

Private Hire Operator Policy

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BCP Licensing

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Introduction

All requirements contained within this policy together with conditions on the licence are mandatory requirements for holding a Private Hire Operator Licence issued by BCP Council.

From the first day of adoption of this policy ALL licence holders are required to meet these high standards and it is expected that they will ensure that they are fully aware of this policy and comply with all the requirements set out within it.

The Licensing Committee will not accept the excuse that a licence holder was not aware of these requirements when considering any matters brought before them.

1. Purpose Statement

- 1.1 BCP council has a responsibility to issue private hire operator licences under Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 A private hire operator licence is required by anyone who, in the course of business, makes provision for the invitation or acceptance of bookings for private hire vehicles.
- 1.3 In the interest of public safety and to safeguard vulnerable persons BCP council seek to ensure that anyone issued with such a licence is considered to be 'fit and proper'.
- 1.4 This Policy is concerned with the regulation of private hire operators and the council adopts the overall approach to encouraging the responsible activity of all operators.
- 1.5 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits.
- 1.6 Where it is appropriate for the Council to depart from its Policy clear reasons will be given for doing so. Nothing in this Policy will prevent an applicant or licence holder requesting that the Council considers the individual merits of their case and give reasonable consideration to departing from its Policy. Such requests may either be in writing, via email, or verbally orally before the Licensing Committee or Sub Committee.

2. Who the policy applies to

- 2.1 This Policy will assist applicants, licence holders, officers of the Licensing Authority, Members of the Licensing Committee, and persons using public carriages to be aware of the standards of conduct and behaviour required of all prospective or existing licenced operators.
- 2.2 This Policy also affords members of the Licensing Committee and Officers alike, to consider the concerns of the public and other recognised bodies, and to take appropriate measures where the behaviour of operators is called into question at application or after licences have been issued.

3. This policy replaces

- 3.1 This Policy replaces the ~~three~~ previous BCP Taxi and Private Hire Public Operator Carriage Policy implemented in June 2021, ~~ies that covered Bournemouth Borough Council, Christchurch Borough Council and The Borough of Poole~~

4. Approval process

- 4.1 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its Private Hire Operator Policy.
- 4.2 Once drafted the policy is subject to a period of public consultation. Consultation responses are reported to the full licensing committee for consideration.
- 4.3 Once finalised the policy is presented to the Full Council for ratification.

5. Links to council strategies

- 5.1 This policy supports the BCP Council Core Strategy.
- 5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
 - Corporate Plan
 - Sustainable Transport Plan
 - Workforce Strategy
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Climate Change Strategy
 - Children in Care Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

6. The policy

- 6.1 This policy is a working document and the Licensing Authority reserves the right to alter and amend the policy as appropriate to correct errors, inconsistencies, clarify guidance, legislative changes and issue a revised version of the policy at any time. However, any **significant changes** to the Policy will only be implemented after a formal consultation process with the trade and public.
- 6.2 Any **significant amendment** is defined as one that:-
 - Is likely to have a significant financial effect on licence holders or
 - Is likely to have a significant procedural effect on licence holders or
 - Is likely to have a significant adverse effect on the community

6.3 Any changes will be communicated to licence holders via email as soon as practicable to do so.

7. Requirements for applicants

- 7.1 The objective when licensing Private Hire operators is ensuring the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
- 7.2 A Private Hire vehicle may only be dispatched to a customer by a Private Hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.

- 7.3 A Private Hire operator must ensure that every Private Hire vehicle dispatched by [him/them](#) is licensed and driven by a person who holds a Private Hire driver's licence.
- 7.4 All three licences (operator, vehicle and driver) must be issued by the same licensing authority.
- 7.5 It is a criminal offence to operate a Private Hire vehicle without an operator's licence.
- 7.6 Basic DBS check is required for an initial Private Hire Operator application.
- 7.7 DBS checks will be required on an annual basis for licence holders unless they are already licenced as a driver by BCP Council.

Licence Duration

- 7.8 Operators' licences will be issued for a standard 5-year period.
- 7.9 However, the council has the power to grant a licence for a shorter period should this be appropriate in the circumstances.
- 7.10 If an operator changes their name or address, they must notify the council immediately.

Address from which an Operator may operate

- 7.11 Applicants must specify the address from which they will operate, and records can be inspected. These premises must be in the BCP council conurbation and where necessary should have planning consent for use as a Private Hire office. PO box, [solicitors, accountants or care of](#) -addresses will not be accepted.
- 7.12 If an operator wishes to change the base from which they operate they will be required to submit a new application.
- 7.13 Operator's licences are non-transferrable [to another person or company](#). In the event of control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply ~~afresh~~ for a [new](#) licence.

8. Application procedure

- 8.1 Applications must be submitted electronically by email to taxi.privatehire@bcpcouncil.gov.uk
- 8.2 To complete an application an applicant must
 - a) Complete an application form
 - b) For each listed director or individual, complete a [standard basic](#) criminal disclosure (DBS) form and produce at least 3 forms of valid identification as required by the DBS ~~(note: a fee is payable for the DBS check)~~. A DBS check may not be necessary if the applicant has registered for the DBS Update Service and provides evidence to that effect, or where the applicant is already a licenced driver with BCP Council;
 - c) All applicants must produce evidence of [his or her/their](#) right to work and live in the UK in accordance with the requirements of the Immigration Act 2016. ~~Right to work in the UK will be checked as part of your licence application and this could include the checking of your immigration status with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for~~

~~this check. The list of documents found via this link~~
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774286/Right to Work Checklist.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774286/Right_to_Work_Checklist.pdf).

- d) Provide evidence of appropriate public liability insurance, if the premises are open to the public;
- e) Pay the appropriate fee.

- 8.3 If there are restrictions on the length of time the applicant can work in the UK, the licence will not be issued for any longer than this period.
- 8.4 The application will not be determined until all of the above have been provided and the DBS criminal record disclosure certificate has been produced by the applicant
- 8.5 Applicants are advised to check and where necessary obtain planning consent for the premises. If the planning consent is time restricted it is the operator's responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.
- 8.6 Officers may require a site visit prior to the determination of the licence. The Council has the power to impose such conditions on an operator's licence as it considers reasonably necessary.
- 8.7 Appendix A sets out the conditions to be attached to an operator's licence which cover the standards of service expected.
- 8.8 Any applicant who makes a false or inaccurate statement on their application form will not be deemed to be a fit and proper person to hold a licence and their application will be terminated. This includes not disclosing convictions, cautions, penalty or previous licence revocation.
- 8.9 Anyone whose application is refused for making a false or inaccurate statement on their application form will not be permitted to reapply for a licence for 12 months from the termination of their application. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council by virtue of s.57 Local Government (Miscellaneous Provisions) Act 1976.

8.10 Reapplication

~~8.9.11~~ Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later

9. Criminal records

- 9.1 The applicant must declare any previous criminal convictions, cautions and fixed penalty notices received, including those awaiting appeal, and any charges pending. The council will make a decision as to the relevance of convictions, cautions, charges and fixed penalty notices in accordance with criminal convictions guidelines Appendix B.

- 9.2 The council may require further information from the Police or Crown Prosecution Service. Applicants who have previous criminal convictions, cautions, fixed penalty notices or charges pending will be interviewed and details of that interview may be included in any report which is referred to the Licensing Committee or Sub Committee.
- 9.3 Failure to disclose or declare any previous convictions, cautions, fixed penalty notices or pending charges ~~will may~~ be construed as an attempt to deceive and appropriate and proportionate action will be taken
- 9.4 In considering what might be assessed to ensure that an operator is fit and proper or safe and suitable the Licensing Authority considers the following to be amongst appropriate matters that it will take into account:
- Criminality (see assessment of previous convictions ~~criminal convictions annexe of the Statutory taxi and private hire vehicle standards~~ Statutory taxi and private hire vehicle standards - GOV.UK (www.gov.uk) guidelines Appendix B)
 - Period of holding a operators licence
 - Conduct of the operator during the licence period, including relationship and co-operation with officers of the Licensing Authority.
 - Right to work in the UK and any time restrictions
 - Characteristics displayed by a licence holder towards customers and others ie staff in the Licensing Team or other council officers and their overall integrity
- 9.5 BCP Council will have regard to the IOL guidance on determining the suitability of applicants and licensees in the taxi and private hire trade as a minimum standard [https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf), however the assessment of previous convictions ~~guidelines as set out within the of the Statutory taxi and private hire vehicle standards as published by the Department for Transport will be~~ in Appendix D will be taken as the base line relating to convictions.
- 9.6 In addition consideration on suitability may include other factors including the conduct of the applicant during the application process or during the term of their existing or previous licence as well as their conduct, co-operation and working relationship with the Authority and its officers.
- 9.7 In essence a 'fit and proper' operator;
- ~~must~~should not be violent, abusive or threatening in their behaviour even if subjected to unpleasant, confrontational or dishonest passenger behaviour or when subject to enforcement action from officers
 - ~~must~~should be honest and trustworthy with integrity as they have access to a large amount of personal information that could be misused and significant opportunity to defraud people
 - ~~must~~should work co-operatively with and be civil and respectful towards officers of the Licensing Authority who are carrying out their duties.
- 9.8 This list is not exclusive and other factors may also be relevant to the fit and proper person definition.
- 9.9 The Licensing Authority will consider all information provided to it from sources such as the Police, Children and Adults Safeguarding Boards, Passenger Services and other statutory agencies. Existing licence holders will also have previous history/outcomes during their time

as a licensed driver /operator or previous applicant taken into account and their ability to work constructively and positively with the Licensing Authority.

- 9.10 The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst licence holders drivers were directly engaged in their professional capacity at work or whether they occurred during the licence holders own personal time.

10. Renewals

- 10.1 Holders of existing operators licences should apply to renew their licence no more than 2 months prior to the expiry of the previous licence.
- 10.2 The council has no duty to notify operators that their licence is due for renewal as it is the licence holder's responsibility to renew their licence. As a courtesy a reminder via email will be sent to the operator in advance of their renewal date.
- 10.3 Renewal applications and associated paperwork must be submitted electronically via email to taxi.privatehire@bcpcouncil.gov.uk, before the licence has expired. Payment should be made online.

11. Operator licence conditions

- 11.1 The Licensing Authority may attach such conditions to a licence as are considered necessary.
- 11.2 The standard conditions are available in Appendix A.
- 11.3 All operators must read and understand the licence conditions which will be available on the Council website.
- 11.4 Failure to comply with the conditions set out in this document may result in enforcement action (Section 14)

12. How to use this policy

- 12.1 All BCP licensed operators should ensure that they are fully compliant with the policy and appendices
- 12.2 At first application and renewal licence holders will be provided with an up-to-date link to this policy and its appendices.
- 12.3 It is a requirement that all licence holders adhere to this policy and the conditions set out in it. In the event of enforcement action being necessary, it is not deemed acceptable that a licenced operator uses the excuse they were not aware of the requirements of this policy.

13. Roles and responsibilities

- 13.1 The Licensing Manager is responsible for overseeing the functions and work of the licensing team who deliver the policy.

- 13.2 The Licensing Committee or Sub- Committee will be presented with reports in cases where operators do not meet the conditions of their licence, or where complaint investigation has resulted in the need for the licence to be reviewed.

14. Enforcement and sanctions

- 14.1 Any operator who does not comply with this policy, or any conditions contained in it, which leads to a breach of a condition or any complaint received will be subject to investigation, the result of which may be brought before the Licensing Committee [or Sub Committee](#).
- 14.2 The Licensing Committee [or Sub Committee](#), can choose to revoke a licence or suspend a licence pending any necessary action by the operators such as attending training or improving systems and record keeping as required.
- 14.3 Decisions by the Licensing Committee [or Sub Committee](#), are subject to appeal to the Magistrates court within a statutory appeal period of 21 days from the notification of any committee hearing decision.

15. Complaints, disciplinary and delegation to officers

- 15.1 In cases of complaints, allegations or reports of unacceptable behaviour by a licenced operator, the licensing officer will investigate the matter fully and determine the seriousness of the allegation.
- 15.2 Where there are serious allegations that are deemed to pose an **imminent risk to public safety**, they will need to be investigated and actioned immediately. The Licensing Manager or other Licensing officer will try to contact the [Operators driver](#) in question to discuss the allegations. If the officer deems that the complaint is founded, and the evidence is sufficient to support the allegation of an imminent risk to public safety, then the matter will be referred to three members of the Licensing Committee to include the Chair and/or Vice Chair for the to make a decision if any immediate action needs to be taken in respect of a licence.
- 15.3 If members determine that the evidence presented demonstrates there is an imminent risk to public safety, the ~~driver's~~ [Operators](#) licence could be immediately revoked ~~and the driver concerned will be notified and required to surrender their badge and paper licence the same day.~~ Members will confirm in writing the decision made and the reasons why the decision was reached.
- 15.4 If members agree there is a risk to public safety, but it is not an imminent risk the matter will be referred to the Licensing Sub-Committee.
- 15.5 Complaints of a less serious matter will be dealt with by the Licensing Manager or another licensing officer, who ~~is permitted to issue/authorise~~ [may either issue guidance, a formal warning or caution or a letter of caution and/or](#) suspend ~~thea~~ licence for a period of no more than 2 weeks.
- [15.6](#) In all cases of complaint, officers will make reference to the ~~driver~~ [Operator](#) licence conditions attached to all licences as detailed in Appendix [BA](#).
- ~~15.6~~ [15.7](#) In cases where convictions or cautions have been reported via complaint or direct from the operator, reference will be made to the assessment of previous convictions as set out within the of the Statutory taxi and private hire vehicle standards as published by

the Department for Transport, the convictions guidelines in Appendix D as well as the Institute of Licensing guidance on the suitability of applicants and licensees in the hackney and private hire trades.
[https://www.instituteoflicensing.org/documents/Guidance-on-Suitability-Web-Version-\(16-May-2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance-on-Suitability-Web-Version-(16-May-2018).pdf)
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Appendix A

Private Hire Operator Conditions of Licence

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847

All operators must comply with the requirements of The Equality Act 2010

1. Record Keeping

1.1 The records required to be kept by the operator under s.56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, a computer record or other durable recording format. The operator shall enter or cause to be entered therein before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-

- a) The time and date of the booking
- b) The name of the hirer
- c) The time of the pick-up
- d) The point of pick-up
- e) The destination
- f) The licence number of the vehicle allocated for the booking
- g) The name of any individual who responded to the bookings (where applicable)
- h) The name of any individual that dispatched the vehicle (where applicable)
- i) Remarks (including details of any sub-contract).

1.2 When the Operator passes the hiring to another company the record shall include the name, address and Council with which that Operator is licensed.

~~1.3 The operator shall also keep records of the particulars of all vehicles operated by him, which particulars shall include details of the proprietors, registration numbers and drivers of such vehicles, together with any radio call sign used.~~

~~The operator shall also keep records of all employee who take booking and dispatch vehicles.~~

1.4 Copies of all vehicle and driver licences shall be kept by the operator. All records kept by the operator shall be preserved for a period of not less than TWO years following the date of the last entry.

4.1.5 The Operator shall document the following particulars of any vehicle operated:

- a) The registration number of the vehicle
- b) The number of the identification plate provided by the Council pursuant to s.48(5) of the 1976 Act
- c) The make and model of the vehicle
- d) The name and address of the proprietor(s) of the vehicle

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- e) The number of passengers permitted to be carried in the vehicle, as shown on the licence
- f) The start and expiry dates of the vehicle's licence issued by the Council
- g) The date on which the vehicle was added to the operator's fleet
- h) The date on which the vehicle was withdrawn from the operator's fleet.

4.21.6 The Operator shall keep a record of the following particulars of all licensed drivers:

- a) The full names of the driver
- b) The permanent address of the driver
- c) The drivers date of birth
- d) The drivers licence (badge) number
- e) The start and expiry dates of the driver's licence issued by the Council
- ~~f)~~ The dates the driver's engagement/employment was commenced and terminated.
- ~~f)g)~~ To keep a record of long term oversees absences of drivers and notify the Licensing Authority if over 6 months

1.7 The operator is required to keep a record of criminal record checks for all employees who take bookings and dispatch vehicles.

1.8 The operator is required to provide to the Licensing Office on annual basis on the anniversary of the issue of the licence the following information.

- a) List of all BCP Licenced vehicles registered with them.
- b) List of all BCP Licenced drivers registered with them.
- ~~a)c)~~ Confirmation that the details provided by the operator on their application have not changed.

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2. Standard of Service

2.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- c) Ensure that any waiting area provided by the operator has adequate seating facilities;
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- e) Ensure that all vehicles dispatched by them are maintained at all times in a safe and roadworthy condition.
- ~~f) Publish a complaints handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council~~

3 Safeguarding

3.1 The licence holder shall also keep a register of all employees who have access to customer personal data including booking and dispatching vehicles, this will include the dates and times of work and their role.

3.2 The licence holder shall have in place a policy on employing ex- offenders which recognises that those with a conviction for offences provided in the councils policy on previous convictions other than those relating to driving matters may not be suitable to have access to such customer records and personal information.

~~3.4~~

3.3 The operator shall require at least a basic DBS certificate for individuals named in the register at 3.1 at the time of employment to be no more than 3 months old and any contracts of employment will include a clause requiring the individual to disclose any arrest or conviction to the employer.

3.4 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.

~~3.23.5~~ The operator shall ensure all staff who take bookings and dispatch vehicles have been provided with suitable training in the awareness of and reporting of safeguarding concerns which includes human trafficking, county lines and child sexual exploitation.

3.6 The operator will keep records for all staff who have received safeguarding training which will be provided to the Licensing Authority on request.-

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64 Complaints

4.1 The Operator shall publish a complaints handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council.

4.2 The operator shall notify the Licensing Authority of serious incidents or serious complaints that may bring into question the fitness and propriety of a driver or the operator, regarding any driver or other operator used by the operator within one working day of receipt. This includes incidents or complaints received from third parties and relates to any journey whether a hiring by the public or from contract work. Any response to a complaint that has already been made should be forwarded to the Council Licensing Team at the same time. Any further responses should be forwarded to the Council Licensing Team on request. The report shall include details of driver(s) vehicle(s) or other operator(s) involved and the hirers name and contact details.

4.3 A list of complaint types the must be reported to the Licensing Authority includes but is not limited to:

- sexual misconduct, sexual harassment, or inappropriate sexual attention

- breaching terms and conditions laid down by the operator regarding fares and charges including the cancellation of a journey without good reason
- unnecessarily obtaining passengers personal information which includes but not limited to social media contact details and telephone numbers
- racist behaviour
- violence
- dishonesty, including but not limited to theft, touting, incorrect routing to inflate a fare
- breaches of equality (specifically wheelchair and service animal denial)
- road traffic offences including condition of any vehicle and including instances of poor driving standards
- any other act that may bring into question the fitness and propriety of the driver or operator
- ~~The operator shall notify the Council in writing (email), within 7 days, of any complaints that are of a serious nature, in line with their policy~~
- any driver that has been removed from the working through the Operator on a permanent basis.

75 Change of Operator's Home Address

~~7.45.1~~ The operator shall notify the Council in writing of any change of his/her home address during the period of the licence within seven days of such change taking place.

86 Change of Operator's Business Premises

~~8.46.1~~ If an operator wishes to change the base from which they operate they will be required to submit a new application. (Note: all operators' business premises must be within the BCP Council Boundary).

97 Convictions and Cautions

~~9.47.1~~ The operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on him/her (or, if the operator is a Company, of any its Directors) during the period of the licence.

108 Operator's Licence

~~10.48.1~~ Operators shall operate wholly from those premises specified in the licence and situated within the boundaries of BCP Council

~~10.28.2~~ The Operator shall display the Operator's Licence issued by the Council in a conspicuous position at the licensed premises.

149 Signage

~~44.49.1~~ Each Private Hire Operator is responsible for ensuring that their advertising is only placed on a vehicle linked to their circuit. Only advertising approved by the Licensing Officers may be displayed.

~~44.29.2~~ When an operator ceases to dispatch a vehicle, the operator shall ensure that the driver returns all such signage and livery to them

~~42~~10 Public Liability Insurance

~~42.410.1~~ Operators shall have at all times a current valid policy of public liability insurance for the premises they are licensed to operate from, if those premises are open to the public.

~~43~~11 Duty to cooperate on regulatory matters

~~43.411.1~~ Operators must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

12 Reapplication

12.1 Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.