

**Agenda Item No:**

**Report To:** **CABINET**

**Date of Meeting:** 13 September 2018

**Report Title:** **Taxi Licensing Policy Amendments**

**Report Author & Job Title:** Trevor Ford  
Environmental Protection & Licensing Team Leader

**Portfolio Holder** Cllr. G.J. Bradford  
**Portfolio Holder for:** Community Safety and Wellbeing



**Summary:**

The purpose of this report is to present a number of amendments to the Taxi Licensing Policy 2017-2022, as set out in paragraphs 5 (i)-(vi) of the report, to ensure that it remains up to date and improves public safety.

The current policy document was adopted in October 2017.

**Key Decision:** NO

**Significantly Affected Wards:** N/A

**Recommendations:** **The Cabinet is recommended to:-**

- i. **Recommend to council the adoption of the proposed amendments to the Taxi Licensing Policy 2017-2022**
- ii. **As a result of (i) above, point 1 of the Terms of Reference of the Appeals Committee be amended to reflect that appeals against decisions taken on taxi licensing are also precluded from being heard and determined by that Committee.**

**Policy Overview:** The determination of taxi and private hire driver, operator, and vehicle licence applications is a statutory duty and provides protection to the public ensuring vehicles, operators and drivers are fit and proper for the purposes of providing such services.

Our policy with respects to this subject area guides members of the public, applicants, elected members, and officers on such matters.

**Financial Implications:** None

**Legal Implications** Adjustment to the policy on the relevance of prior convictions, and prohibit on 'dual-plating' has the potential to increase the number of applications refused. This may lead to additional appeals against determinations by the licensing authority, although the number is is not expected to be significant.

**Equalities Impact Assessment** See attached

**Other Material Implications:** None

**Exempt from Publication:** **NO**

**Background Papers:** Taxi Licensing Policy 2017-2022  
(available via <https://www.ashford.gov.uk/media/5156/taxi-licensing-policy.pdf>)

Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades  
(available via <https://www.instituteoflicensing.org/NewsJobsArticle.aspx?NewsOrJob=news&NewsID=11318>)

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## Agenda Item No.

## Report Title:

# Taxi Licensing Policy Amendments

## Introduction and Background

1. The Taxi Licensing Policy 2017-2022 was adopted on the 12 October 2017.
2. The purpose of this report is to present to Cabinet some proposed amendments for the purposes of :-
  - clarity
  - ensuring a cost effective licensing regime
  - reducing risks to public safety, and
  - ensuring consistency in the standards applied between licensing authorities with respects to the suitability of licensees.
3. A policy relating to the determination of applications not only guides the decision-maker but also serves to inform an applicant about what they should consider in preparing their application. Furthermore the policy sets out the standards to which the licensing authority will work and provides confidence to the public that the drivers are fit and proper, and that the vehicles are fit for purpose.

## Proposal/Current Position

4. The proposal incorporates five areas to be updated, relating to :-
  - The correction of committee name
  - Appeals process
  - Certificates of good conduct/DBS enquires
  - Dual licensed vehicles
  - Assessing the suitability of applicants
5. The proposed changes to the policy and reasoning are detailed below :-

- i. **Section 8.2 Disciplinary Hearings**

Change to

*8.2.1 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Appeals Committee or dealt with by Officers. One of the functions of the Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence, and to take the action appropriate to the circumstances.*

Reason

Correction of committee name

- ii. **Section 9.2 Delegated Functions**

Change to

*9.2.4 In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a licence or by any conditions imposed on a licence the applicant has a statutory right of appeal to the Magistrates' Court within 21 days of the applicant being notified of the Council's decision.*

Reason

The change effectively removes the ability to informally challenge a delegated decision of the council through a non-statutory appeals process and ensures that the appeals process follows the appeals provisions set out in the Local Government (Miscellaneous Provisions) Act 1976. This change adjusts the decision making process to be in line with other licensing authorities, and is anticipated to reduce the cost/resource burden associated with having multiple rights of appeal. This being in line with advice provided to the authority.

iii. **Section 6.7 Disclosure Barring Service (DBS) Disclosures**

Change to

*6.7.5 If a person applying for an Enhanced Disclosure has previously resided outside of the UK, then an equivalent DBS check (certificate of good conduct duly authenticated) will need to be completed by the embassy(ies) for the country(ies) in which the applicant has been living.*

Reason

This change effectively ensures those applicants who have resided outside of the UK provide sufficient evidence to satisfy the Council that they are 'fit and proper' as required by the Local Government (Miscellaneous Provisions) Act 1976. Currently the policy on this matter is ambiguous and is suggestive that foreign nationals and those who have resided outside of the UK need only provide five years evidence of good conduct, whereas those who have resided in the UK must disclose all offences throughout their lifetime.

It is noteworthy that the taxi profession is exempt from the Rehabilitation of Offenders Act due to the sensitive nature of the profession.

This change will ensure that all applicants are required to submit an equivalent level of evidence.

iv. **Appendix D Section 1.5 (Application for a new license to drive a licensed vehicle)**

Change to

*1.5 In the event that the applicant has resided outside of the UK, a Certificate of Good Conduct from their relevant embassy or equivalent document issued and authenticated by the appropriate embassy will also be required.*

Reason

As per *iii*.

v. **Appendix B Section 1 Applications for new or renewed vehicle licence**

Addition of

*1.5 In order to maintain public safety the Council will not issue licences to vehicles that are licensed as private hire or hackney vehicles by other licensing authorities (also known as 'dual-plating'). In addition, it may be necessary to revoke a vehicle licence should 'dual-plating' be occurring.*

Reason

The presence of vehicles holding licences by two different licensing authorities creates an unacceptable risk to public safety by creating a regime where it can be difficult, if not impossible, to know who the enforcement authority may be for any one trip. As such a 'loophole' is created where misdemeanours, or even serious offences, may not be acted upon.

Clarification to prohibit 'dual-plating' acts to maintain public safety, and the ability of the authority to effectively enforce the requirements of the Local Government (Miscellaneous Provisions) Act 1976.

vi. **Appendix E Guidelines relating to the relevance of previous convictions**

It is proposed to completely repeal this Appendix and in its place adopt the recent national guidance produced by the Institute of Licensing, Local Government Association, National Association of Licensing Enforcement Officers, and Lawyers in Local Government entitled '*Guidance of Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades*' (see background documents).

Reason

The proposed document strengthens and clarifies whether an individual may be considered suitable for the holding of a hackney or private hire related licence, and in many cases provides greater protections for public safety.

It is also notable that this document aims to create a consistent assessment criterion, to avoid the situation where a person with a conviction is considered unfit to hold licence in one borough but fit in another.

It is also anticipated that by following this guidance as best practice any subsequent formal appeals against council decisions are more easily justified at Court.

## Implications and Risk Assessment

6. Whilst these changes could ultimately be appealed via the Magistrates Court, the update to this policy is not anticipated to have any significant implications.
7. The greatest implication perceived is the potential for more applicants to be refused a license based on the greater emphasis on the relevance of prior convictions. As such it is important to ensure that conviction policies must be justifiable, and the adoption of suitability guidance assists in ensuring that the requirements are balanced against the need to protect the travelling public from drivers who may not be considered 'fit and proper'
8. Judicial review is a risk if the policy strays beyond the requirements of the act, or restricts legal activities without due and appropriate cause.

## Equalities Impact Assessment

9. The policy will affect all persons involved or affected in a relevant licensable activity in the Borough, irrespective of gender, race, disability, sexuality or age. Recipients of the policy include holders of licences, members of the council's Appeals Committee, authorities e.g. Kent Police, KCC Schools Transport, Kent Fire & Rescue Service, etc. and all of the Borough's businesses, residents of the borough and those who visit and use local taxi services.
10. An equalities impact assessment is attached as *Appendix A*

## Consultation Undertaken

11. There is no statutory requirement for consultation on these amendments.
12. The proposed amendments were discussed at the Taxi Forum on the 30 May 2018, and a consultation email was sent to the respective Taxi Forum representatives the same day.
13. Five Taxi Forum representatives are elected by the trade to their respective positions. These include; independent drivers, executive drivers, private hire drivers, hackney carriage drivers, and, company.
14. The consultation email provided details of the proposals and outline reasons, and invited comments and discussion on the proposals prior to the 21 June 2018. A copy of the email is attached as *Appendix B*
15. One response was received, from the Taxi Forum Representative for the independent drivers, who in response to the proposals stated;

Committee name change – *'Quite self explanatory, correcting the name. No issues.'*

Appeals – *'I don't think there's anything to be achieved by having a two tier council based appeals process. It seems very likely that the licensing officers would reach the same decision they originally came to if faced with a secondary appeal. The current system is probably flawed in that respect, and*

*therefore a waste of council resources in terms of time and expenditure. An appeal being heard by a magistrate, if the applicant so wishes, seems to be more than sufficient and therefore no need for the current system.'*

*DBS/Certificate of good conduct – 'We are all very aware and very supportive of any change that protects public safety. This change just reinforces that everyone is subject to the same checking procedures and for those that cannot provide sufficient evidence from residing in this country, then it is only right that their conduct in their country of origin is supported by documentary evidence. After all, as with any other licence, if a person doesn't meet the criteria, then they should not be granted one.'*

*Dual-licensed vehicles – 'Although currently, the Borough doesn't have any dual licences, I think it's a good idea to outline that this practice is not accepted. It also eliminates any possible confusion when dealing with any misdemeanours that may have occurred, relating to which licensing authority would be obliged to act when faced with any issues.'*

*Relevant of prior convictions/suitability – 'A good inclusion to show there is a national standard that is followed and adopted by councils nationwide, as it's likely that most if not all boroughs will follow the same guidelines. Also shows that all boroughs are on the same page regarding an important issue when considering new applications as well as dealing with currently licensed individuals.'*

16. No other responses were received.

## **Other Options Considered**

17. It is recognised by the Department for Transport that it is for local authorities to reach their own decisions on overall policies and on individual licensing matters.
18. There are as always a number of options available to councils with respects to taxi licensing these include placing further restrictions or requirements that are deemed necessary for the purposes of protecting public safety.

## **Reasons for Supporting Option Recommended**

19. It is felt that the options proposed are appropriate to the borough, act to ensure that public safety is protected, and ensure an efficient and cost effective licensing regime.
20. Overall this approach is recommended to ensure that the policy remains up to date, and can be effectively applied by the council, officers, applicants, and the general public.

## **Next Steps in Process**

21. Once the amendments are adopted by council, the amended policy will be published and brought into immediate effect.

22. The final policy will be subject to review at the end of the policy period, along with any periodic review brought about by changes in the Council's approach, in guidance, or changes to relevant legislation

## **Conclusion**

23. The proposed amendments have been made to sections of the policy based on legislation, guidance, and good practice coupled with the clear need to protect the public. The amendments will aid an efficient and effective licensing regime going forwards.

## **Portfolio Holder's Views**

24. "I support the amendments to the policy which help the licensing authority to strengthen the reputation of the trade, whilst most importantly protecting public safety."  
Councillor G.J. Bradford

## **Contact and Email**

25. Trevor Ford  
Environmental Protection and Licensing Team Leader  
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[trevor.ford@ashford.gov.uk](mailto:trevor.ford@ashford.gov.uk)

**Appendix A: Equalities Impact Assessment**  
**Appendix B: Consultation correspondence**

# Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

**Case law principles**

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

# Equality Impact Assessment

<b>Lead officer:</b>	Trevor Ford
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Taxi Licensing Policy amendments
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	13 September 2018
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p>The report seeks to recommend to Council a limited number of amendments to the Taxi Licensing Policy 2017-2022. These revisions include;</p> <ul style="list-style-type: none"> <li>• Committee name correction</li> <li>• Removal of non-statutory appeals process</li> <li>• Clarification on good conduct evidence for those who have resided outside of the UK</li> <li>• Prohibiting 'dual-plating' of vehicles</li> <li>• Assessing the suitability of applicants</li> </ul> <p>The aim of the update this to provide the current policy with amendments to ensure that it remains up to date, effective, and protects public safety.</p> <p>It is expected that the public may be affected by the policy by means of access local taxi services, or should they wish to apply for a licence. Businesses providing such services will also be affected as to our general approach and amendments to the relevance of prior convictions.</p>
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	Research conducted as part of the revision of the policy includes; <ul style="list-style-type: none"> <li>• Best practice guidance</li> <li>• General taxi licensing research</li> <li>• Liaison with taxi and private hire drivers and operators via the Taxi Forum</li> </ul>
<b>Consultation:</b> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> </ul>	Consultation (21 day) has occurred through the Taxi Forum, both being presented at the Taxi Forum on the 30 May 2018 and by written invites for feedback being sent to the elected Taxi Forum representatives.

<ul style="list-style-type: none"> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>One response was received, which was supportive of all of the amendments proposed, and did not highlight any concerns relating to equality.</p>
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**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision</b> High/Medium/Low/None	<b>Impact of Decision</b> <b>Positive</b> (Major/Minor) <b>Negative</b> (Major/Minor) <b>Neutral</b>
<u>AGE</u> Elderly	Medium	Positive - minor
Middle age	Low	Neutral
Young adult	Low	Neutral
Children	Medium	Positive - minor
<u>DISABILITY</u> Physical	Medium	Positive - minor
Mental	Medium	Positive - minor
Sensory	Medium	Positive - minor
<u>GENDER RE-ASSIGNMENT</u>	Low	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral
<u>RACE</u>	Medium	Negative - minor
<u>RELIGION OR BELIEF</u>	Low	Neutral
<u>SEX</u> Men	Low	Neutral
Women	Low	Neutral

<u>SEXUAL ORIENTATION</u>	Low	Neutral
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<p><b>Mitigating negative impact:</b></p> <p>Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	See conclusion
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<p><b>Is the decision relevant to the aims of the equality duty?</b></p> <p>Guidance on the aims can be found in the EHRC's <a href="#">Essential Guide</a>, alongside fuller <a href="#">PSED Technical Guidance</a>.</p>	
<b>Aim</b>	<b>Yes/No</b>
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see guidance above).</li> <li>Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</li> <li>How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p>The proposed amendments act to protect public safety and in line with taxi licensing decisions have a minor positive impacts on potentially more vulnerable groups such as disability groups, children and the elderly.</p> <p>It is anticipated that by ensuring that those who have resided outside of the UK provide equivalent evidence of good conduct may potentially have a minor negative impact on 'race'. This may occur due to reluctance to approach a home embassy, or in some cases poor record keeping in home countries that limit their ability to provide a certificate of good conduct.</p> <p>It is worth noting that the profession of taxi driver is exempt from the Rehabilitation of Offenders Act and certain offences may permanently render a person unfit to hold a licence. The Local Government (Miscellaneous Provisions) Act 1976 requires that the Council <u>must be satisfied</u> a person is fit and proper to hold a licence, and without this information it may not be reasonably possible to be satisfied of fitness. The Council must act in such cases to ensure the protection of public safety.</p> <p>Each case is be judged on its merits, and is appealable through the statutory rights of appeal should the applicant disagree with the determination of the Council.</p> <p>As such residual impacts are considered justifiable.</p>
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<b>EIA completion date:</b>	22 June 2018

**Trevor Ford**

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**Subject:** FW: Proposed Taxi Policy Amendments - Consultation

**From:** Trevor Ford  
**Sent:** 30 May 2018 15:51  
**To:** [REDACTED]

**Subject:** Proposed Taxi Policy Amendments - Consultation

Dear Taxi Forum Reps

As discussed at this morning's Taxi Forum there appears to be a few amendments required to our Taxi Licensing Policy 2017-2022 to ensure that it remains fit for purpose and complements an efficient licensing regime.

Prior to putting any report forward to Council I would welcome your feedback on these specific elements to include within my report. This will aid Councillors in the decision making process.

I would therefore be appreciative if you could let me have your views (and that of those you represent) prior to the 21<sup>st</sup> June 2018. As offered at today's forum if you have any questions, prior to submitting any feedback, please feel free to contact me to informally discuss.

Kind regards  
Trevor.

**1. Section 8.2 Disciplinary Hearings**

Change from

8.2.1 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Licensing and Health and Safety Committee or dealt with by Officers. One of the functions of the Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence, and to take the action appropriate to the circumstances.

Change to

8.2.1 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Appeals Committee or dealt with by Officers. One of the functions of the Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence, and to take the action appropriate to the circumstances.

Reason

Correction of committee name

**2. Section 9.2 Delegated Functions**

Change from

9.2.4 In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a licence or by any conditions imposed on a licence the applicant has a right of appeal to the Council's Appeal Committee and to the Magistrates' Court within 21 days of the applicant being notified of the Council's decision.

#### Change to

9.2.4 In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a licence or by any conditions imposed on a licence the applicant has a statutory right of appeal to the Magistrates' Court within 21 days of the applicant being notified of the Council's decision.

#### Reason

To reflect the statutory rights of appeal via the Magistrates Court, and to ensure that the delegated decisions of the Council are treated in the same manner as other delegated decisions. This brings our decision making process in line with other Kent Authorities and follows legal advice provided to the Council on taxi licensing.

### **3. Section 6.7 Disclosure Barring Service (DBS) Disclosures**

#### Change from

6.7.5 If a person applying for an Enhanced Disclosure has not lived in the UK for five years, then an equivalent DBS check (certificate of good conduct duly authenticated) will need to be completed by the Embassy(ies) for the country(ies) in which the applicant has been living for the last five years.

#### Change to

6.7.5 If a person applying for an Enhanced Disclosure has previously resided outside of the UK, then an equivalent DBS check (certificate of good conduct duly authenticated) will need to be completed by the embassy(ies) for the country(ies) in which the applicant has been living.

#### Reason

To ensure those applicants who have resided outside of the UK provide sufficient evidence to satisfy the Council that they are 'fit and proper' as required by the LG(MP)A 76. This change will ensure that all applicants are required to submit equivalent evidence.

### **4. Appendix D Section 1.5 (Application for a new license to drive a licensed vehicle)**

#### Change from

In the event that the applicant has not resided within the UK during the last 5 years, a Certificate of Good Conduct from their relevant embassy or equivalent document issued and authenticated by the appropriate embassy will also be required

#### Change to

In the event that the applicant has resided outside of the UK, a Certificate of Good Conduct from their relevant embassy or equivalent document issued and authenticated by the appropriate embassy will also be required.

#### Reason

To ensure those applicants who have resided outside of the UK provide sufficient evidence to satisfy the Council that they are 'fit and proper' as required by the LG(MP)A 76. This change will ensure that all applicants are required to submit equivalent evidence.

### **5. Appendix B Section 1 Applications for new or renewed vehicle licence**

#### Addition of

1.5 In order to maintain public safety the Council will not issue licences to vehicles that are licensed as private hire or hackney vehicles by other licensing authorities (also known as 'dual-plating'). In addition, it may be necessary to revoke a vehicle licence should 'dual-plating' be occurring.

#### Reason

To maintain public safety, and the ability of the authority to effectively enforce the requirements of the LG(MP)A 1976

### **6. Appendix E Guidelines relating to the relevance of previous convictions**

Retraction of this section, and adoption of the 'Guidance of Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades' produced by the Institute of Licensing, Local Government Association, National Association of Licensing Enforcement Officers, and Lawyers in Local Government.

Reason

To ensure that public safety is adequately protected, and ensure that Ashford BC operate to the newly published national standard. This will aid the consistency of decision making between Licensing Authorities within the country, and will assist in defending any appeals through the Courts.