH		
9/5/18	REHAN FAROOQ RAJA		
9-5-18	TARIQ Khan		
9/5/18	JAVED IOBAL		
9/5/18	SYED Z HASSAN		
9/5/18	ASIF KHAN		
9-5-18	Zubaid Ahmad Khan		
9-5-18	KHAQAN-Abdasi		
10.5.18	FIAZ KHAN		
10/5/18	K.S. MULTANI		
10/5/18	MUBASH AHMED		
10/5/18	Adnan		
10/5/18	K. R. Malik		
10/5/18	S SAHNI		
11-5-18	ABDULLAH SIDDIQI		
12-5-18	T. MAHMOOD		
11-5-18	SSUPAL		
11-5-18	SUKHWINDER SINGH MOLTANI		
15.05.18	FAJESU GATINS		
12-5-18	Mohammed Afzal		

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Date	Name	Badge No.	Signature
14/5/18	Mohammed Saifur		
14-5-18	MOHAMMED AKRAM		
14-5-18	SYED SHANID MAHMOOD NAQVI		
14-5-18	CH. Prasad MAHMOOD		
14-5-18	UMADOU DRUMBLE		
14-5-18	WAHEED AMIR		
14-5-18	M. A. Syed vi		
14/5/18	Bhupinder Singh		
14/5/18	BAUPINDER Singh		
14/5/18	ANSAR MAHMOOD		
14-5-18	MANJITA KHAN		
14-5-18	PARMJEET SEHRA		
14-5-18	S-AKHAN		
14/5/18	M. SHAFIQ		
14/5/18	S. RAAMAY		
14/5/18	Raja Iqbal Khan		
14/5/18	YAK TAJAT Md.		
14/5/18	EFFAT KHAN		
14/5/18	Saghi Hussain		
	RASHA REHAN KHAN		
14/5/18	H. KHAN		
14/5/18	AFTAB SALEEM		
14/5/18	Omer Qureshi		
14/5/18	M. IMRAN		

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Date	Name	Badge No.	Signature
7/5/18	AHMED NAWAZ		
8/5/18	ANTHONY HEAD		
02/05/18	NASIR IQBAL		
08/5/18	C. PERRANC.		
08/5/18	M. J. COFFARD		
8/5/18	C. L. BUFFERY		
08-05-18	ZULFIQA KHAN		
08-05-18	FRAZER MURPHY		
8-5-18	GARY KNIGHT.		
8-5-18	Paul Boycott		
8.5.18	Danielle Jamson.		
8-5-18	KENJI KIMURA		
8/5/18	Ghulam Tuhki		
08/05/18	JAVED IQBAL		
08/05/18	ABDUL MANAF		
08-05-18	DAVID HAZZ		
08-05-18	Sam Kanderian		
09-05-18	MASOOD KHAN		
09-05-18	IMRAN AKRAM		
09.5.18	QAMAR ZAMAN		
9/5/18	Daniel Murphy		
9/5/18	Harley		
9/5/18	Alan Lamb		
9/5/18	BABAR ARSHAD		
10/5/18	MUHAMMAD ISRAIL KHAN		



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Date	Name	Badge No.	Signature
04/05/18	MUHAMMAD ABBAS		
04/11/18	Amyad. Hussain		
4/5/18	Mohammed NAWAZ		
5/5/18	T.A. BLOOR		
5/5/18	Mohammed Farid		
6/5/18	KHURAM KARIM.		
6/5/18	RASAD ZAMAN		
6-5-18	BAGHA SINGH KAINTH		
6-5-18	JATINDER SINGH DOSANHI		
6-5-18	MUSTHAQ HUSSAIN		
6-5-18	AMID KHAN		
06/05	PARVEZ AKHTAR		
06/05	SITAL SINGH		
8000	Rabir Tahir		
6-5-18	HAMAYUKHAN		
6-5-18	IRFAN TARIQ		
6-5-18	NAEEM ARSHAD		
6-5-18	SAIDUR SHAMIM		
6/5/18	ZAHID KHAN		
6/5/18	AKBIR HOKAK		
6/5/18	MUHAMMAD A. KILHAN		
7/6/18	R-KHAN		
06.09/18	QADFER HUSSAIN		
06/10/19	SOLAIL ATTARUF		
07/01/18	Muhammad Rauf Khan		

Date	Name	Badge No.	Signature
07-05-18	SARA SARFRAZ KHAN		
07/05/18	ADNAN BASHARAT		
07/5/18	Majid Khan		
07-5-18	BANUAT HUSSAIN		
07-05-18	MR TALAT IMRAN		
7-5-18	RAJA WAJID JOBAL		
7-5-18	GULFAR MUSSAIN		
7-5-18	Wajid Mejeed		
7-5-18	ZAKOOR AHMED		
7-5-18	M. M. ILYAS		
7/5/18	A. AKBAR		
08/5/18	ISHIAQ HUSSAIN		
8-5-18	ENAYAT-MANGAL		
8/5/18	MUHAMMAD ISMAIL		
8/5/18	Shahid Ahmed		
8/5/18	SHAUKAT MEHMOOD		
8/05/18	SABAH-UL HASSAN		
8-5-18	MADID REHMAN		
8-5-18	Javed IQBAL		
8/5/18	Mohammed A. Bhatti		
8/05/18	MUHAMMED QASIM		
8-05/18	DHARAM PAUL BALLI		
08/05/18	M F KHAN		
8-5-18	Sandeep Pal Singh		
8-5-18	A. AHMED		
8-5-18	ZAKIYA UDDIN		
8-5-18	BABAR SHABIR		
8-5-18	M. ANWAR		
8-5-18	SHAHID MADID		
8-5-18	IMRAN AZAM		
8-5-18	JABRAN BHALLI		
8-5-18	M. A. Choudhary		
8-5-18	M. IQBAL		
9-5-18	IRSHAD UDDIN		
9-5-18	ARSHAD SALUJA		
9-5-18	KAMRAN HUSSAIN		
9-5-18	ALLAH DITA KHAN		
9-5-18	QAMAR MUSTO		

Date	Name	Badge No.	Signature
10-5-18	ZAMEER HUSSAIN		
10/05/18	JASVIR SINGH KHAN		
10/05/18	YASIR ALI		
10/05/18	Khalid Shomo		
11/05/18	MOHAMMED RIAZ		
12-05/18	Tariq Hussain		
12/05/18	MOHAMMED SIJJAD		
12/05/18	MOHAMMAD ISLAM		
13/5/18	SAJJAD AHMAD KHAN		
13-5-18	ABID HUSSAIN		
13/5/18	HAFIZ ISRAR HUSSAIN		
13/5/18	Muhammad Ishaq Shak		
13/05/18	Muhammad Ismail Shaki		
13-5-18	JAVAD IQBAL		
13/05/18	MUHAMMAD SHAHJEHAN KHAN		
13/05/18	Hudaib Khan		
13/5/18	Makham SANDHU		
13/5/18	Ghulam. ARSAD		
13/5/18	Fahad Abdulaz		
13-5-18	SIKANDAR-IQBAL		
13-5-18	TASAL SINGH		
15/05/18	Amir Khan Amir		
13-5-18	Jabir Khan		
13/5/18	MUBASHAR SHAIKH		
13/5/18	Tariq Aslam		
13/05/18	SACED UMAR JAN		
14/05/18	KASHIF KHAN		
14/5/18	S. SAFIN BAZA		
14/5/18	M. BAZAL		
14/5/18	Muhammad MAHU		
14/5/18			
14/5/18	RASHID QAYYUM		
14/5/18	NAVEED ASLAM		
14-5-18	G. KHAN		
14-5-18	A. Abranji mi		
14-5-18	Z. Ahmed		
14-5-18	ARIF RASHID		
14-5-2018	AFZAL AHMED.		

Date	Name	Badge No.	Signature
9/5	ABDUL JABBAR		
9/5	IFTIKHAR AHMED		
9/5	GULBAHAN KHAN		
9-5-18	QAISAR MAHMOOD		
9-5-18	A.S. SHAKOOREY		
9-5-18	Sajad AHMAD		
9-5-18	KHULID HUSSAIN		
9-5-18	MOHAMMED FARIED		
9-5-18	ABDOL MANAF		
9-5-18	KAISER		
9-5-18	NAEEM YOUSAF		
9-5-18	KULDIP SINGH MANN		
9-5-18	RAJA-GULERAZ-KHAN		
9-5-18	TARLOK SINGH		
9-5-18	Naveed Ishak		
09/05/18	KAJA SAMIL		
9/5/18	TAAIR HUSSAIN		
10/5/18	PERVAIZ A-SATTI		
10/5/18	RAJIV BHALLA		
10/5/18	SASSAN KHAN		
10/5/18	SHAHID IQBAL		
10-5-18	ANWAR MAHMOOD		
10-5-18	WARASAT KHAN		
10-5-18	Azique ur Rehman		
10/05/18	RASHIDAT KHAN		
10/05/18	M.N.KHAN		
10/05/18	SHAMRAIZ AKBAR		
10/05/18	Omer Khayyam Beg		
11/05/18	AERAN KHAN		
11/05/18	AZKAR ALI		
11/05/18	Ziaqat Ali		
11/05/18	YASIR ALI		
11/05/18	YASIR ALI		
11/05/18	M. SAJJAN		
11/5/18	M. QAISER AYUB		
11/5/18	AMIR - ROL		
11/05/18	MALIK BABAR TAJ		
11-5-18	ARZASH MEHMOOD		

~~SECRET~~  
A 4-CAR.

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Date	Name	Badge No	Signature
08/05/18	Abdul Ghaffar MAJIDY		
	MOHSIN SHAFIQ		
	AMEER CHAUDHARY		
	FAZAL RAHIM		
	ZAHHEER KHAN		
	AZMAT HAYAT TARIQ		
	MALIK ABBAS		
	JAVED ISBAL		
	MUHAMMAD SHAFIQ		
	Imran Nawaz		
	AKRAM HUSSAIN		
	A.S. NAZMA		
	AJINAWAZ RAJA		
	AMIR ULLAH KHAN		
	IMRAN YOUSAF		
	ADEEL AHMED		
	RAJIA M. KAMRAN AYAZ		
	Sajid Mahmood		
	ZARAH AIT KHAN		
	HABIBULLAH KHAN		
	MAHAD HUSSIN		
	GUL NAWAZ		
	H. ASHRAF		
	idris Ahmed Tarebi		











## APPENDIX F

Private hire - current vehicles to be replaced

Before	Total	Euro Emission Standard	Compliant (C) with proposals	Non-Compliant (NC) with proposals
<b>01/09/2019</b>				
Total	<b>101</b>			
Hybrid	10			NA
Petrol	7	Euro 4 Petrol		NA
Diesel	84	Euro 4 Diesel		NA
<b>01/09/2020</b>				
Total	<b>90</b>			
Hybrid	8			NC
Petrol	8	Euro 5 Petrol		NC
Diesel	78	Euro 5a Diesel		NC
<b>01/09/2021</b>				
Total	<b>123</b>			
Hybrid	8			NC
Petrol	9	Euro 5 Petrol		NC
Diesel	105	Euro 5a Diesel		NC
Duel Feul Petrol	1			NC
<b>01/09/2022</b>				
Total	<b>124</b>			
Hybrid	13			NC
Petrol	3	Euro 5 Petrol		NC
Diesel	108	Euro 5a Diesel		NC
<b>01/09/2023</b>				

Total	<b>93</b>			
Hybrid	14			NC
Petrol	3	Euro 5 Petrol		NC
Diesel	75	Euro 5a Diesel		NC
Electric Diesel	1			NC
	<b>01/09/2024</b>			
Total	<b>49</b>			
Hybrid	10			NC
Petrol	0	Euro 5 Petrol		NC
Diesel	37	Euro 5a Diesel		NC
Electric Diesel	2			NC
	<b>01/09/2025</b>			
Total	<b>19</b>			
Hybrid	4			NC
Petrol	0	Euro 6 Petrol		NC
Diesel	15	Euro 6 Diesel		NC
	<b>After 01/09/2025</b>			
Total	<b>16</b>			
Hybrid	4			NC
Petrol	1	Euro 6 Petrol		NC
Diesel	11	Euro 6 Diesel	C	NC

**Hackney carriage - current vehicles to be replaced**

Before	Total	Euro Emission Standard	Complaint (C) with proposals	Non-Complaint (NC) with Proposals
<b>01/09/2019</b>	<b>17</b>			
Hybrid	1			
Petrol	3	Euro 4 Petrol		NA
Diesel	13	Euro 4 Diesel		NA
<b>01/09/2020</b>	<b>6</b>			
Hybrid	0			NC
Petrol	0	Euro 5 Petrol		NC
Diesel	6	Euro 5a Diesel		NC
<b>01/09/2021</b>	<b>17</b>			
Hybrid	1			NC
Petrol	0	Euro 5 Petrol		NC
Diesel	16	Euro 5a Diesel		NC
<b>01/09/2022</b>	<b>8</b>			
Hybrid	0			NC
Petrol	0	Euro 5 Petrol		NC
Diesel	8	Euro 5a Diesel		NC
<b>01/09/2023</b>	<b>11</b>			
Hybrid	1			NC
Petrol	1	Euro 5 Petrol		NC
Diesel	9	Euro 5a Diesel		NC
<b>01/09/2024</b>	<b>5</b>			
Hybrid	1			
Petrol	1	Euro 6 Petrol		NC
Diesel	3	Euro 6 Diesel		NC

	<b>01/09/2025</b>	<b>4</b>		
Hybrid		0		NC
Petrol		0	Euro 6 Petrol	NC
Diesel		4	Euro 6 Diesel	NC
	<b>After 01/09/2025</b>	<b>1</b>		
Hybrid		0		NC
Petrol		0	Euro 6 Petrol	NC
Diesel		1	Euro 6 Diesel	NC

## APPENDIX G

Private Hire	Vehicles 9 yrs & over 2009 & over	Vehicles 8 yrs & over 2010 & over	Vehicles 7 yrs & over 2011 & over	Vehicles 6 yrs & over 2012 & over	Vehicles 5 yrs & over 2013 & over	Vehicles 4 yrs & over 2014 & over	Vehicles 3 yrs & over 2015 & over	
<b>No of vehicles (total PH fleet 615)</b>	65	76	96	123	127	73	55	615
<b>%</b>	10.6	12.4	15.6	20.1	20.7	11.9	8.7	100

Hackney SALOON only	Vehicles 9 yrs & over 2008 & over	Vehicles 8 yrs & over 2009 & over	Vehicles 7 yrs & over 2010 & over	Vehicles 6 yrs & over 2011 & over	Vehicles 5 yrs & over 2012 & over	Vehicles 4 yrs & over 2013& over	Vehicles 3 yrs & over 2014 & over	
<b>No of vehicles (total in hackney fleet 53)</b>	6	5	6	9	6	11	10	53
<b>%</b>	11.3	9.5	11.3	17	11.3	20.7	18.9	100

<b>67.5% of the fleet is aged</b>	<b>between 4 - 8 years of age.</b>
<b>9.6% of the fleet is aged</b>	<b>under 3 years of age.</b>

<b>CO2 Rating</b>
Highest - 271 Ford Transit
Lowest - 89 Toyota Prius
Current Average 129

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## APPENDIX H

New PH vehicle applications (129)01/04/2017- 30/04/2018	5 years & over	Over 4 yrs of age	Over 3 yrs of age	Over 2 yrs of age	Over 1yrs of age	Under 1 year
	2012	2013	2014	2015	2016	2017
No of vehicles	22	44	40	13	6	4
%	17.1	34.1	31	10	4.7	3.1

129

100

82.2% of the vehicles are over 4 years of age at the time of licensing.

Higest milage	191085
Lowest milage	21
Avergae milage	86000

<b>Hybrid</b>	<b>41</b>
<b>Petrol</b>	<b>4</b>
<b>Diesel</b>	<b>84</b>

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### **Low-emission vehicles eligible for a plug-in grant**

Car dealerships and manufacturers can get grants to reduce the price you pay for brand new electric and hybrid vehicles.

You don't need to do anything if you want to buy one of these vehicles - the dealer will include the value of the grant in the vehicle's price.

#### **Vehicles eligible for a grant**

There are 7 categories of vehicle, based on CO2 emissions. The grant depends on which category the vehicle is in.

Not all electric or hybrid vehicles are eligible for a grant - only vehicles that have been approved by the government.

#### **Category 1 cars**

These vehicles have CO2 emissions of less than 50g/km and can travel at least 112km (70 miles) without any CO2 emissions at all:

- BMW i3 and i3s
- BYD e6
- Citroen CZero
- Hyundai IONIQ Electric
- Kia Soul EV
- Mercedes-Benz B-Class Electric Drive
- Nissan e-NV200 (5-seater and 7-seater)
- Nissan LEAF
- Peugeot iON
- Renault ZOE
- Smart EQ fortwo
- Smart EQ forfour
- Tesla Model S
- Tesla Model X
- Toyota Mirai
- Volkswagen e-up!
- Volkswagen e-Golf

The grant will pay for 35% of the purchase price for these vehicles, up to a maximum of £4,500.

#### **Category 2 cars**

These vehicles have CO2 emissions of less than 50g/km and can travel at least 16km (10 miles) without any CO2 emissions at all:

- Audi A3 e-tron
- BMW 225xe
- BMW 330e
- BMW 530e
- Hyundai IONIQ PHEV
- Kia Niro PHEV
- Kia Optima PHEV
- Mercedes-Benz C350 e (with 17 inch rear wheels)
- Mercedes-Benz E350 e SE
- Mitsubishi Outlander (except Commercial)
- Toyota Prius Plug-in
- Volkswagen Golf GTE
- Volkswagen Passat GTE
- Volvo S90 Twin Engine
- Volvo V60 D5 Twin Engine
- Volvo V60 D6 Twin Engine
- Volvo V90 Twin Engine
- Volvo XC60 Twin Engine

The grant will pay for 35% of the purchase price for these vehicles, up to a maximum of £2,500.

### **Category 3 cars**

These vehicles have CO2 emissions of 50 to 75g/km and can travel at least 32km (20 miles) without any CO2 emissions at all:

- Mercedes-Benz E350 e AMG Line
- MINI Countryman PHEV

The grant will pay for 35% of the purchase price for this vehicle, up to a maximum of £2,500.

### **Motorcycles**

These vehicles have no CO2 emissions and can travel at least 50km (31 miles) between charges:

- BMW C evolution
- Energica Ego
- Energica Eva
- Scutum Silence S02
- Torrot Muvi

- Vmoto 100
- Vmoto 120
- Zero Motorcycles (all models)

The grant will pay for 20% of the purchase price for these vehicles, up to a maximum of £1,500.

### **Mopeds**

These vehicles have no CO2 emissions and can travel at least 30km (19 miles) between charges:

- Torrot Muvi City
- UGBEST e-City
- Vmoto Super Soco TS1200R

The grant will pay for 20% of the purchase price for these vehicles, up to a maximum of £1,500.

### **Vans**

These vehicles have CO2 emissions of less than 75g/km and can travel at least 16km (10 miles) without any CO2 emissions at all:

- BD Otomotiv eTraffic
- BD Otomotiv eDucato
- Citroen Berlingo
- Mitsubishi Outlander Commercial
- Nissan e-NV200 (cargo van)
- Peugeot ePartner
- Renault Kangoo ZE
- LDV EV80 van
- LDV EV80 chassis cab

The grant will pay for 20% of the purchase price for these vehicles, up to a maximum of £8,000.

### **Category 1 taxis**

These vehicles are purpose-built taxis and have CO2 emissions of less than 50g/km and can travel at least 112km (70 miles) without any CO2 emissions at all:

- LEVC TX

The grant will pay for 20% of the purchase price for these vehicles, up to a maximum of £7,500.

## **Electric and hybrid vehicles that are not eligible**

Category 2 or 3 cars with a recommended retail price over £60,000 are not eligible for a grant. This includes:

- Audi Q7 (category 2)
- BMW i8 (category 2)
- Mercedes-Benz S500 Hybrid (category 3)
- Porsche Panamera S E-Hybrid (category 3)

## APPENDIX J

### PROPOSAL BY THE SLOUGH PRIVATE HIRE DRIVER ASSOCIATION

<b>All Currently licensed vehicles to run their term until 9 Years of age</b>	
<b>Compliance Dates &amp; Emission Standard</b>	<b>Vehicle to be Licensed</b>
<b>1<sup>st</sup> September 2018</b> CAZ Standard (Euro 6 diesel / Euro 5 petrol)	All <b>new vehicles</b> to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
<b>1<sup>st</sup> September 2020</b> CAZ Standard (Euro 6 diesel / Euro 6 petrol)	All <b>new vehicles</b> to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
<b>ULEV from 2025</b>	All licensing renewals i.e. renewals of current vehicles and all new vehicles to be licensed.
<b>Any ULEV Vehicle to be a aged up to maximum of 12 years</b>	<b>New vehicles only.</b>

### PROPOSAL BY SLOUGH TAXI FEDERATION

<b>1<sup>st</sup> September 2020</b> CAZ Standard (Euro 6 diesel / Euro 6 petrol)	All <b>new vehicles</b> to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
<b>Renewal of vehicles to be under 5 years of age and licensed to a maximum of 12 years of age.</b>	

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