

10 February 2021

Committee Licensing

Date Thursday, 18 February 2021

Time of Meeting 2:30 pm

This is a remote meeting in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Members of the public will be able to view this meeting whilst it is in session by clicking on the link that will be available on the [Agenda publication](#) page immediately prior to the commencement of the meeting.

Agenda

1. ANNOUNCEMENTS

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

4. MINUTES

1 - 3

To approve the Minutes of the meeting held on 19 November 2020.



	Item	Page(s)
5.	LICENSING UPDATE To receive an update on the licensing service, including the impact of COVID-19 and implementation of the audit action plan, and to approve a revised Hackney Carriage Tariff for 2021/22.	4 - 10
6.	ANIMAL LICENSING FEES AND CHARGES To review and approve revised charges for animal licensing in accordance with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.	11 - 14
7.	THE MOBILE HOMES AND CARAVAN SITES LICENSING POLICY To approve the draft revised Mobile Homes and Caravan Sites Licensing Policy 2021-24 for public consultation for a period of 12 weeks commencing on 1 March 2021.	15 - 57
8.	TAXI AND PRIVATE HIRE AND COUNTYWIDE CONVICTIONS POLICY To consider proposals to consult on changes to the Taxi and Private Hire Policy and Countywide Convictions Policy for a 12 week period to commence on 13 April 2021.	58 - 80

DATE OF NEXT MEETING

THURSDAY, 17 JUNE 2021

COUNCILLORS CONSTITUTING COMMITTEE

Councillors: G F Blackwell, G J Bocking (Chair), C L J Carter, P A Godwin, D W Gray, E J MacTiernan (Vice-Chair), J W Murphy, P W Ockelton, C Reid, J K Smith, R J G Smith, C Softley, M G Sztymiak, M J Williams and R J Stanley

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held remotely on
Thursday, 19 November 2020 commencing at 2:30 pm**

Present:

Chair
Vice Chair

Councillor G J Bocking
Councillor E J MacTiernan

and Councillors:

G F Blackwell, C L J Carter, P A Godwin, D W Gray, J W Murphy, P W Ockelton, C Reid,
J K Smith, R J G Smith, C Softley, M G Szymiak, M J Williams and R J Stanley

LIC.16 ANNOUNCEMENTS

- 16.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.

LIC.17 DECLARATIONS OF INTEREST

- 17.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 17.2 There were no declarations of interest made on this occasion.

LIC.18 MINUTES

- 18.1 The Minutes of the meeting held on 13 February 2020, copies of which had been circulated, were approved as a correct record.

LIC.19 LICENSING UPDATE

- 19.1 The report of the Head of Community Services, circulated at Pages No. 5-13, advised Members of the impact of COVID-19 on the licensing service, the need to extend the current hackney carriage tariff and the proposed detailed service review. The Committee was asked to note the impacts of COVID-19; approve an extension to the current Hackney Carriage Tariff until the end of this financial year; and to approve the project plan, as set out in Appendix 1 to the report, which detailed proposals for a full service review.
- 19.2 In terms of COVID-19, the licensing service had been seriously impacted due to significant and long-term sickness within the team which had affected both Officers. Temporary support had been provided by the Environmental Health team but that team was also extremely busy with duties associated with the pandemic, so additional COVID-19 funding had been secured to provide support in the form of two

temporary Licensing Officers who would be in post until the end of the current financial year. There had been no applications for new private hire drivers processed during the initial lockdown period, but that service had recommenced in August when a facility was provided to safely interview applicants within the Council Offices. The number of service requests and applications had dramatically reduced when compared to the same period last year which it was felt had helped the service manage despite being under resourced.

- 19.3 Referring to the Licensing review, the Interim Environmental Health Manager explained that the consultation period for street trading applications had been reduced to five working days in order to assist businesses; that decision had been made in consultation with the Licensing Chair and Vice-Chair and now needed to be revisited which it was intended would be done as part of the wider service review. The licensing service was required to be compliant with the Provision of Services Regulations 2009 to ensure their residents were able to apply for licences and make payments online. Currently, online payments were available on the Council's website but no applications could be made online - the service review planned to implement online applications within the next 6 to 12 months and, as they were rolled out, the capacity required to deliver services would be reviewed. To date, the service had been responsive, largely due to a lack of resources, and the time taken to process paper applications significantly impacted on delivery of the wider service so moving to online applications would be a big step forward in getting the service in shape and fit for purpose.
- 19.4 The project plan, which was attached to the report at Appendix 1, set out the proposals for a full service review, including the transition to a greater online offering, policy refresh and renewal and the examination of locally set fees to be implemented in the financial year 2021/22. The review would also look at staffing requirements, new policy requirements and the enforcement role. Also included, was the review of the Hackney Carriage Tariff charges which, in the first instance, needed to be extended having expired on 31 October 2020.
- 19.5 An audit of the service had been conducted in 2019 and there were some outstanding actions remaining – these needed to be reviewed as set out in Appendix 3 to the report. There were four outstanding actions within the plan which related to changes within the Uniform system and, whilst those had not been dealt with to date, as part of the process to implement online applications, templet processing maps would be prepared within the Uniform system to ensure these were captured and resolved.
- 19.6 During the discussion which ensued, a Member indicated that she had every confidence in the service to implement online applications but she questioned whether taxi licences etc. would be checked on a face to face basis. In response, the Interim Environmental Health Manager explained that, whilst an applicant would apply online, new private hire vehicle drivers and taxi driver licences would still require a face to face interview. Another Member questioned whether the under resourcing of the service had been a contributing factor to the staff absences. In response, the Interim Environmental Health Manager advised that the absences appeared to be linked to a combination of things; some of the work normally done in terms of policy review had not been achieved because of the way the system had been working and this had had an impact on the Officers which had been compounded by the impacts and additional workload of the COVID-19 pandemic. Referring to Appendix 1, a Member questioned what was meant by public registers, and, in terms of Appendix 3, drew attention to four actions that were well overdue and he was concerned that could cause reputational issues for the Council. In response, the Interim Environmental Health Manager indicated that there were a range of licences that were included on the registers; however, those had been taken off the website because the way they were displayed previously included personal information which the Council had no authority to display under GDPR

without having a privacy statement for each type of licence. She was working with the Council's GDPR lead to produce the different statements required and it was hoped they, along with the registers, would be displayed from January 2021. There was also extra work caused by not having the registers published, as when Freedom of Information requests were received, they could not just be directed to the website. In terms of the outstanding actions, the Interim Environmental Health Manager advised that she would be giving them priority and ensure they were put into place.

19.7 A Member drew attention to the project plan and questioned who was responsible for the actions and how the red, amber, green categories worked. In response, the Interim Environmental Health Manager explained that the project plan actions were principally all the responsibility of the licensing service but there were other organisations and other parts of the Council involved in some areas e.g. IDOX was providing standardised forms for taxi, private hire drivers and the Licensing Act 2003 and, in addition, through Liberty Creates, the Council's Business Transformation Team would ensure the rest of the licences were prioritised within that platform. It was hoped the needs of the licensing service would be prioritised, but the amount of work needed would mean it would not be implemented until April. In offering an explanation, the Interim Environmental Health Manager advised that where there was a commencement date this was identified in red; where the action was in progress it was amber; and if it was already in place it was green. She had been leading a lot of the work on the action plan but now that additional resources had been brought in, along with the work of the Business Transformation Team, it was felt the permanent members of staff would be able to carry out work on the policies and processing applications. In response to a query, she indicated that the staffing and resources of the service going forward was something that would be considered as part of the service review.

19.8 Accordingly, it was

- RESOLVED**
1. That the impacts of COVID-19 on the licensing service be **NOTED**.
 2. That an extension to the current Hackney Carriage Tariff be **APPROVED** until the end of the financial year.
 3. That the project plan, as set out in Appendix 1 to the report, detailing proposals for a full service review, as set out in Paragraph 3.3 of the report, be **APPROVED**.

The meeting closed at 3:10 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	18 February 2021
Subject:	Licensing Update
Report of:	Interim Environmental Health Manager
Corporate Lead:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Three

Executive Summary:

This report provides the Committee with an update on the licensing service including the impact of COVID-19, implementation of the audit action plan and approval of a revised Hackney Carriage Tariff for 2021/22.

Recommendation:

1. To **NOTE** the impacts of **COVID-19** on the service including the implementation of the audit action plan.
2. To **APPROVE** the revised Hackney Carriage Tariff for 2021/22 as set out at Appendix 2.
3. To **APPROVE** the extension of the consultation period on street trading applications being reduced to five days to be reviewed in line with the government’s road map at the Committee’s next meeting in June 2021.

Reasons for Recommendation:

To ensure the Committee is informed of the current position of the service and implement a revised Hackney Carriage Tariff as the current one expires on 31 March 2021.

Resource Implications:

Resources are being considered as part of the Licensing Service Review.

Legal Implications:

None directly arising from this report.

Risk Management Implications:

There is a risk that online applications are delayed.

There is a risk that the impacts of COVID-19 will mean that the service is unable to deliver and meet targets.

Performance Management Follow-up:

The outcomes of the service review will be reported to the next Committee.

Environmental Implications:

Online applications will have a direct impact on environmental considerations by reducing the use of paper.

1.0 INTRODUCTION/BACKGROUND

1.1 This report examines how the licensing team can deliver a substantive and responsive service efficiently both as part of the recovery from the impacts of the COVID-19 pandemic and over a longer term. The report includes a service update, the current position on actions following an audit of the service in 2019 and a revised tariff for Hackney Carriages as the current tariff expires on 31 March 2021.

2.0 SERVICE UPDATE

2.1 The licensing service has continued to be seriously impacted due to COVID-19 and significant and long-term sickness within the team which has affected both officers. Two interim Licensing Officers appointed on a contract basis until 31 March 2021 left in December and further recruitment was required with two replacement contract officers commencing in January 2021.

2.2 A review of the service was agreed at the last Committee and is ongoing. The team is currently dealing with a backlog of applications and reports on relevant policies and fees and charges are presented separately to this Committee for approval.

2.3 The team is working with Business Transformation for the implementation of online applications to commence from April 2021.

2.4 Applications for new private hire drivers were restarted in August when COVID secure facilities to interview applicants in the office were put in place. This has now been stopped in line with the current lockdown.

2.5 The service has not had the capacity to carry out enforcement or inspections of premises. Further implications on resources are identified in separate reports relating to residential mobile home sites, animal licensing and taxi licensing all of which will be taken into account as part of the review of the service.

2.6 The government proposes to set out its road map for recovery for the next 12 months on 22 February 2021 and it is anticipated that this will detail the gradual re-opening of business. Those relating to hospitality directly impact on the licensing service and work has continued with Police Licensing and Environmental Health on enforcement and COVID related matters.

2.7 The consultation period for street trading applications was reduced to five working days with the agreement of the Licensing Chair and Vice-Chair. This was extended until 31 March 2021 by Committee in November 2020. It is recommended that this is extended and reviewed at each Committee in line with the government's road map.

2.8 There has been no change in requirements under the Licensing Act 2003 nor the Gambling Act 2005.

3.0 REVIEW OF AUDIT ACTION PLAN

3.1 There are four outstanding actions within the plan, attached at Appendix 1, these all relate to actions within the uniform system. Two actions are now completed, and work is ongoing in relation to the remaining two items.

4.0 REVIEW OF HACKNEY CARRIAGE TARIFF

4.1 The Hackney Carriage Tariff has been reviewed and consultation undertaken to agree proposed revised charges for 2021/22. The revised proposal is detailed at Appendix 2.

5.0 OTHER OPTIONS CONSIDERED

5.1 None.

6.0 CONSULTATION

6.1 None.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 The Council's Corporate Plan.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 None.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 Forms part of the licensing review.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

10.1 None.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 Forms part of the licensing review.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 None.

Background Papers: None

Contact Officer: Interim Environmental Health Manager Tel: 01684 272155
Email: kath.stent@tewkesbury.gov.uk

Appendices: 1 - Licensing Audit Action Plan.
2 – Hackney Carriage Tariff.

Appendix 1

Audit Action Plan

Recommendation Details	Expected implementation date for recommendation	Comment	Further Audit Comments
<p>The fields within the licensing module of Uniform need to demonstrate that the driver safeguarding test has been completed;</p>	<p>April 2021</p>	<p>Fields are present in uniform for the receipt of certificates and validation and records are being updated as the licensing review progresses. Going forward from 2021 a quarterly report will be run to identify all outstanding certificates. Reminders will be sent.</p> <p>The impact of covid 19 in 2020 has meant Cheltenham Borough Council who run the safeguarding course have not held them this year. It is hoped that an on-line service provider for a course will become available.</p>	<p><i>Policy amendments made in 2017 resulted in drivers having to undertake safeguarding training. This is asked for, but drivers have up to 6 months to complete the training. The uniform system needs to have a reminder system in place to ensure that certificates are provided and a validation check of the certificate needs to be included in Uniform too.</i></p>
<p>A regular sample check of Hackney/Private Hire (both driver and vehicle) and also operator licences should be undertaken to ensure that all information has been accurately recorded into Uniform; that all documentation requested within the application forms have been imaged and linked to the licence;</p>	<p>Completed</p>	<p>All supporting documentation is now routinely scanned onto applications.</p> <p>A regular sample of random applications is reviewed by the SLO.</p> <p>Existing records are being checked for completion as applications and renewals are processed.</p> <p>Under lockdown for COVID 19 no new driver applications have been processed as this involves a face to face meeting.</p>	<p><i>The audit noted that at times data (such as driver licence details) had not been recorded on Uniform and not all documents submitted to support the licence application had been scanned.</i></p>

<p>and where a licence has been refused sub-licensing committee dates have been included within Uniform.</p>			
<p>Complaints within the service request module of Uniform should be linked to the licensing module. In relation to proactive enforcement, any spot checks should also be recorded against the licence record</p>	<p>September 2021</p> <p>April 2021</p>	<p>The Licensing Team does not have a dedicated enforcement officer. This is being considered as part of the Licensing review.</p> <p>A data field is set up within the licence module to record spot checks and a process is being developed to ensure that any complaints received by either Licensing or Environmental Health are linked to the licence.</p> <p>TBC Licensing is also now signed up to NR3 which is a national database of records relating to matters identified and enforcement action taken with respect to hackney carriage and private hire drivers. Checks of this system will be undertaken prior to issuing new or renewal of driver licences.</p>	<p><i>The SLO confirmed that in respect of monitoring of licensing conditions the current arrangements consist of reactive enforcement through the receipt of complaints, and proactive enforcement in relation to performing spot checks mainly at large events. There are records within the environmental health service request module of Uniform that demonstrate that complaints concerning hackney/private hire licensing are processed. However, in respect of the 4 complaints receipted for year 2019, only one of these had been linked to the actual licence record. In respect of proactive enforcement, a data field is set up within the licence module to record spot checks but this is currently not used. There is therefore a risk that enforcement action is not being taken into account upon receipt of a renewal application</i></p>

<p>The licensing module within Uniform should demonstrate that two officers are involved in the validation/authorisation of a driver, operator and vehicle licences.</p>	<p>Completed</p>	<p>Licence application records within the Uniform system currently demonstrate the check by two officers.</p>	<p><i>Key elements of the hackney/private hire policy are set out as either statements or required evidence within the driver, vehicle and operator application forms. The validation of both new and renewal licence applications including verification checks (eg identity, vehicle, DBS, driver convictions etc), involves two officers. Licence application records within the Uniform system currently only demonstrate the check by one officer and it was agreed with the SLO that his check of the application would be included within the validation screen of Uniform</i></p>
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**Appendix 2
Hackney Carriage Tariff**



AUTHORISED FARE CARD
To be displayed prominently in each Hackney Carriage
LICENCE NO: *
VEHICLE REG. NO: *
FOR THE CARRIAGE OF * PASSENGERS

If a fare has not been agreed in advance, a driver is entitled to engage his meter at the point of hire.

Mileage

Rate 1 – For hiring between 7am and 11pm (not Sundays)

- a) For the first 660 yards (603.5 metres approx.) or part thereof.....£2.60
- b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....25p
- Waiting time – for each 1 minute or part thereof.....35p

Rate 2 – For hiring between 11pm and 7am including Sundays and Public Holidays

- a) For the first 660 yards (603.5 metres approx.) or part thereof.....£3.60
- b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....30p
- Waiting time – for each 1 minute or part thereof.....35p

Additional Charges

- For each passenger over 1 per journey or part thereof.....50p
- For each item of luggage carried in the luggage compartment of the vehicle.....25p (up to a maximum of £1)
- For each bicycle carried.....50p
- For each animal carried.....50p
- (No charge may be made for carrying assistance dogs, wheelchairs, walking frames or any other similar mobility aids)

Conditions of Hiring

1. The charges printed are the maximum permitted to be charged for each journey within the Borough of Tewkesbury.
2. Intoxicated or troublesome persons carried at the driver's discretion.

Check the tariff and the total sum demanded with the taximeter.

In the event of any dispute please ask for a detailed receipt showing the taxi licence number and driver's badge number.

In case of a complaint, please write to: The Licensing Officer, Tewkesbury Borough Council, The Council Offices, Gloucester Road, Tewkesbury, GL20 5TT.
Email: licensing@tewkesbury.gov.uk

IT IS AN OFFENCE TO CAUSE OR PERMIT ANY ALTERATION TO THIS CARD.

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	18 February 2021
Subject:	Animal Licensing Fees and Charges
Report of:	Interim Environmental Health Manager
Corporate Lead:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	One

<p>Executive Summary:</p> <p>To review and approve revised charges for animal licensing in accordance with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.</p>
<p>Recommendation:</p> <p>To APPROVE the revised fees and charges for animal licensing under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 as set out in Appendix 1.</p>
<p>Reasons for Recommendation:</p> <p>To ensure the Council's fees and charges are set in accordance with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and the guidance for local authorities which includes the methodology for the setting of fees and charges.</p>

<p>Resource Implications:</p> <p>The Council does not currently employ Officers who are approved under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. Two Officers in Environmental Health carried forward grandfather rights to undertake such inspections which have now expired.</p> <p>There is a need to train at least two Officers to the required qualification standards to ensure ongoing capacity to conduct inspections.</p> <p>The required capacity to carry out inspections and enforcement is equivalent to 0.2 FTE at current levels of registration.</p>
<p>Legal Implications:</p> <p>The legal basis for the setting of fees is contained within the report.</p>
<p>Risk Management Implications:</p> <p>There is a risk that inspections cannot be conducted due to lack of skills and resources.</p> <p>There is a risk that the impacts of COVID-19 will mean that the service is unable to deliver and meet targets.</p>

Performance Management Follow-up:

Reporting will form part of the Licensing Team's Key Performance Indicators.

Environmental Implications:

There are no direct environmental implications.

1.0 INTRODUCTION/BACKGROUND

1.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 require that charges for new and renewal inspections of premises cover both administration and enforcement and must be compliant with relevant financial regulations. This has necessitated a review of the Council's fee structure to ensure compliance.

2.0 THE REVIEW AND NEXT STEPS

2.1 A detailed review has been undertaken taking into account the costs involved with administration and enforcement of the requirements of the legislation, including compliance with the methodology for calculating fees with an initial fee on application and a second fee on issue of the licence.

2.2 In addition, horse riding establishments, dog breeding establishments and animals for performance are required to be inspected by a qualified veterinary officer. This cost is additional to the fees set by local Councils.

2.3 Following this detailed review, the Committee is asked to approve the fees set out at Appendix 1 for implementation on 1 April 2021. The resource implications are as set out under that heading and equate to 0.2 FTE equivalent which will be taken into account as part of the licensing service review.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 None.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 The Council's Corporate Plan.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 As detailed in the report.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 Forms part of the Licensing review.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None

Contact Officer: Interim Environmental Health Manager Tel: 01684 272155
Email: kath.stent@teWKesbury.gov.uk

Appendices: 1 - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 proposed fees and charges

Appendix 1

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Proposed Fees and Charges 2021-2022

Licensable Activity		Application Fee /Renewal Part A	Grant Fee Part B	Re-scoring fee	Additional costs to Applicant(s) and General comments
Selling animals as pets		£173	£105	£131	Vets fees for inspections on initial application and any subsequent renewals are payable in addition to fees at cost
Hiring out Horses		£173	£105	£131	Vets fees for inspections on initial application and any subsequent renewals are payable in addition to fees at cost
Breeding of dogs (less than 10)		£173	£105	£131	Vets fees for inspections on initial application and any subsequent renewals are payable in addition to fees at cost
Breeding of dogs (10+)		£173	£105	£131	Vets fees for inspections on initial application and any subsequent renewals are payable in addition to fees at cost
Animal Boarding (less than 10)	Sub category Home Boarding Day Care Catteries Kennels	£173	£88	£131	
Animal Boarding (10+)	As above	£223	£105	£131	
Exhibiting Animals (3 year licence)		£114	£52	n/a	
Exhibiting animals (visiting)			£62	n/a	
Each additional activity		£88			
Variation of Licence (no inspection)		£19.50			
Variation of Licence (inspection required)		£19.50			
Duplicate Licence		£11			
Franchisor/Arranger (in district)		£100	£69.50		No licensable host families: 12 month licence Licensable host families: length determined by star rating of lowest rated host
Franchisor/Arranger (out of district)			£48		No licensable host families: 12 month licence Licensable host families: length determined by star rating of lowest rated host
Host Family (out of scope)			One off payment £63.50		

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	18 February 2021
Subject:	Mobile Homes Act and Caravan Sites Licensing Policy
Report of:	Interim Environmental Health Manager
Corporate Lead:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

At the meeting of the Licensing Committee on 14 June 2018 it was agreed that consultation on the draft revised Mobile Homes and Caravan Sites Policy 2016-2019 would be deferred pending a review, by the government, of existing legislation. This review has now been completed and the above-mentioned policy updated for Committee approval to commence consultation.

Recommendation:

To APPROVE the draft revised Mobile Homes and Caravan Sites Licensing Policy 2021-24, attached at Appendix 1, for public consultation for a period of 12 weeks commencing on 1 March 2021.

Reasons for Recommendation:

To commence the process towards the Council adopting a Mobile Homes and Caravan Sites Licensing Policy 2021-2024.

Resource Implications:

There are 59 permanent and three combined seasonal and permanent sites registered in the borough. The Policy will require that each site is inspected annually and subject to a charge.

16 Seasonal/holiday/touring sites have not been inspected since the date of registration.

There will be resource implications due to this work not being currently undertaken. Each inspection will require at least one full day depending on the size of the sites equivalent to 0.4 – 0.5 FTE.

Legal Implications:

Councils have granted caravan site licences under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. This Act has now been amended by the Mobile Homes Act 2013.

The Act was introduced in order to provide greater protection to occupiers of residential park homes and caravans, as the existing legislation had not been updated for more than 50 years and was considered inadequate to deal with problems associated with such sites. There have been no further changes since this time.

Risk Management Implications:

There is a risk that inspections cannot be conducted due to lack of resources.

There is a risk that the impacts of COVID-19 will mean that the service is unable to deliver and meet targets.

Performance Management Follow-up:

The outcomes of the consultation will be brought back to Licensing Committee for final approval and recommendation of adoption of the Policy in June 2021.

Environmental Implications:

There are no direct environmental implications.

1.0 INTRODUCTION/BACKGROUND

1.1 At the meeting of the Licensing Committee on 14 June 2018 it was agreed that consultation on the draft revised Mobile Homes and Caravan Sites Policy 2016-2019 would be deferred pending a review, by the government, of existing legislation which concluded as set out below.

2.0 THE REVIEW OF LEGISLATION

2.1 The 2017 review of mobile (park) home legislation published in October 2018 concluded overall that the Mobile Homes Act 2013 had been effective in improving the sector. It also identified further action was needed in some areas including improvement of some administration processes, improved awareness by park home residents of their rights and responsibilities, barriers being faced by local authorities in carrying out enforcement activities and unfair advantage being taken of residents, many of whom are elderly and on low incomes, by some site owners.

2.2 The government response to consultation set out proposals to:

- Improve residents' rights.
- Give local authorities more enforcement powers to tackle rogue site owners.
- Work with the sector to raise awareness.
- Develop and disseminate best practice within local authorities.

2.3 The report also confirmed that the government would commission research to gather relevant data to enable a detailed assessment of the likely impacts of a change to the 10% commission charge on residents and site owners. This has not yet commenced.

3.0 NEXT STEPS

3.1 A review of current legislation and any changes has been undertaken and there have been no substantive changes. Accordingly, an updated Mobile Homes and Caravan Sites Licensing Policy is attached at Appendix 1. The Committee is asked to approve this draft policy for consultation for a period of 12 weeks commencing on 1 March 2021.

3.2 A report will be presented to Licensing Committee in June 2021 on the outcomes of the consultation with a view to recommending to Executive Committee adoption of the policy.

3.3 As set out in the resource implications there would be staffing requirements arising from the policy which would be 0.5fte equivalent. The impacts of this requirement for additional resource will be taken into account during the Licensing Service Review.

4.0 OTHER OPTIONS CONSIDERED

4.1 None.

5.0 CONSULTATION

5.1 As detailed in this report.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 The Council's Corporate Plan.

7.0 RELEVANT GOVERNMENT POLICIES

7.1 The Mobile Homes Act 2013.

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 As identified within the report.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 Forms part of the licensing review.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None.

Background Papers: None

Contact Officer: Interim Environmental Health Manager Tel: 01684 272155
Email: kath.stent@teWKesbury.gov.uk

Appendices: 1 - Mobile Homes and Caravan Site Policy (draft revised) 2021-2024.



(DRAFT)

MOBILE HOMES AND CARAVAN SITES LICENSING POLICY

2021 - 2024

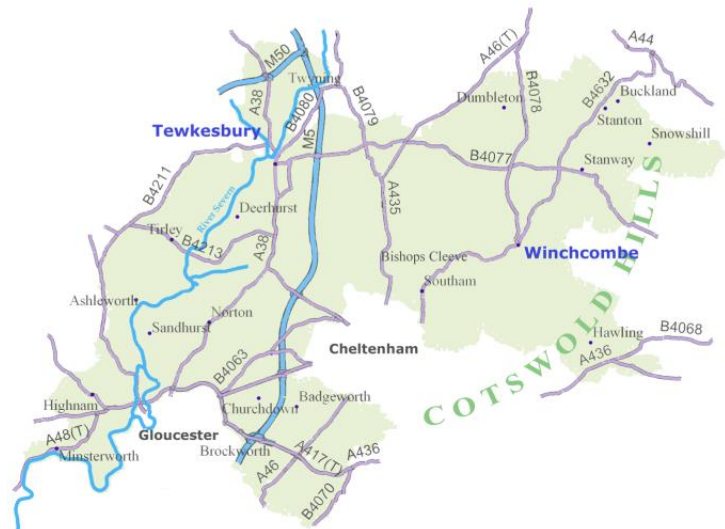
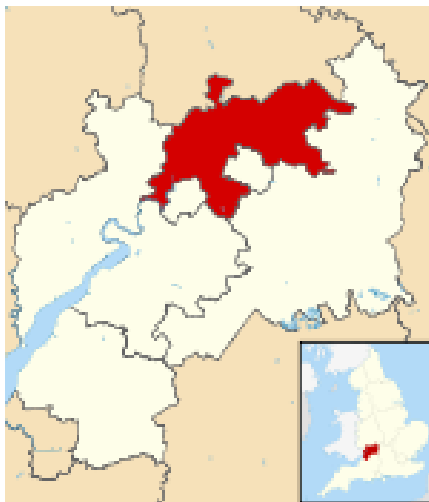
<i>Index</i>	<i>Page Number</i>
<i>Policy</i>	3
<i>Appendix 1 - Schedule of Site Licensing Fees</i>	6
<i>Appendix 2 - Model Standards 2008 for Caravan Sites in England</i>	7
<i>Appendix 3 - Conditions for Permanent Residential Caravan Sites</i>	33

Tewkesbury Borough Council, Council Offices
Gloucester Road, Tewkesbury, Gloucestershire, GL20 5TT

www.tewkesbury.gov.uk/licensing

Overview

1. Tewkesbury Borough Council has the responsibility to regulate mobile homes and caravan sites under the provisions of Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968, Mobile Homes Acts 1983 and 2013. Good quality, well managed sites for mobile homes and caravans provide a valuable source of accommodation for many people. As of 2016, there are there are 80 sites and 1696 residential, touring and seasonal mobile homes in the borough.
2. Tewkesbury Borough covers an area of 160 square miles in north Gloucestershire with a population of approximately 86,000 people. The borough is situated within the Severn vale and stretches south beyond the outskirts of Cheltenham and Gloucester with borders alongside the county of Worcestershire to the north. It occupies the northern gateway into the south west region. The borough is predominantly rural in nature with the largest towns / villages being Tewkesbury, Winchcombe, Bishop's Cleeve and Churchdown.



3. This is the Council's policy for all licensed sites for Mobile Homes and Caravans in the administrative area of Tewkesbury Borough. The framework for developing local policies is set out in relevant legislation; Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968, Mobile Homes Acts 1983 and 2013.
4. This Policy applies to any caravan site which falls within the scope of the Caravan Sites and Control of Development Act 1960. This means any site where caravans are stationed, whether for residential or holiday use. This Policy sets out how we will carry out statutory responsibilities for caravan site inspection, licensing and enforcement. This policy makes provisions for:
 - a) A register of all residential sites whose rules are deposited with the Council
 - b) A site licensing procedure (including a register of sites, to be made available on the Council's website)
 - c) Determination and review of site licensing fees and enforcement charges.
 - d) Implementation of Model Standards (including the updating of site licence conditions to reflect the Model Standards where necessary)
5. This policy seeks to:
 - a) Clarify the standards to be met by owners of caravan sites within the borough.
 - b) Provide advice and assistance to occupiers of mobile homes and caravans to ensure that they are able to live in safe and healthy homes.
 - c) Ensure that enforcement action is effective and proportionate.

Definition

6. A caravan is defined as “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted”.
7. This definition excludes any railway rolling stock which is for the time being on rails forming part of a railway system, or any tent. The definition (as amended by the Caravan Sites Act 1968) includes a twin-unit caravan provided that:
 - a) it is composed of not more than two sections separately constructed and designed to be assembled on site by means of bolts, clamps or other devices and;
 - b) (when disassembled) it is physically capable of being moved by road from one place to another - whether by being towed or by being transported on a motor vehicle or trailer. Provided also that (when assembled):
 - a) Its length (exclusive of drawbar) does not exceed 60 feet (18.288m);
 - b) Its width does not exceed 20 feet (6.096m); and
 - c) The overall height of the living accommodation (measured internally from the floor to the lowest part of the ceiling at the highest level) does not exceed 10 feet (3.048m).

Site Licensing, Inspections and Enforcement

8. Many sites in the borough are used exclusively for holiday purposes, which takes them outside the definition of Relevant Protected Sites set out in the Mobile Homes Act 2013. Nevertheless, they still require a licence.
9. Sites which include a mix of residential and holiday uses are regarded as Relevant Protected Sites for the purposes of that Act.
10. No licensing work will be carried out until an application is made in writing, and the relevant fee has been paid in full.
11. The Mobile Homes Act 2013 (which came into force on the 1st April 2014) amended the Caravan Sites and Control of Development Act 1960. Part 1 of the Act includes a power for Local Authorities to charge fees for their licensing function in respect of Relevant Protected Sites (typically known as residential parks, mobile home parks and gypsy and traveller sites). This power also applies to the residential parts of sites with mixed holiday and residential uses. Fees are set on a cost recovery basis, and will be reviewed every three years and amended if necessary to reflect the actual costs of site licencing incurred by the Council. Costs of enforcing site licence conditions (where applicable) are recoverable in respect of all licensed sites. Fees are set out in Appendix 1 of this policy.
12. The owner of any caravan site which falls within the scope of the Caravan Sites and Control of Development Act 1960 is required to apply for a licence, unless exempted from these provisions of the Act. No licensing work will commence until the relevant fee is paid.
13. Sites managed by the following organisations are exempt from licensing:
 - a) Local authorities
 - b) The Caravan Club
 - c) The Camping Club of Great Britain and Ireland
 - d) The Boy Scouts Association
 - e) The Girl Guides Association

f) The Motor Caravanner's Club and other organisations may apply for a certificate of exemption from by the Secretary of State.

14. On receipt of a valid application together with the relevant fee, we will notify the applicant and make an appointment for a site visit.
15. We will make a decision either to licence the site, or to refuse a licence, within 6 weeks of receipt of a duly made application. Where a licence is refused, the applicant will be advised of the reasons for refusal, and their right of appeal.
16. We cannot license a site unless planning permission has been granted. The relevant officer will consult with the Planning Authority to confirm that the site has planning permission for the relevant use, and will then visit the site to confirm the details of the licence (if any), to assess compliance with any existing licence conditions, and to determine whether new conditions are appropriate, before drafting and issuing a new licence.
17. Applications made after the effective date of the relevant regulations (expected in 2017) must demonstrate that the proposed manager is a fit and proper person; and details of the approved manager will be recorded in the Council's site register.
18. Licensable caravan and mobile home sites will be identified through Council records, housing surveys and from local information. The details of these sites will be added to the Council's database. Where an inspection is undertaken under the provisions of the 1960 Act, notification of any required improvements will be issued to the owner or person responsible.
19. Where an application is received for licensing of a caravan site which lacks planning permission, the Planning Enforcement team will take the lead. The appropriate enforcement action will be determined according to the facts of each case. A caravan site licence for the land will not be issued until planning permission (or a Certificate of Lawful Existing Use) is granted.
20. An initial inspection is required for the purpose of granting a licence. A further inspection will take place within 6 months of the granting of any site licence. Following re-inspection, a risk assessment will be undertaken.
21. We will also carry out scheduled inspections of all licensed sites in accordance with their assessed level of risk, without notice, and will advise site owners of any actions required by the site owner to ensure compliance with the site licence conditions.
22. All sites will be risk rated (High, Medium or Low risk) based on the relevant officer's assessment, and taking into account any complaints received, any contraventions of licence conditions, and the quality of site management.
23. Sites categorised as High risk will be those where there is evidence of poor site management and/or complaints from occupiers/neighbours and/or contraventions of licence conditions. High risk sites will be re-inspected every 6 months until the relevant officer's concerns have been addressed. They will then be re-designated Medium or Low risk, as deemed appropriate.
24. Medium risk sites will be those able to evidence satisfactory site management and considered generally satisfactory by the relevant officer. They will be re-inspected every 2 years. If a re-inspection indicates that the management of the site and/or site conditions and compliance with standards have improved, then the site may be re-designated as Low risk. However, if substantiated complaints are received during this period, or if standards decline further, they may be re-designated as High risk, and enforcement action may become necessary.

25. Low risk sites will be those which have good management and good site conditions and will be inspected every 3 years, subject to the same reservations set out above.
26. The Council's responsibility for the licensing of caravan sites includes the application and enforcement of appropriate conditions. The specific purposes for which conditions can be applied are set out in Section 5 of the Caravan Sites and Control of Development Act 1960. Site licence conditions may be determined with reference to national Model Standards. The Council has a power to update site licence conditions in line with Model Standards as modified from time to time by the Government. The aim of such standards is to promote the safety and welfare of the residents. The applicable Model Standards were issued in 1983 (touring sites) 1989 (holiday sites) and 2008 (Residential Sites).
27. On 27 November 2008, the Council adopted model standards (Appendix 2) for residential caravan sites and approved the standard conditions for residential caravan site licences (Appendix 3). The Council also authorised officers to take steps to impose the new conditions, if approved, on some or all existing licensed residential caravan sites, particularly those at risk of flooding.
28. In line with emerging good practice, sites with only one unit or those accommodating only one family will be exempt from annual inspections and the accompanying charges. If enforcement action becomes necessary, an enforcement charge will be payable in accordance with this Policy.
29. Fees are set on a cost recovery basis and will be reviewed and published every three years. Fees are detailed in Appendix 1.
30. The main focus of enforcement activity will be informal advice and education, including the provision of information in leaflets, on the website and directly by telephone or in person. Formal enforcement action will be taken under the relevant legislation only when informal action has failed to secure an acceptable improvement in standards or compliance with licence conditions.
31. As part of the legislative changes introduced by the Mobile Homes Act 2013, Local Authorities now have additional enforcement tools to address breaches of site licence conditions. We may serve a compliance notice, which must be accompanied by a detailed breakdown of the relevant expenses.
32. Enforcement charges will be based on an hourly rate reflecting the costs of enforcement, plus any additional costs incurred (e.g. legal costs). Site owners may not pass on Enforcement charges to residents in their pitch fees.
33. If any works required by the compliance notice are not carried out the licence holder commits an offence, and the Council may consider taking legal proceedings. The award of costs associated with this process will be at the discretion of the court.

Annex 1

Schedule of Site Licensing Fees

Fee Type	Amount
New Application Fee	
Band A – 1 caravan/family (new application)	Band A – exempt
Band B – 2 to 5 caravans (new application)	Band B - £125
Band C – 6 to 20 caravans (new application)	Band C - £175
Band D – over 20 caravans (new application)	Band D - £250
Annual Fee	
Band A – 1 caravan/family	Band A – exempt
Band B – 2 to 5 caravans	Band B - £125
Band C – 6 to 20 caravans	Band C - £175
Band D – over 20 caravans	Band D - £250
Other Fee	
Compliance Notice Fee (per notice issued)	Recharge = staff time @ £25 per hour + 10% admin charge
Other enforcement action	Recharge = staff time @ £25 per hour + 10% admin charge
Variation of site licence	£200
Transfer of site licence	£75
Deposit of site rules	£50

Annex 2



Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 – Section 5

April 2008

Department for Communities and Local Government: London

Introduction

1. Under section 5(6) of the Caravan Sites and Control of Development Act 1960 (the Act) the Secretary of State may from time to time specify model standards with respect to the lay-out and the provision of facilities, services and equipment for caravan sites or particular types of caravan site; and that, in deciding what (if any) conditions to attach to a site licence, the local authority shall have regard to any standards so specified.
2. These standards only apply to those sites which contain caravans that are used as permanent residential units. They do not apply to sites used exclusively for holidays or touring caravan sites (for which separate model standards have been issued). The standards also do not apply to sites occupied by gypsies or travellers or caravan sites which house agricultural workers.
3. These standards should be considered when applying licence conditions to new sites and sites that have been substantially redeveloped. In considering variations to existing site licences or applications for new site licences for existing sites local authorities should consider whether it is appropriate for these standards to apply. In relation to variation of a licence the local authority must consult the site licence holder on its proposed variations and may wish to consult with residents or a Residents' Association, where appropriate. Where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site. In deciding whether to apply a new standard the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition).
4. The model standards represent those standards normally to be expected as a matter of good practice on caravan sites. They should be applied with due regard to the particular circumstances of the relevant site, including its physical character, any relevant services, facilities or other amenities that are available within or in the locality of the site and other applicable conditions.
5. The annex to this document provides advice on the application and enforcement of the model standards when considering attaching conditions to licences.

6. In the model standards any references to “site” includes a park home site (including a mobile home site) and to “caravan” includes a mobile or park home.
7. This document should be referred to as Model Standards 2008 for Caravan Sites in England.

Previous Standards

8. The 2008 Standards replace the document “Model Standards 1989: Permanent Residential Mobile Homes Sites”. When issuing any new licences or reviewing current ones the local authority must have regard to the 2008 Standards in setting or varying any of the conditions attached.

THE STANDARDS

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.

(b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or

on the home.

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
 - (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
 - (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
 - (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
 - (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
 - (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- (v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.
- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.

(viii) Roads shall be maintained in a good condition.

(ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

- (i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.
- (ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

6. Bases

- (i) Every unit must stand on a concrete base or hard-standing.
- (ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.
- (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- (iv) Trees within the site shall (subject to the necessary consents) be maintained.
- (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

8. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

9. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

10. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.
- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

11. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

12. Domestic Refuse Storage & Disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

13. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

14. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

15. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

16. Flooding

- (i) The site owner shall consult with the Environment Agency and Tewkesbury Borough Council's Flood Risk Engineer to establish whether the site is at risk from flooding.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this paragraph only apply if the site is **not** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

- (ix) A record shall be kept of all testing and remedial action taken.
- (x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

- (xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

- I. Ensure the caravan or site building involved is evacuated.
- II. Raise the alarm.
- III. Call the fire brigade (the nearest phone is sited at).”

TEWKESBURY BOROUGH COUNCIL

Annex to Model Standards 2008 for Caravan Sites in England: Explanatory Notes

Preface

1. These explanatory notes are designed to be read in conjunction with Model Standards 2008 for Caravan Sites in England (“the Standards”) and are intended to offer guidance on the application and enforcement of the standards for local authorities.
2. The standards are a revision and modernisation of the 1989 standards, incorporating a number of new requirements, particularly in relation to maintenance of sites and flood protection measures, other standards have been modified and the standard relating to telephones has been deleted. The standards also take account of the effect of the Regulatory Reform (Fire Safety) Order 2005.
3. These standards do not apply to sites used exclusively for siting holiday or touring caravans. However, the standards apply to holiday sites containing permanent residential caravans (except those holiday sites where the only permanent residents are the site owner and members of his family and/ or his employees who are employed on the site and occupy the caravan pursuant to their contract of employment). The standards should be applied with due regard to the particular circumstance of the site to which they are intended to apply, including its physical characteristics, size, density, layout, amenities and services. See also paragraph 3 of the Standards document for further advice on the application of the standards.
4. In this document the term “site owner” is referred to throughout, as normally that person would be the licence holder.

Legal background

5. The use of land as caravan sites is controlled by relevant planning legislation, whereas the physical standards and layout, amenities and other standards are controlled by a site licence issued under the Caravan Sites and Control of Development Act 1960 (“the Act”). Section 5 of the Act enables local authorities to set licence conditions.
6. Under the Act, most privately owned sites must be licensed by the local authority, unless exempted under the Act¹. A licence will be granted unless the applicant does not have relevant planning permission to operate the site or has had a licence revoked in the last three years.²

¹ Section 2 and Schedule 1 to the Act set out in which circumstances a site licence is not required.

² Section 3 (4) and (6).

7. The local authority may attach conditions to the licence, but these can only relate to the physical use of the site and its management³. The Secretary of State may issue Model Standards which the local authority must have regard to in deciding what conditions to attach to a licence⁴. The authority may from time to time alter a site licence condition (either of its own volition or upon the application of the licence holder)⁵.
8. A licence holder may appeal against the imposition of a condition in a licence or any proposed alteration to a condition or a refusal to alter a condition⁶.
9. It is an offence to breach a licence condition and on summary conviction the offender can currently be fined up to £2,500⁷. Where a condition requires works to the site to be carried out and these are not done either within the time specified or to satisfaction of the local authority, the authority may carry out the works itself and recover from the licence holder any expenses it has reasonably incurred in doing so⁸.
10. The local authority may apply to the court to have a licence revoked if the licence holder has been convicted on two or more occasions of breaches of licence conditions⁹.
11. The local authority is required, under Section 25 of the Act, to maintain an accurate register of the site licences in their area. Given the number of different types of sites that local authorities may deal with, it is recommended that the register shows what type of site each is, be it holiday, residential, mixed use or gypsy and traveller. It is recommended as a minimum the information the site register has is:
 - Name and address of site (if available the Geographic Information Service mapping code should also be logged)
 - Name of the licence holder, the site owner (if different) and any person managing the site on behalf of either of those persons
 - Type of site
 - The number of pitches
 - The licence conditions (if any)

³ Section 5 (1) to (5). For restriction see *Mixnam's Properties v Chertsey UDC* A.C. 735.

⁴ Section 5 (6).

⁵ Section 8.

⁶ Sections 7 and 8 (2).

⁷ Section 9 (1). The maximum penalty on summary conviction is a fine not exceeding level 4 on the standard scale.

⁸ Section 9 (3).

⁹ Section 9 (2).

MODEL STANDARDS – EXPLANATORY NOTES

Introduction

12. The Model Standards 2008 for Caravan Sites in England have been made under powers conferred on the Secretary of State under section 5(6) of the Caravan Sites & Control of Development Act 1960 (the Act). A local authority must have regard to the standards when it imposes conditions in a site licence.
13. The standards do not apply to sites used solely for caravan holiday homes (although they do apply to mixed residential/ holiday sites), touring caravans or to sites occupied by gypsies and travellers or agricultural workers. The standards as laid out represent what would normally be expected as a matter of good practice on such sites. They should be applied with due regard to the particular circumstances of each case, including the physical character of the site, any facilities or services that may already be available within convenient reach and other local conditions.
14. The local authority must apply the Model Standards with regard to the particular characteristics of the site to which they are intended to apply, and in particular its existing layout and size. It is recognised that not all sites will easily be able to meet the Model Standards in every case due to their particular characteristics, but a local authority will need to be able to justify any decision not to have regard to a standard in setting a licence condition.
15. The standards are not intended to be the “ideal”; local authorities may in the circumstances set more demanding ones if that can be justified.
16. There will be some licence conditions which require inter and cross agency input and advice from other teams within the local authority and outside organisations, such as the Health and Safety Executive, the local Fire and Rescue Service and the Environment Agency. It is important for all parties concerned with sites that effective lines of communication are established to ensure that any problems are identified and resolved as early as possible.
17. Disability Discrimination legislation applies to sites and this should be borne in mind when framing licence conditions and considering possible enforcement action. Guidance can be found at www.dwp.gov.uk and this can also help local authorities in their consideration of licence conditions. Further guidance can also be found on the Equality and Rights Commission website at www.equalityhumanrights.com .

Enforcement

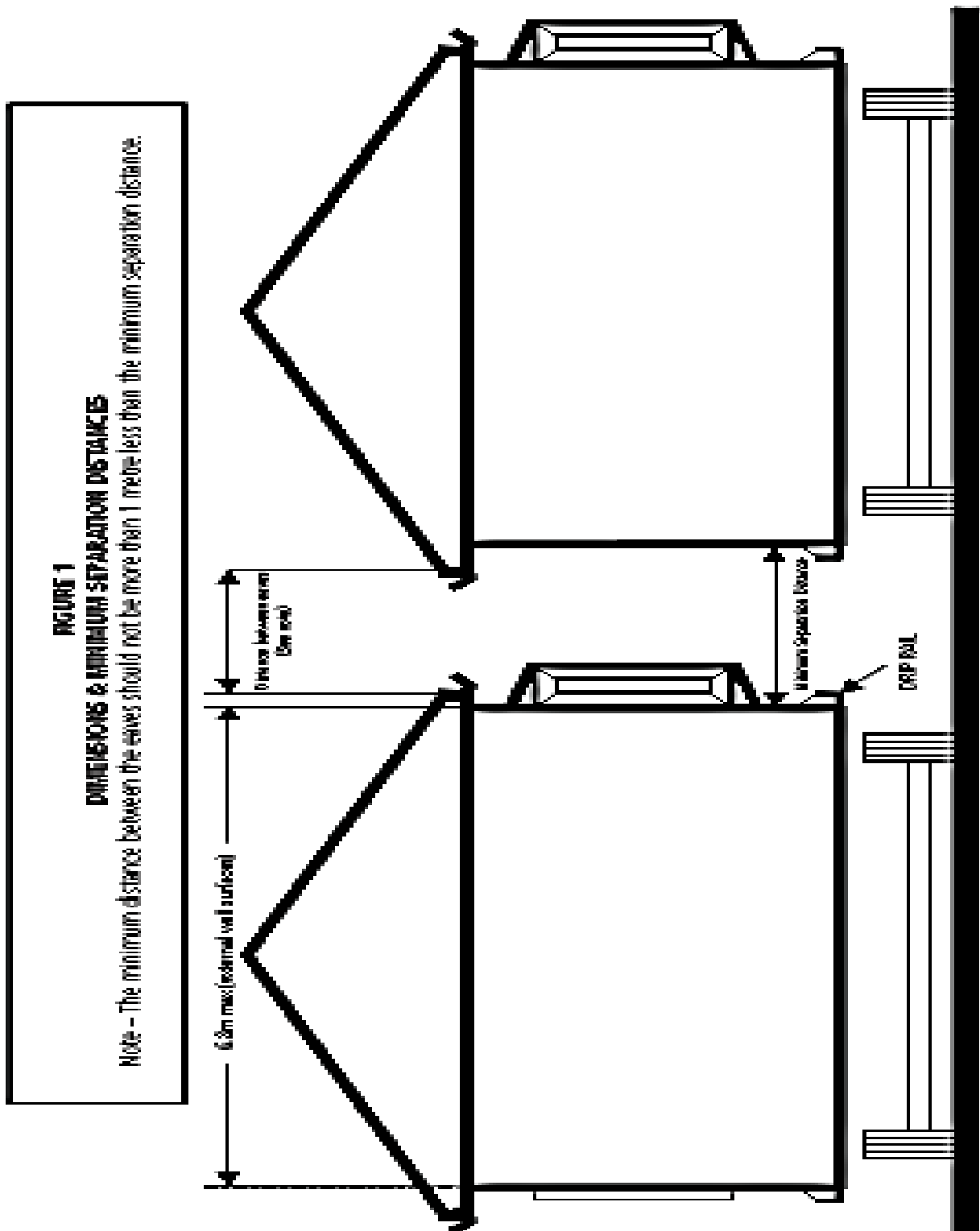
18. Any decision to enforce a licence condition should be taken in line with the Compliance Code (ISBN: 978-0-85605-712-0) which came into force in April 2008, for which comprehensive guidance is available on the Department for Business, Enterprise and Regulatory Reform website, www.bre.berr.gov.uk .
19. Local authorities should allow a reasonable period of time after any site licence alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.
20. When considering taking enforcement action local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution.

The Boundaries and Plan of the Site

21. The boundary should clearly define the limit of the site owner's responsibility. The boundary should be suitably marked and properly maintained. This boundary could be formed of a fence, hedge, wall or natural feature or any other suitable structure (or any combination of these) or it may in whole, or part, be formed by an appropriate natural feature, such as a river or a wood. It would not normally be appropriate for that natural feature to simply include an open field.
22. Plans of the site shall be provided to the local authority at the site owners' expense.
23. It is best practice for copies of the plan to be made available to the emergency services.
24. The 3 metre separation distance inside the boundary serves the purpose of ensuring privacy from whatever is on the other side of the boundary, such as a road, and other developments, such as houses etc.
25. The 3 metre separation distance measurement should be taken from the caravan wall.

Density, Spacing and Parking Between Caravans

26. The 6 metre separation distance is required for two reasons:
- Health and safety considerations; and
 - Privacy from neighbouring caravans.
27. A diagram explaining the separation distances is attached below.



28. If a caravan has been fitted with cladding from class 1 fire rated materials, then the distance between units may be reduced. However, there is a need for the privacy of residents to be taken into consideration. Health and safety matters, such as the positioning of gas bottles, etc. will also need to be taken into account.
29. For the purposes of calculating the distance between the caravans, the point from which measurements are taken is the exterior cladding of the relevant caravan. Eaves, drainpipes, gutters, sills, threshold, door canopies and bay windows should be discounted.
30. Porches should not render the home incapable of being moved, which means they should be demountable.
31. If structures, other than garages, are on pitches within the separation distance and are of a combustible construction, then the local authority should consider allowing sufficient time for them to be replaced with an acceptable non combustible model.
32. At no time should a garage constructed of combustible material be allowed in the separation distance.

Enforcement

33. In considering the enforcement of the separation distance the local authority should consult with the local Fire and Rescue Service. It should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
34. Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.

Roads Gateways and Overhead Cables

35. Roads should be constructed of bitumen macadam or concrete with suitable compacted base. However, sites with roads constructed of tarmacadam (which is now obsolete and no longer commercially available) should not be required to automatically upgrade their roads. The roads should only be required to be upgraded as and when they begin to fall into disrepair.

- 36.** Some larger sites may have traffic calming measures such as speed humps on their roads. Though not specifically covered in this standard, it will be worth ensuring that any legal requirements applying to un-adopted roads are met. Guidance and assistance can be found on the Department for Transport website, www.dft.gov.uk .
- 37.** Gateways, roads and turnings should have enough clearance to allow safe entry for emergency vehicles and new units on lorries. The widths and heights given are based on the maximum sizes of emergency vehicles that may regularly attend incidents on sites.
- 38.** In determining the permitted height of cable overhangs the local authority must take into account the current statutory requirements. Those applying as at the date of this guidance are found in the Electricity Safety Quality and Continuity Regulations 2002 SI 2002/2665 (ESQCR). These regulations provide that, in general, cables should not overhang a road at a height of less than 5.8 metres. In the case of fully insulated overhead conductors the ground clearance is 3.8 metres. There are a number of exceptions where:
- The overhead line follows a route along a hedgerow, fences, boundary walls or similar features. The minimum clearance in these circumstances is 4 metres.
 - If it crosses a driveway with an access width of no more than 2.5 metres (and the driveway is defined by gateposts or similar features), the minimum clearance is 4.3 metres.
- Further advice on minimum clearances is available from the Health and Safety Executive.
- 39.** It is good practice that all overhead lines on sites should be fully insulated and where a cable is in within easy reach of a property; it must be so and protected from interference.
- 40.** The authority should require the site owner to comply with regulation 3 of the ESQCR and in considering any enforcement action in relation to cables must consult with the HSE.

Footpaths and Pavements

- 41.** Communal path widths should normally be 0.9 metres in respect of new sites or sites that are undergoing substantial redevelopment (including expansion to part of the site); otherwise paths of not less than 0.75 metres should be accepted where they already exist.

Lighting

42. The lighting provided for communal paths and roads should be adequate to allow safe movement around the site during the hours of darkness. Many sites use low lighters rather than traditional street lamps and these work well as long as they are well maintained and plants/vegetation are not allowed to grow around them and stop them emitting light effectively. The lighting must be fit for purpose i.e. to allow vehicles and pedestrians to navigate around the site between dusk and dawn.

Bases

43. It is important to note that the construction, maintenance and repair of the concrete base are the responsibility of the site owner. New bases should be laid as a minimum in accordance with the current industry guidelines issued by the National Park Homes Council and the British Holiday and Home Parks Association. The Industry's current standard for the bases provides:

“A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006¹⁰) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary.”

44. Particular attention should be paid to the terrain of the site before a base is laid, which may mean a thicker base is needed. The base should be sufficient to handle the load placed upon it by the caravan and its contents.

Enforcement

45. When considering any enforcement action, the authority should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
46. Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.
47. Where a caravan has to be removed in order to facilitate works to the base the authority should normally, if it is feasible and if it is the resident's wish, require the site owner to reinstate, at his own expense, the caravan on the original pitch on completion of the works.

¹⁰ Copies of the Standard can be obtained from the British Standards Institute.

Maintenance of Common Areas, including Grass, Vegetation and Trees

48. Cut grass and vegetation should be removed from the site as soon as practicable. Bonfires should not be used as a means of disposal. Vegetation is often used for sight screening but should be kept at a reasonable height.
49. Trees on the site will normally be the responsibility of the site owner. Where trees are in need of care and maintenance the local authority should, before any action is taken, liaise with the officer responsible for trees at the authority to ensure that all statutory and other requirements are complied with.
50. The common parts of the site (including roads, paths and pavements) must be kept free of any rubbish and maintained in a clean and tidy condition. The local authority may wish to consider whether appropriate receptacles for litter need to be provided in such areas. In any case the site owner should be required to make arrangement for the regular collection of routine rubbish from the site. He should also be required to make arrangements for the prompt disposal of waste and other materials which accumulate on the site during any works etc. Secure non combustible facilities should be provided on the site for the proper storage of rubbish and waste prior to its removal and disposal off the site.

Supply and Storage of Gas etc

51. The HSE website, www.hse.gov.uk, provides details and information about the various legislative requirements and contacts if further information is needed. In addition the trade body for LPG suppliers, [uklpg](http://uklpg.com), www.lpga.co.uk, also has information which may be of use.
52. Anyone being employed by a site owner to carry out work on gas (including natural gas) or oil installations should be suitably qualified to do the work. The HSE pages contain details of some of the schemes. The Communities and Local Government website contains details of various certification schemes which may apply. The details of these schemes can be found at www.communities.gov.uk .

Enforcement

53. In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.

54. Local authority officials who identify areas of concern on sites should always consult the HSE about the problem(s).
55. All new installations must be to the current regulations and maintained at that standard.

Electrical Installations

56. The electrical installations on the site will be a distributor's network either belonging to the local regional electricity network operator or the owner of the site. The HSE website: www.hse.gov.uk contains information on the electricity legislation which may well apply to the site and can provide further information if needed.
57. A suitably qualified person for the purpose of carrying out work on electrical installations and appliances, including maintenance and inspections, includes a professionally qualified electrical engineer, a member of the Electrical Contractors Association, a contractor approved by the National Inspection Council for Electrical Installations Contracting, or a qualified person acting on behalf of the above.
58. It may be necessary to ensure the electricity distribution network complies with ESQCR, in which case such work should only be undertaken by a competent person familiar with those Regulations.
59. All new installations must meet the requirements of the current regulations and maintained at that standard.

Enforcement

60. In considering whether to take enforcement action for a breach of site licence conditions, officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.
61. Local authority officials who identify significant areas of concern with site electrical networks and installations should always consult the HSE about the problem(s).

Water Supply

62. OFWAT lay down service standards for the water suppliers and details can be found on their website at www.ofwat.gov.uk . In addition there are various schemes for suitably qualified persons and authorities should check to see those undertaking works are qualified. The main scheme is run by NIC certification and details can be found about the scheme at www.niccertification.com .

Enforcement

63. With the majority of well established sites, enforcement of this section will need to be carefully handled, as most sites will have long established water systems. As with gas and electricity above, there may be a case for dual enforcement if an offence is identified. Consultation with the Environment Agency and the local water company is essential.
64. As with the previous sections, local authority officers who identify an issue with water supply on a particular site may wish to advise the Environment Agency, and the local water company of the problem.
65. All new installations must be to the current regulations and maintained at the appropriate standard.

Drainage and Sanitation

66. As with water supplies, provision of sewerage facilities is overseen by OFWAT and codes of practice are in place.
67. It is important that all drains and sewers are well maintained and are connected to the appropriate system. If left unchecked, there can be consequences for the health of residents, along with those who live near the site.
68. It should be noted that the environmental quality of drainage is regulated by the Environment Agency, with whom the local authority must consult about any problems.

Enforcement

69. In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Environment Agency to ensure any action taken by the authority is not in conflict with any action the Agency are proposing to take.

- 70. Local authority officials who identify areas of concern on sites should alert the Environment Agency and the local water company to the possible defects.
- 71. All new installations must be to the current regulations and maintained at that standard.

Domestic Refuse Storage and Disposal

- 72. If communal bins are provided they should be of a type that is non-combustible and stored properly. Liaison with colleagues who deal with refuse collection matters will help in ensuring that the bins provided by the site owner (in the case of communal bins) are acceptable to the local authority in pursuance of its collection of rubbish from them.
- 73. The site owner should be required to discuss with the local authority arrangements for the separation of waste for the purpose of recycling it, and require him to provide the necessary receptacles etc on the site.

Communal Vehicular Parking

- 74. Parking needs will vary considerably between individual parks. Parking requirements should reflect the reasonable needs of the residents, having regard to the size and layout of the site, the number of units, the occupation criteria of the site and the availability of public transport in the immediate vicinity.
- 75. Provision of parking spaces on new sites or those undergoing redevelopment or extension should be consistent with local planning policies.

Communal Recreation Space

- 76. This standard should only be applied if the local authority is satisfied that it is both practicable to provide recreation space on the site and there is insufficient recreation space off the site in the near locality.
- 77. It will only be practicable to provide such space on the site if there is sufficient open space which is available and it is possible to safely use that space for recreation. The standard requires the local authority to consider the need for recreation space; it does not require it to consider the need for recreation facilities, although the local authority may consider that need as part of a licence condition. The larger the site the more recreation space or spaces may

be needed. On small sites there may be no need for space at all. In deciding whether it is practicable to provide the space the authority should also consider the site layout, the availability of private open spaces (e.g. within the pitch), the availability of other amenities on the site (e.g. club houses) and the age and number of residents on the site.

- 78.** On site recreation space may be considered unnecessary if there is sufficient suitable space available off site within close (walking) distance of it. The space must, however, be freely accessible by the public, such as a municipal park, commons land, and greens or any part of the countryside to which the public have a right to walk.

Notices and Information

- 79.** It is important that all notices are protected from the weather and are prominently displayed, either on a board, in an office open to the public, or other places on the site which the residents have free and reasonable access to.
- 80.** The notices must include the most recent site licence, and the contact details of the site manager, and if different the licence holder. This should include an out of hours contact number for emergencies, and if available an e-mail address.
- 81.** The site owner is also required to make available certain information for inspection by residents in a prominent position on the site. That could be the site office provided it is open at reasonable times, a community room which every resident was entitled to use and which is also open at reasonable sites or a notice board located at the entrance to or in a central part of the site.

Flooding

- 82.** It is important that if a site is in an area susceptible to flooding, procedures are in place to ensure that all those on the site are alerted quickly, and that they are aware of any evacuation procedures that may be in place. A notice should be prominently displayed with all relevant information.

83. The site should be included in any local authority flood evacuation plan.
84. Advice on flood risks is available from the Environment Agency website:
www.environment-agency.gov.uk
85. It is important in those parts of the country where flooding is an issue that local authorities have effective liaison with the Environment Agency office for their area, as well as relevant officials across their own local authority. Local water companies should also be contacted.

Fire Safety Measures

86. The Regulatory Reform (Fire Safety) Order 2005 (the Order) applies to caravan sites. The Order disapplies some fire related standards that may be in current site licensing conditions. It applies to all non domestic premises in England and Wales, including certain types of caravan sites:
 - all sites with common or shared parts; and
 - individual caravans which are holiday-let type i.e. they are rented out
87. On such sites the local authority should advise the 'responsible person', who will be the licence holder of his duty under that Order to undertake a fire risk assessment and decide what prevention and protection arrangements are appropriate and adequate to mitigate the identified risks.
88. However, there are some sites around the country which do not fall under the Order. These may include single unit sites and those sites which are occupied by single family groups.
89. Where the Order applies the authority should satisfy itself that the site owner is aware of, and complying with, his obligations under it, in particular that a fire risk assessment has been carried out. In this regard the local authority should seek the advice of the local Fire and Rescue Service who are the main enforcers of the Order.
90. The Communities and Local Government website:
www.communities.gov.uk contains a range of helpful information on fire safety and the requirements of the Fire Safety Order. This includes links to technical guides for specific types of accommodation, including one for sleeping accommodation.

91. The Fire and Rescue Service has a duty to provide fire safety advice to those who ask for it, although it will not carry out risk assessments.
92. In applying any standards relating to fire safety measures where the Order does not apply, the local authority must consult the local Fire and Rescue Service.

Fire Fighting Equipment

93. The Guidance under the remaining sections only applies to sites to which the Order does not apply; however these standards will provide a useful benchmark of the sort of preventative and protective measures that may be necessary following completion of a fire risk assessment.
94. The siting of the fire points should be so that they are visible at all times, and marked in a way that makes it obvious as to what they are. They will need to be kept clear of any obstructions at all times should they be needed in the event that a fire breaks out.
95. Fire Points are the places on sites where fire fighting equipment is stored, ready for use by anyone in the event of an emergency.
96. If hosepipes are provided, they should be of the relevant British and European Standards¹¹, and positioned in such a way that they are easily attachable to the mains water supply, if not permanently attached. Any valves connecting the hose to the water supply should be easily accessible. The hose reel should be well maintained and in good working order.
97. Any hydrants provided on the site should be kept clear of any obstruction in the event that they need to be used. The positioning of mains connected hydrants is the responsibility of the local water company, and any queries as to whether a site has a hydrant should be directed to them. The positioning of the hydrants should be recorded on the site map, which will assist the emergency service in locating them in the event of an emergency.
98. Fire Extinguishers should only be used if there is not enough water pressure for a hose reel. Where provided, extinguishers should comply with the current British or European Standard.

¹¹ Details of relevant British Standards can be found at www.communities.gov.uk

99. A water tank with buckets and a pump should not be the main means of fighting fire for the following reasons:

- Pumps and buckets are likely to be vandalised or stolen.
- Pumps and buckets are inadequate for fighting a fire.
- A water storage tank should be securely covered to prevent it becoming a health or safety hazard.

Fire Warning

100. The means of raising the alarm in the event of a fire should be appropriate to the size and layout of the site. If you are unsure of which form of raising the alarm is the most suitable to the site, then contact the local Fire and Rescue Service, who will be able to advise you.

Maintenance and Testing of Fire Fighting Equipment

101. It is important that all fire warning systems and fire fighting equipment are regularly inspected and maintained. The suggestion is that these checks should be carried out on an annual basis. All testing and maintenance should be carried out by a person suitably qualified to do the work. Records should be kept of any testing and when the most recent inspections were carried out. The record of all tests and inspections should be kept on the site for inspection.

Fire Notices

102. The fire action notice should be displayed on a notice board, and at other suitable points around the site. The full address of the site, including the postcode should be included.

Enforcement

103. The main enforcer for the Order is the Fire and Rescue Service.

Appendix 3

Conditions for Permanent Residential Caravan Sites

1. Number of Caravans

- (i) Subject to the provisions of Condition 3, the total number of caravans which shall be stationed on the site shall not at any one time exceed *.

2. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.

(b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

3. Density, Spacing and Parking between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
 - (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
 - (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
 - (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
 - (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
 - (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- (v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

4. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.
- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.

(viii) Roads shall be maintained in a good condition.

(ix) Cable overhangs must meet the statutory requirements.

5. Footpaths and Pavements

(i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.

(ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

6. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

7. Bases

(i) Every unit must stand on a concrete base or hard-standing.

(ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

8. Maintenance of Common Areas, including Grass, Vegetation and Trees

(i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.

(ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.

(iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.

(iv) Trees within the site shall (subject to the necessary consents) be maintained.

(v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

9. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

10. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

11. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform to current legislation and British or European Standards.
- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

12. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

13. Domestic Refuse Storage & Disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

14. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

15. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

16. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

17. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

18. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

19. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this paragraph only apply if the site is **not** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

- (ix) A record shall be kept of all testing and remedial action taken.
- (x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

- (xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

- I. Ensure the caravan or site building involved is evacuated.
- II. Raise the alarm.
- III. Call the fire brigade (the nearest phone is sited at).”

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	18 February 2021
Subject:	Taxi and Private Hire and Countywide Convictions Policy
Report of:	Interim Environmental Health Manager
Corporate Lead:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Two

<p>Executive Summary:</p> <p>To advise the Committee on proposals to consult on changes to the Taxi and Private Hire Policy and Countywide Convictions Policy.</p>
<p>Recommendation:</p> <p>To AGREE that the Borough’s Taxi and Private Hire Policy and the Countywide Convictions Policy be consulted upon for a period of 12 weeks commencing on 13 April 2021 as set out in Paragraph 2.5 of the report.</p>
<p>Reasons for Recommendation:</p> <p>The Council’s Taxi and Private Hire Policy was reviewed in 2019 and consultation undertaken. This Policy review was not implemented. Countywide, the Licensing Group has considered the implications from the Department for Transport (DfT) statutory guidance requiring common standards and has developed a new policy for adoption. It is recommended that both policies are combined for the purposes of consultation.</p>

<p>Resource Implications:</p> <p>None specifically related to this report.</p>
<p>Legal Implications:</p> <p>Whilst there is no legal duty specifically placed on the Council to consult with respect to this type of policy, it is good practice to do so and is in line with guidance.</p> <p>The Policy could be challenged by Judicial Review, but as the Council’s decision-making process is believed to be lawful, a challenge is considered to be unlikely.</p>
<p>Risk Management Implications:</p> <p>There is a risk that the impacts of COVID-19 will mean that the service is unable to deliver and meet targets.</p>
<p>Performance Management Follow-up:</p> <p>Reporting will form part of the Licensing team’s Key Performance Indicators.</p>

Environmental Implications:

There are no direct environmental implications.

1.0 INTRODUCTION/BACKGROUND

- 1.1** Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance") in July 2020, the licensing authorities for Gloucestershire are proposing to adopt common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators.
- 1.2** The purpose of these common standards will be to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
- 1.3** The principle focus of the standards is on protecting children and vulnerable adults, however, all passengers will benefit from the recommendations which aim to better regulate the taxi and private hire vehicle sector.
- 1.4** Individual licensing authorities will retain the right to set their own licensing standards for aspects that are not included in scope.

2.0 THE CURRENT POSITION AND WAY FORWARD

- 2.1** It is suggested that the common standards be incorporated within the Council's Taxi and Private Hire Vehicle Policy.
- 2.2** The suggested common standards for consultation are set out in Appendix 1. These are in draft form and final amendments will be advised to the Committee prior to the start of consultation proposed for 13 April 2021.
- 2.3** The Council's Taxi and Private Hire Vehicle Policy was reviewed and went to consultation in August 2019. The outcomes of that consultation were not brought back to this Committee for approval.
- 2.4** The principles on common standards underpin any local policy therefore it is pertinent to review and consult again on the Council's policy. The existing policy review that went to consultation in 2019 is attached as Appendix 2.
- 2.5** It is suggested that the Council's policy be reviewed against this new criteria and consulted upon again alongside the consultation on the common standards and both consultations are carried out at the same time.
- 2.6** The policies contained with the council's own policy and not included within the scope of common standards are:
- Whistle blowing policy and procedure.
 - Data sharing agreements.
 - Procedures for immediate suspension and revocation or licenses as circumstances dictate.

- 2.7** Common approaches are proposed for:
- The assessment of a ‘Fit and Proper’ person including Information sharing and registration with the national database NR3.
 - Duration of Licenses.
 - Mandatory Training.
 - Language Proficiency.
- 2.8** The licensing authorities propose that on adoption of these common standards collectively that a fair and robust enforcement scheme and approach will be in place. To this end, the following measures are proposed:
- Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards.
 - Information sharing agreements between the licensing authorities that have adopted these common standards.
- 3.0 OTHER OPTIONS CONSIDERED**
- 3.1** None.
- 4.0 CONSULTATION**
- 4.1** As referred to in the report.
- 5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 5.1** The Council’s Corporate Plan.
- 6.0 RELEVANT GOVERNMENT POLICIES**
- 6.1** Statutory Taxi and Private Hire Vehicle Standards 2020.
- 7.0 RESOURCE IMPLICATIONS (Human/Property)**
- 7.1** Forms part of the licensing review.
- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1** None.
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1** Forms part of the licensing review.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None.

Contact Officer: Interim Environmental Health Manager Tel: 01684 272155
Email: kath.stent@teWKesbury.gov.uk

Appendices: 1 - Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire.
2 – Draft Consultation Summary Document 2019.

Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire

Contents

Introduction	2
Licensing Authorities.....	2
General Principles	2
Licensing Policies.....	2
Ancillary Policies.....	2
Regulatory Structure	2
Enforcing the Licensing Regime	2
Specific Policies & Procedures	3
Fit & Proper.....	3
Information Sharing	3
Criminal records checks and information	3
Licensee self-reporting.....	3
Complaints against licensees	4
Certificate of Good Character	4
Immediate suspension and revocation of licences.....	4
Hackney Carriage & Private Hire Drivers	4
Duration of licences	4
Mandatory Training	4
Language proficiency	4
Hackney Carriage & Private Hire vehicle proprietors	5
Criminality checks for vehicle proprietors	5
Private Hire Operators	5
Duration of licences	5
Criminality checks for private hire vehicle operators	5
Booking and dispatch staff.....	6
Record keeping	6
Appendix A - Table of Delegations.....	7
Appendix B – Relevance of Convictions Policy.....	8
Appendix C - Enforcement and Complaints Policy & Procedure	15

Introduction

1. Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance"), the licensing authorities for Gloucestershire has adopted common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators. Please refer to the scope below for further information. These common standards are based on the statutory guidance.
2. The purpose of these common standards is to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
3. The scope of the common standards are outlined below and individual licensing authorities retain the right to set its own licensing standards for aspects that are not included in scope.

Licensing Authorities

The Gloucestershire licensing authorities that have signed up to the common standards are:

1. Publica (for Cotswold District Council & Forest of Dean District Council)
2. Gloucester City Council
3. Stroud District Council
4. Cheltenham Borough Council
5. Tewkesbury Borough Council

General Principles

Licensing Policies

Each licensing authority that has adopted these common standards will have a comprehensive and a cohesive licensing policy document that brings together procedures on taxi and private hire vehicle licensing including these common standards.

Licensing policy documents will be reviewed every five years or more frequently should there be significant issues arising in their area, and their performance annually. Changes to adopted policies will be consulted on as appropriate including the local licensed trade, with licensing authorities that have adopted these common standards and other key stakeholders.

Any changes in licensing policy and/or requirements will be followed by a review of the licences already issued in accordance with the statutory guidance and on a case to case basis.

Ancillary Policies

Although not in scope of these common licensing standards, each licensing authority that has adopted these common standards will have in place the following ancillary policies:

- Whistleblowing policy and procedure for raising concerns about licensing matters and procedures
- Data sharing agreements and processes to enable sharing licensing information with other licensing authorities
- Procedure(s) for immediate suspension and revocation of licences as circumstances dictate.

Regulatory Structure

Each licensing authority that has adopted these common standards will operate its licensing function in accordance with its own scheme of delegation.

Enforcing the Licensing Regime

The licensing authorities that have adopted these common standards collectively acknowledge the importance of a fair and robust enforcement scheme and approach.

To this end, the following measures have been adopted:

1. Common Enforcement and Complaints Policy & Procedure (Appendix D)
2. Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards;
3. Information sharing agreements between the licensing authorities that have adopted these common standards

Specific Policies & Procedures

Fit & Proper

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Licensing officers are delegated in accordance with the table set out in **Appendix A** including for dealing with serious matters that may require the immediate action in relation to a licence.

Information Sharing

Criminal records checks and information

The assessment of fit and proper includes, amongst other things, an assessment of an applicant or licensee's character and any relevant information relating to current or previous history.

Hackney carriage and private hire applicants or licensees will be subject to enhanced criminal records checks through the Disclosure & Barring Service (DBS) including checks against the national barred list.

Appendix B, outlines the common standards for rehabilitation times relating to criminal records and other relevant matters outlined.

Hackney carriage and private hire applicants or licensees will be required to subscribe to the DBS's Update Service. All licensees will need to sign up to the Update Service by 31 December 2023.

Each of the licensing authorities that have adopted these common standards will undertake six monthly enhanced DBS checks including checks against the children and adult Barred Lists for licensed drivers. The six month checking requirement will initially apply to those licensed drivers already subscribed to the DBS Update Service and the remaining licence holders will be brought into scope as they transition on to the DBS Update Service by 2023 as outlined above.

In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

Each of the licensing authorities that have adopted these common standards will have also subscribe to the national refusals database (NR3). Hackney carriage and private hire applicants or licensees must declare on application whether they have had a hackney carriage and private hire driver's licence refused or revoked by another authority. Each applicant and licensee's application will be checked against the NR3 database to confirm if the information declared is correct and accurate.

Licence refusals and revocations will also be recorded on NR3 database. A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

Licensee self-reporting

Licence holders are required to notify the issuing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

An arrest for any of the offences mentioned above is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at **Appendix B** for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

Complaints against licensees

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. The complaints guidance will be issued by the licensing authority **and is vehicle specific.**

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at **Appendix D**.

Certificate of Good Character

Where any applicant has been resident abroad at any time **from the age of 18** prior to an application they must provide a Certificate of Good Conduct, a **Criminal Record Check** or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

[Criminal records checks for overseas applicants](#), will assist you further in obtaining this document.

Immediate suspension and revocation of licences

Where it comes to the attention of a licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled licensing committee/panel, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence.

Circumstances that might give rise to concern about the fitness of a licence holder would include, for example, serious complaint, criminal investigation, serious allegation, formal caution, conviction or any other circumstances deemed sufficiently serious that requires immediate action.

For the avoidance of doubt, licence holder relates to a driver, vehicle and/or operator licence.

Hackney Carriage & Private Hire Drivers

Duration of licences

Hackney carriage and private hire driving licences will be granted for a standard period of three years. Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Mandatory Training

Applicants for a hackney carriage or private hire driving licence must undertake mandatory safeguarding and equality awareness training prior to the issue of their licence. A common training approach and provision has been adopted by licensing authorities that have adopted these common standards. Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence.

Language proficiency

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related

to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.

If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.

English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

Hackney Carriage & Private Hire vehicle proprietors

Criminality checks for vehicle proprietors

Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence.

Whether a licensed vehicle proprietor is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at Appendix x.

Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate should will be required immediately.

A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage or private hire vehicle or private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Private Hire Operators

Duration of licences

Private hire operating licences will be granted for a standard period of five years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Criminality checks for private hire vehicle operators

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at **Appendix B**.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate should will be required immediately.

Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a

basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

Record keeping

As a common standard enforced by way of a licensing condition, all licensed private hire operators will be required to record the following information for each booking accepted:

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

Appendix A - Table of Delegations

Matter to be dealt with	Full Committee	Sub-Committee	Licensing Officers
Full policy review	All cases		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where referral for determination required, other than traffic offences	Cases in relation to traffic offences
Suspension of driver's licence (public safety)		All cases where referral for determination required	
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	Cases where immediate effect required
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)			All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	
Revocation of operator's licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Assistance dogs in taxis: exemption certificate request forms			All cases
Plate exemption request forms			All cases
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases

Appendix B – Relevance of Convictions Policy

Black – Wording from DFT Statutory Guidance

Blue – Wording taken from IOL Guidance

Green – Extra provisions agreed by GLOG

Red – Wording added/updated at GLOG meeting 18.11.2020 for confirmation

GLOUCESTERSHIRE LICENSING AUTHORITIES – TAXI AND PRIVATE HIRE CONVICTIONS POLICY

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing (Sub) Committee for consideration who will take account of this policy. **The obligation will on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing (Sub) Committee to consider.**
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. **The Licensing Authority will review all existing licences in light of this policy and where** the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing (Sub) Committee who will take into account all matters including any previous offences that may now fall within this current policy. **In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.**

OVERVIEW

7. 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 have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. 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.

9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
13. **The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process
 - Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
 - Any other matters that are relevant
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
17. A caution is regarded in exactly the same way as a conviction.
18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
19. 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) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

21. 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.
22. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.

OFFENCES

Crimes resulting in death

31. 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 (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

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

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.
37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked
38. 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. A licence holder who goes on any of the above will have their licence revoked
39. Sexual/Indecency Offences include (this is not an exhaustive list)
- a. Rape
 - b. Assault by penetration
 - c. Offences involving children or vulnerable adults
 - d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
 - e. Making or distributing obscene material
 - f. Possession of indecent photographs depicting child pornography.
 - g. Sexual assault
 - h. Indecent assault
 - i. Exploitation of prostitution
 - j. Soliciting (kerb crawling)
 - k. Making obscene / indecent telephone calls

- l. Indecent exposure
- m. Any similar offences (including attempted or conspiracy to commit) offences

40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously

42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked

43. Dishonesty offence includes (this is not an exhaustive list)

- a. Theft
- b. Burglary
- c. Fraud
- d. Benefit fraud
- e. Handling or receiving stolen goods
- f. Forgery
- g. Conspiracy to defraud
- h. Obtaining money or property by deception
- i. Other deception
- j. Any similar offence

Drugs

44. 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.

45. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Discrimination

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

47. Examples of Discrimination offences include (this is not exhaustive list)

- a. Racially aggravated common assault
- b. Any racially-aggravated offence against a person or property.
- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- d. Offences under Equality Act 2010
- e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing (Sub) Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

56. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Using a hand-held device whilst driving

57. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.

58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

Appendix C - Enforcement and Complaints Policy & Procedure

Enforcement

This policy takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing department about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing may request the licence holder to attend an interview in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Action

Take no action

Verbal or written advice for example recommendation to re-take driver assessment test

Verbal or written warning

Fixed penalty notice
Immediate suspension of licence

Examples (but not an exhaustive list)

- Breach, offence or complaint is proven to be false.
- Matter is minor or unproven and there is no previous history
- Matter is minor and/or due to misunderstanding by the licence holder
- Complaint made by the public
- Minor traffic offence
- Contravention of the code of conduct or dress code
- Smoking offences in a licensed vehicle
- Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the motor is defective

Suspension of licence – 21 days notice	<ul style="list-style-type: none"> • Suspension of driver licence (s 61 (2b) if in interest of public safety for example failing a medical or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Simple caution issued by Business Support Service Leader Review of the licence by the Licensing Committee	<ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending • A licence holder receives criminal conviction, police caution major motoring offence, or serious complaint or allegation • A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk • A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period • A licensed driver who has accumulated more than 6 current points on their driving licence • Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry a guide dog • Exceeding the number of passengers on the plate

Review of the Licence by the Licensing Committee

The licence holder will be invited to a full Licensing Committee meeting. The licence holder will be given reasonable notice of the meeting. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take an anger management course, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

Appendix 2

Consultation on a review of Tewkesbury Borough Council's Taxi and Private Hire Licensing Policy

Tewkesbury Borough Council is consulting on a revised policy for licensing hackney carriage (taxi) and private hire drivers, vehicles and operators. The consultation will run until 26th August 2019 and views are sought from members of the trade, passengers and other interested parties. Comments should be submitted in writing to licensing@tewkesbury.gov.uk or to Licensing, Tewkesbury Borough Council, Gloucester Road, Tewkesbury GL20 5TT.

Introduction and background

Tewkesbury Borough Council has responsibility for regulating taxi and private hire drivers, vehicles and operators and the safety of the public is the council's principal concern. The licensing policy was last reviewed in 2016 and the council has committed to reviewing the policy every 3 years.

A working group was established to look at the policy and consider a number of proposals. The working group included elected members of the council, officers and representatives of the licensed trade.

A number of changes have been proposed with a view to providing clarity, promoting consistency, ensuring high standards are maintained and assisting decision making, while also aligning the policy as much as practicable with those of other licensing authorities in the area.

Proposed changes

Splitting the taxi policy into four separate documents

A significant change to the existing policy is that it has now been split into four distinct documents.

- [Hackney Carriage and Private Hire Policy: Regulatory Guidelines](#)
- [Hackney Carriage and Private Hire Policy: Hackney Carriage Driver and Vehicle Rules](#)
- [Hackney Carriage and Private Hire Policy: Private Hire Driver and Vehicle Rules](#)
- [Hackney Carriage and Private Hire Policy: Private Hire Operator Rules](#)

These four documents combined represent the Council's Hackney Carriage (Taxi) and Private Hire Policy. It is intended that these documents are easier for Licensing Officers, Committee Members, the public and the trade to use and provide greater clarity.

If you need any of these documents in a hard copy or an alternative format, please contact the licensing team.

Three Strikes Policy

There are some complaints and disciplinary matters which, taken individually, may not be deemed serious enough to warrant a review of a person's licence, but which may raise concerns about that person's suitability if repeated or if there are a number of infractions over a period of time.

For this reason it is proposed that a "three strikes policy" will be introduced for dealing with such matters, in line with neighbouring licensing authorities. When three infractions occur within a two year rolling period, the driver, operator or vehicle proprietor will be referred to the Council's Licensing Sub-Committee for their licence to be reviewed. The revised policy documents include full details of the scheme and the type of issues that will be covered by it.

Suitability and Experience of Drivers

The Council is determined that only people who can demonstrate that they are safe and suitable to be taxi / private hire drivers should be able to obtain a licence. To ensure this, it is proposed to add a number of new requirements for all new drivers including 2 new tests: an English language proficiency test and a taxi / private hire driving assessment. In addition, all new drivers will have to be over 21 years of age and must have held a full driving licence for at least 12 months.

Age of Vehicles

There is no current restriction on the age of vehicles that can be licensed as taxis or private hire vehicles in Tewkesbury Borough.

In order to ensure that licensed vehicles are safe and suitable, it is proposed to introduce a maximum age of 10 years* for all vehicles, other than wheelchair-accessible vehicles, when they are first licensed. Under the proposals, vehicles can continue to be licensed until they reach 14 years. Vehicles that do not currently meet the age limit will need to be replaced with one that meets the age policy no later than two years from the date of the revised policy being implemented.

*Age from the date of manufacture. Where a vehicle has been declared new at first registration, the date of first registration will be used to determine the age of the vehicle.

Vehicle Testing Arrangements

The existing policy requires that a standard vehicle MOT test be carried out at an MOT testing centre as part of the licensing process. The new proposal is that an enhanced fitness test should be carried out in addition to a standard MOT test, in line with other neighbouring licensing authorities, to ensure that vehicles are suitable to be licensed as taxis and private hire vehicles. This proposal includes a requirement that only approved testing garages will be able to carry out the tests.

Lifting Operations and Lifting Regulations 19989 (LOLER)

It is a requirement of regulations that any lifting equipment fitted to vehicles that lifts people needs to be inspected by a competent person every six months. The new proposal is that a certificate of inspection must be presented at the time of application or renewal and at six monthly intervals.

Accessibility

The revised policy introduces a requirement that all new hackney carriage vehicles must be wheelchair accessible; this aligns with some neighbouring licensing authorities which have already introduced this requirement. A list of licensed wheelchair accessible vehicles is maintained on the council's website.

Please see the revised policy documents at www.tewkesbury.gov.uk/licensing for full details of the proposed changes.

If you have any comments to make on this consultation, please submit them in writing no later than 26th August 2019 to licensing@tewkesbury.gov.uk or addressed to Licensing, Tewkesbury Borough Council, Gloucester Road, Tewkesbury GL20 5TT.