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**NOTICE OF MEETING**  
**LICENSING AND SAFETY COMMITTEE**

**31 JANUARY 2008**

**TO: ALL MEMBERS OF THE LICENSING AND SAFETY COMMITTEE**

You are requested to attend a meeting of the above Committee on **31 January 2008 at 7.30 pm** in the Council Chamber, Fourth Floor, Easthampstead House, Bracknell, to transact the business set out in the attached agenda.

Alison Sanders  
Director of Corporate Services

**Members of the Licensing and Safety Committee**

Councillor Brunel-Walker (Chairman)  
Councillor Mrs Ryder (Vice-Chairman)

Councillors Baily, Mrs Barnard, Beadsley, Blatchford, Brossard, Burrows, Finch, Kendall, Leake, Osborne, Thompson, Virgo and Ms Wilson

**EMERGENCY EVACUATION INSTRUCTIONS**

**If you hear the alarm:**

- 1 Leave the building immediately**
- 2 Follow the green signs**
- 3 Use the stairs not the lifts**
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**THE LICENSING AND SAFETY COMMITTEE**  
**31 January 2008 (7.30 pm)**  
**Council Chamber, Fourth Floor, Easthampstead House, Bracknell.**

**AGENDA**

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|--|----------------|
| <b>1. APOLOGIES FOR ABSENCE</b><br>To receive apologies for absence and note the attendance of any substitute members.   |                |
| <b>2. DECLARATIONS OF INTEREST</b><br>Members are required to declare any personal or prejudicial interests and the nature of that interest, in respect of any matter to be considered at this meeting.  |                |
| <b>3. MINUTES</b><br>To approve as a correct record the minutes of the meeting held on 4 October 2007.   | 1 - 4          |
| <b>4. URGENT ITEMS OF BUSINESS</b><br>Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.   |                |
| <b>5. HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2008-09</b><br>To provide members with an opportunity to comment on the draft Health and Safety Law Enforcement Plan 2008-09 prior to the final version which the Committee will receive later in the year. | 5 - 14         |
| <b>6. OUTSOURCING OF TAXI TESTING</b><br>Members are asked to note the progress made to outsource the testing of taxis and to agree the recommendation contained in the report.  | 15 - 16        |
| <b>7. HACKNEY CARRIAGE TARIFF CHARGES</b><br>Members are asked to consider a review of Hackney Carriage tariff charges.  | 17 - 22        |
| <b>8. REVIEW OF FEES AND CHARGES 2008/2009</b><br>Members are asked to note the proposals and agree the fees for the year commencing 1 April 2008.   | 23 - 36        |
| <b>9. GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE OWNERS, OPERATORS AND DRIVERS</b><br>Members are asked to consider and approve the guidance notes, parts of which are also conditions attached to licenses.                    | 37 - 76        |

- |     |   |           |
|-----|---|-----------|
| 10. | <b>LICENSING ACT 2003 - MINOR VARIATIONS</b>  | 77 - 78   |
|     | Members are asked to note the proposal to amend the Licensing Act 2003 to introduce a simplified process for minor variations and approve a response to the DCMS consultation.                              |           |
| 11. | <b>SPECIAL TREATMENT REGISTRATIONS</b>  | 79 - 98   |
|     | Members are asked to approve the competency guidelines for special treatment registrations attached at Annex B.   |           |
| 12. | <b>LICENSING PANEL HEARINGS</b>   | 99 - 102  |
|     | Members are asked to agree the procedure as set out in paragraph 4.7 of the report.   |           |
| 13. | <b>ROAD SAFETY ACT 2006</b>   | 103 - 104 |
|     | An information item that informs the Committee of the guidance that has been recently published by the Department for Transport in respect of the implementation of Section 53 of the Road Safety Act 2006. |           |
| 14. | <b>LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY</b>   | 105 - 138 |
|     | An information item to advise the Committee on progress on the review and the date of publication of the Borough's Licensing Policy.  |           |

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# Agenda Item 3

**LICENSING AND SAFETY COMMITTEE**  
**04 OCTOBER 2007**  
**(7.30 - 9.05 pm)**

Present: Councillors Baily, Mrs Barnard, Beadsley, Blatchford, Brossard, Burrows, Finch, Kendall, Osborne and Thompson

Apologies for absence were received from:

Councillors Brunel-Walker and Mrs Ryder

**13. Nominations for a Chair**

The Democratic Services Officer requested the Committee to put forward nominations for a Chairman for the meeting, given that both the Chairman and Vice-Chairman had submitted their apologies.

**RESOLVED** that the Committee nominated Councillor Kendall to chair the meeting.

**14. Declarations of Interest**

There were no declarations of interest made at the meeting.

**15. Minutes**

**RESOLVED** that the minutes of the meeting of the Licensing and Safety Committee on 5 July 2007 be approved as a correct record and signed by the Chairman.

**16. Air Quality**

The Committee considered a report on air quality data for the Borough. The Council's air quality strategy provided a framework for local air quality control through air quality management and standards. Evidence showed that the main source of pollution in the Borough was from vehicles, accordingly air quality stations are used to monitor the main traffic routes in the Borough.

Members queried whether it was possible to have live air quality information on the Council's website. Officers agreed to investigate this possibility and report back to the Committee. Members also felt it would be useful to have some comparative information or statistics from other areas. Officers agreed to include comparative information in the next report on air quality to the Committee.

**RESOLVED** that the Committee noted the contents of the report.

**17. Licensing Policy - Review**

The Committee were presented with a report that reviewed the Council's Licensing Policy. The provisions of the Licensing Act 2003 required that the Council have a Licensing Policy and review that policy every three years.

The Committee put forward the following minor amendments to the wording of the policy to be added by officers in consultation with the Chair:

- (i) Page 46, 1.8: Take out 'cultural' and replace with 'council' if appropriate.

- (ii) Page 50, (e): Change 'liaise' to 'consult'. (to reflect that this is only part of the process OR add appropriate wording to reflect this)
- (iii) Page 45, first paragraph: reword to reflect that the Council is the Licensing Authority.
- (iv) Page 61, 6.12: Reword to state: 'Applicants for Premises Licenses are expected to conduct a thorough risk assessment on the activities proposed at the premises giving due consideration to the Licensing Objectives.'
- (v) Page 61, 6.13: Change 'consult' to 'notify' if appropriate.
- (vi) Page 61, 6.13: Letter missing after (e).

In reference to Page 68, 13.2, Members queried whether it was possible to have a pool of five members of which three could be drawn for the Licensing Panel to allow greater flexibility and to ensure that Licensing Panels did not run the risk of becoming inquorate. The Democratic Services Officer stated that she would query this and report back to the Committee.

**RESOLVED** that the Committee

- i) note the proposed changes to the Licensing Policy
- ii) agree that the revised policy be put forward to
  - a) The Executive on 23 October 2007 and
  - b) Full Council on 28 November 2007 for approval.

#### 18. **Neighbourhood Notifications**

The Committee considered a report on the Neighbour Notification procedure. This procedure involved sending notification letters to residents who were immediate neighbours to any premises subject to new and variation applications for premises licenses.

The Committee noted that it would be helpful to show the location of where representations had been received from on location maps at Licensing Panels.

**RESOLVED** that the practice of Neighbour Notification be continued for all new and variation applications for premises licences under the Licensing Act 2003.

#### 19. **Manual of Inspection Standards**

The Committee were presented with a report that considered the inspection of Taxis and Private Hire vehicles licensed by the Council. At present Taxis and Private Hire vehicles were inspected for both mechanical and general condition at regular periods by the Council's Depot. From the New Year it was expected that due to changes within that work area it would no longer be possible for such inspections to be carried out at that site.

The report before the Committee proposed that this work be outsourced to local garages who were MOT stations and who would commit to a Service Level Agreement set out by the Council.

Members asked that corrosion be added to the inspection criteria for Taxis and Private Hire vehicles.

**RESOLVED** that the Committee;

- i) noted the proposals for the provision of new testing facilities and
- ii) considered and approved the Manual of Standards document as an appropriate standard for the testing of such vehicles.

20. **Gambling Act 2005 - Implementation**

The Committee considered a report on the implementation of the Gambling Act 2005. The Council had been able to accept applications for gambling premises licenses since May 2007. The deadline for applications to ensure continuation rights for existing operators was July 2007 and the Gambling Act came into effect on 1 September 2007. The Licensing Section had received thirteen applications for gambling premises licenses within the transition period, prior to the deadline to ensure continuation rights.

**RESOLVED** that the Committee noted the report.

21. **Online Licensing**

The Committee considered a report on the Council's development of an Online Licensing system. When the system testing was complete, Online Licensing would be promoted to members of the public and applicants through more prominent links on the Council's website.

**RESOLVED** that the Committee noted the report.

22. **Street Collection Permits**

The Committee were presented with a report that considered restricting the number of Street Collection permits to be issued throughout the Borough and at specified locations. A letter had been received from the Centre Manager on behalf of the Meadows Shopping Centre requesting an extension in the number of permits to be issued at that site.

The Committee agreed that permits should be increased from 50 to 75 at the Meadows Shopping Centre but asked that only one charity be permitted to collect at any one time.

**RESOLVED** that the Committee agreed that the number of Street Collection permits available for issue at the Meadows Shopping Centre increase from 50 to 75 per calendar year and that only one charity be permitted to collect at any one time.

**CHAIRMAN**

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**LICENSING AND SAFETY COMMITTEE**  
**31 January 2008**

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**HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2008-09**  
**(Director of Environment and Leisure)**

**1 PURPOSE OF DECISION**

- 1.1 The Council has responsibility for the enforcement of health and safety in private sector businesses in the Borough. Members will recall approving the Health and Safety Law Enforcement Plan 2007-2008 at the Committee meeting on 5 July 2007. The purpose of this report is to provide members with an opportunity to comment on the draft Health and Safety Enforcement Plan for 2008-2009 prior to the final version the Committee will receive later in the year. The Work Plan for Health and Safety Law Enforcement 2008-2009 (Appendix A) is in the process of being re-drafted and sets out a framework for the Council's plan for health and safety in line with direction from the HSC and the Health and Safety Executive (HSE).
- 1.2 The plan is required to comply with Section 18 of the Health and Safety at Work etc Act 1974 to ensure that national priorities and standards are delivered effectively and consistently at a local level.

**2 RECOMMENDATIONS**

**2.1 That DMT:**

- (a) **notes the timescales for the production of the final Health and Safety Law Enforcement Plan 2008-2009 and**
- (b) **comments on the contents of the draft Enforcement Plan (Appendix A).**

**3 ADVICE RECEIVED FROM STATUORY AND OTHER OFFICERS**

Borough Solicitor

- 3.1 The relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

Impact Assessment

- 3.3 There are no direct consequences of the report for any group and no direct community safety implications.

### Strategic Risk Management Issues

- 3.4 There are no strategic risk management issues arising from the report.

### Head of Trading Standards and Licensing

- 3.5 The Head of Trading Standards and Licensing has been consulted and contributed to the proposed plan.

## **4 SUPPORTING INFORMATION**

- 4.1 To assist and prepare members for receipt of a final document later in the year, the committee is being shown a draft Health and Safety Enforcement Plan. On completion after April, the full plan will set out the work for 2008-2009 and be accompanied by information providing details of how we have performed in the current financial year.
- 4.2 A key theme of the work plan is to continue to develop targeted health and safety activity by working effectively in partnership with business and the Health and Safety Executive. This will be achieved by working to an agreed portfolio of joint working with the HSE based around 'Fit3' - "Fit for Work, Fit for Life, Fit for Tomorrow". This year's work plan as set out in Appendix A is in the process of being populated with targets and initiatives under 3 main headings which are: protecting consumers, support for local businesses and local partnerships.
- 4.3 As a reminder, there are effectively two main regulatory arms: the Health and Safety Executive and the Local Authorities. Within Bracknell Forest enforcement is a function of the Environmental Health and Safety Section. At 1 April 2007 the Borough had 1,191 local businesses where it has the statutory responsibility to enforce the Health and Safety at Work etc Act 1974. This figure will be adjusted in the new financial year to account for the closure and start-up of new businesses.
- 4.4 Progress against the plan is reported monthly as key performance indicator to the Departmental Management Team. Since Members approved the Health and Safety Law Enforcement Plan for 2007-2008 on 1 July 2007, staff from across the section have left the Council to take up employment elsewhere. Despite having agency cover, there have been difficulties with recruitment and consequently there have been problems with meeting the statutory minimum requirement in the Commercial and Environmental Protection Teams. Therefore the health and safety plan previously approved by Members has been cut to ensure the minimum legal requirements are met. This has been achieved by pulling Environmental Health Officers from their programmed health and safety work to cover shortfalls in the Environmental Protection Team. The Council's performance in relation to health and safety enforcement is reported annually to the Health and Safety Executive. The Executive has powers to intervene where there is a shortfall in performance. However the risk has been minimised because some additional inspection services have been brought in to cover health and safety inspections as these are more readily available skills to acquire from recruitment agencies.
- 4.5 Consultation with stakeholders has been ongoing since the Committee approved the plan for 2007-2008. It has been published on the Borough Council's website and copies have been issued at key locations in the Borough including the Council's libraries and town and parish council offices. To date no representations have made in relation to the plan.
- 4.6 The Commercial Team is comprised of 5 officers who spend approximately 40% of their time on health and safety issues. The remaining 60% is committed to visiting business to

carry out full food hygiene inspections to assess for legal compliance. In the previous year 354 of these inspections were carried out. Additionally all new food businesses are required to be inspected within 28 days of opening and also follow-up visits are required for businesses where issues of non-compliance have been found.

#### Background Papers

1. HELA Strategic Plan 2000-2004
2. HSC Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond – (Securing Health Together – SH2)
3. Health and Safety in Local Authority Enforced Sectors, Section 18. HSC Guidance to Local Authorities (09/01)
3. HELA Circular Number 67/1 (Rev 3) Advice to Local Authorities in Inspection Programmes and an inspection rating system (12/2000)
4. Health and Safety Law Enforcement Plan 2007-08

#### Contact for further information

David Steeds, Head of Environmental Health and Safety - 01344 352530  
[david.steeds@bracknell-forest.gov.uk](mailto:david.steeds@bracknell-forest.gov.uk)

#### Doc ref

G: Secs1\Winword\L&S Cttee\2008\Jan\H&S Law Enforcement Plan 2008-09\15.1.08(2)

**APPENDIX A  
HEALTH & SAFETY ENFORCEMENT PLAN  
2008/09**

| <b>Protecting Consumers</b>  |  |                |
|--|--|----------------|
| <b>Task</b>  | <b>Outcome</b>   | <b>By when</b> |
| <i>To seek to preserve and improve the health and safety standards of workplaces in Bracknell Forest through effective enforcement methods.</i>  | Inspection 145 businesses in Bracknell Forest where we are the enforcing authority for health and safety in accordance with risk aiming to complete 100% of identified high-risk premises and using alternative interventions for other business.  | March 2009     |
| <i>Respond to and investigate workplace accidents and reports of poor working practices and conditions</i>   | To ensure that effective investigations are carried out and to take prompt action to improve conditions and reduce likelihood of injury recurring.<br>Examine local trends in accidents reports.   | Ongoing        |
| <i>In partnership with the Health &amp; Safety Executive work towards reducing the number of accidents and ill health that occurs within Bracknell Forest by focusing on priority areas identified local, regional and national level.</i> | Adapting existing project plans that have been developed by the HSE for campaigns to: <ul style="list-style-type: none"> <li>• Free up officer time from developing campaigns and allow more contact time with businesses</li> <li>• Low cost publicity and support material by use of nationally produced resources and publicity</li> <li>• Impact on the health of the community and the strength of the local economy by targeting areas of identified significant risk. (FIT3)</li> </ul> | Ongoing        |

| <b>FIT3 Project Working – Focusing Resources</b>                   |  |                           |
|--|--|---------------------------|
| <b>Task</b>  | <b>Outcome</b>   | <b>By when</b>            |
| <i>Ladders – to continue Height Awareness activity from 07/08</i>  | To incorporate awareness raising at all relevant visits.   | April 2008 onwards        |
| <i>Slips and Trips – Watch Your Step in Care Homes<sup>1</sup></i> | 34 residential care homes identified for initial visit; to raise awareness of hazards. Aim is to improve overall H&S score for premises by ensuring legal compliance and adopting best practice.   | March – August 2008       |
| <i>Noise at Work in Pubs and Nightclubs<sup>1</sup></i>            | Increase awareness of Regulations (potential for joint working with Licensing Team) at all premises; clubs and bars live and recorded music. Evaluation of impact in 20. Aim is to improve overall H&S score for premises by ensuring legal compliances and adopting best practice.            | July – August 2008        |
| <i>Better Backs</i>  | 34 residential care homes identified for initial visits; to raise awareness of hazards. Aim is to improve overall H&S score for premises by ensuring legal compliance and adopting best practice.  | March – August 2008       |
| <i>Slips and Trips and Falls from Height in Food Retail</i>        | Visits to food retail outlets 20 – where slips and trip, falls from height are of concern – secure improvements. Focus on areas of high accident reporting and lowest management controls.   | September – December 2008 |
| <i>Slips and Trips in Hotels and Catering</i>                      | Visits to hotel and catering establishments 20.<br>Aim is to improve overall H&S score for premises by ensuring legal compliance and adopting best practice.   | January – March 2009      |
| <i>Disease Reduction – Dermatitis</i>                              | Aimed at industries where skin hazards are high risk. Raise awareness by written advice followed up by visits to 20 premises to implement simple controls.   | April – November 2008     |
| <i>Special Treatments</i>  | Continue to provide specialist advice for the Licensing section and for businesses on new applications and renewals.   | Ongoing                   |
| <i>Smoke-Free</i>  | Continue to monitor for compliance at all premise visits and respond to complaints and enquiries.  | Ongoing                   |
| <i>Stress Management</i>   | Initial work to identify leaders implementing management standards for work-related stress.<br>Identify and work with 5 local service industries to encourage adoption of methods to manage risk. Aim is to improve overall H&S score by ensuring legal compliance and adopting best practice. | May – December 2008       |

6

<sup>1</sup> Linked project

|                                  |  |                |
|----------------------------------|--|----------------|
| <i>Warehousing Activities</i>    | To carry out pre-Christmas visits to areas of highest accident reporting. Visits to 8 retail warehouses.   | December 2008  |
| <i>Cooling Towers</i>            | To audit all duty holders (18) with responsibility for cooling towers and evaporative condensers.  | November 2008  |
| <i>Asbestos – Duty to Manage</i> | Raise at all relevant visits third year of campaign. Likely to result in some enforcement to secure improvement.   | Ongoing        |
| <i>Caravan Sites</i>             | Conduct full inspection of one caravan site to check compliance, health and safety aspects of model standards and licence conditions.  | March 2009     |
| <i>Petroleum</i>                 | To inspect 20 licensed premises to ensure safe storage and use of petroleum products.  | March 2009     |
| <i>Fireworks</i>                 | To inspect 20 licensed premises to check compliance with storage and safe provisions.  | December 2008  |
| <i>Riding Establishments</i>     | To inspect 4 premises for compliance with health and safety legislation and animal welfare provisions.   | December 2008  |
| <i>Taxi Inspections</i>          | To conduct at least one joint enforcement agency inspection involving VOSA, Social Services, Customs & Excise and Thames Valley Police to check safety of licensed vehicles. | September 2008 |

| <b>Support for Local Businesses</b>   |   |  |
|---|---|--|
| <b>Task</b>   | <b>Outcome</b>  | <b>By when</b>                                   |
| <i>To facilitate the delivery of health and safety promotional events and material to reflect local needs and national priorities</i> | Organise one major workshop during the year<br>Produce one H&S Newsletter for distribution to all Bracknell Forest businesses<br>Prepare 2 H&S press releases<br>Ensure that the full range of information and guidance on priority areas | Ongoing during year and completion by March 2009 |
| <i>To provide support and advice to local businesses to help them improve their health and safety compliance</i>                      | Respond to requests for advice within 2 working days and provide full advice within 14 days<br>Develop a new business advice pack   | Ongoing  |
| <i>To maintain up-to-date health and safety pages on the Council's website</i>  | Provision of relevant accessible information and links to other key sites including Berkshire Health and Safety Website.  | Ongoing  |
| <i>To provide training in Risk Assessment (CIEH Accredited course)</i>  | One low cost course aimed at small businesses in Risk Assessment (CIEH Accredited)  | September 2008                                   |

| <b>Local Partnerships</b>  |   |                         |
|--|---|-------------------------|
| <b>Task</b>  | <b>Outcome</b>  | <b>By when</b>          |
| <i>To support and participate in a joint warranting project with the HSE</i> | Work effectively together on agreed regional projects to provide a consistent and improved service                                      | Ongoing during the year |
| <i>Develop links with local businesses to support local priority topics</i>  | To form partnerships with a variety of organisations to help support the service aims<br>2 major partnerships (Panasonic and one other) | March 2008              |
| <i>Maintain partnership with the Berkshire PCT and Smoke-Free Berkshire</i>  | Ensure compliance with smoke-free legislation.<br>Give businesses and individuals advice accordingly.                                   | Ongoing                 |



| <b>Performance Management</b>   |   |                |
|---|---|----------------|
| <b>Task</b>   | <b>Outcome</b>  | <b>By when</b> |
| <i>To respond within agreed timetables for national performance data for HSE</i>  | Full reports annually and in year returns submitted within time frames  | As requested   |
| <i>To maintain a quality service in accordance with Section 18 HSC</i>  | Implementation of the agreed work plan, ensuring consistency of approach and maximised resources<br>Continue to implement an in-house competency system for appointed officers<br>Identification of staff training needs during appraisals<br>Reviewed and up-to-date internal procedures | Ongoing        |
| <i>Complete Quarterly Quality Performance Assessments</i>   | Report on quality and consistency of the Commercial Team's work and review as necessary   | Quarterly      |
| <i>To undertake benchmarking with the other Berkshire Authorities via the Berkshire Health &amp; Safety Liaison Group and Berkshire EH Managers Group</i> | Application of best practice, enabling the service to continually improve and identify areas suitable for collaborative working   | Annually       |
| <i>To periodically consult with stakeholders</i>  | To seek stakeholders' views on the delivery of our health and safety service, to use the information to improve the service and to further identify local needs.  | Ongoing        |

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LICENSING AND SAFETY COMMITTEE  
31 January 2008

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**OUTSOURCING OF TAXI TESTING**  
**(Director of Environment and Leisure)**

**1 PURPOSE OF DECISION**

- 1.1 The Committee received a report at its meeting on 4 October 2007 advising members of proposals to outsource the inspection of licensed vehicles for mechanical and general condition requirements.
- 1.2 It has since been confirmed by Transport Management within the Council that testing of licensed vehicles by staff at the Depot will cease on 28 February 2008. It is therefore essential that new arrangements are in place to ensure a smooth transfer whilst still retaining the present high standards of inspection.
- 1.3 The purpose of this report is to advise members on the progress made and to seek approval for the recommendations.

**2 RECOMMENDATIONS**

**That the Committee agrees to:**

- (a) **note the progress made to outsource the testing of taxis and**
- (b) **delegates authority to the Chairman to agree with officers those sites that will be appointed to deliver testing on behalf of the Council.**

**3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

- 3.1 The relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 3.2 There are no significant implications arising from the recommendations in this report.

Impact Assessment

- 3.3 There are no direct consequences of this report for any group and no direct community safety implications.

Strategic Risk Management Issues

- 3.4 There are no issues to consider.

## 4 SUPPORTING INFORMATION

- 4.1 The Council has used suitably qualified staff at the Depot to carry out an independent inspection of the mechanical and general exterior and interior condition of licensed vehicles for at least 20 years. This inspection covers many of those matters dealt within an MOT, but also includes matters outside of that test which are relevant to the safe and comfortable use of a licensed vehicle.
- 4.2 As the Depot is not a registered MOT station, it has therefore been necessary for licensed vehicles to have 2 tests: the MOT and the Council test. At times the licensed trade have argued that this is unnecessary, bureaucratic and expensive for them. Consideration had been given to obtaining MOT status for the Depot, but this was rejected as a way forward.
- 4.3 It was therefore decided that as an essential requirement any new arrangement should deliver the MOT and Council test at a single visit and at a competitive price. A letter was sent to 13 MOT stations within or on the borders of the Borough inviting expressions of interest. 9 expressions of interest were returned and a further letter, together with a questionnaire, was sent to those businesses. A total of 6 questionnaires have subsequently been returned.
- 4.4 Visits have been made to all the applicants to assess the premises and facilities. Where new vehicles have been submitted for licensing, attempts have been made to have those vehicles tested by those garages responding to the questionnaire. This has had two primary aims: to educate the service provider on the tests required and for the Council to examine the process from booking to completion at each of the premises.
- 4.5 Some of the larger private hire vehicles such as stretched limousines and some of the more specialist hackney carriages have long wheelbases and therefore not all garages have the facilities to test these vehicles. It is essential that at least one garage able to test these longer vehicles is approved.
- 4.6 An update on progress will be given to members on the night.

### Background Papers

None

### Contact for further information

Robert Sexton, Head of Trading Standards and Services - 01344 352580  
robert.sexton@bracknell-forest.gov.uk

### Doc ref

G: Secs1\Winword\L&S Cttee\2008\Jan\Outsourcing of Taxi Testing\15.1.08

## LICENSING AND SAFETY COMMITTEE 31 JANUARY 2008

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### HACKNEY CARRIAGE TARIFF CHARGES (Director of Environment and Leisure)

#### 1 PURPOSE OF DECISION

- 1.1 The current tariff for Bracknell Forest hackney carriages came into effect in October 2006. The tariff was last reviewed in July 2007, when this Committee decided not to implement a change at that time.
- 1.2 Due to the recent sharp increases in the cost of fuel, it is believed that the tariff should be reconsidered to ensure there is an appropriate balance of the interests of the taxi trade and users of the service.
- 1.3 Any proposed changes would have to be advertised for a period of fourteen days, and if any objections are made, these would have to be considered by the Committee at its next meeting on 17 April.

#### 2 RECOMMENDATION

##### 2.1 That the Committee agrees to

- a) **Advertise from Thursday 21 February 2008 a change to the tariff as follows: for each subsequent 250 yards - 20 pence.**
- b) **Note that if no objections are made, the new tariff will come into effect on Monday 10 March 2008; or**
- c) **Consider any objections made at its next meeting on 17 April, in which case the new tariff would come into effect on 21 April.**

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 permits the Council to fix the rate of hackney carriage fares. Any changes must be advertised and any objections considered.

##### Borough Treasurer

- 3.2 There are no significant implications arising from the recommendations in this report.

##### Impact Assessment

- 3.3 There are no implications identified.

#### 4 SUPPORTING INFORMATION

- 4.1 The Council has devised a formula to gauge increases in taxi trade expenditure. The formula looks at changes in average earnings, motoring expenditure and the Retail

Price Index (RPI) for the previous year. The factors are then weighted to reflect the likely impact they might have on the business of running a taxi. Therefore motoring expenditure, i.e. fuel, servicing, insurance, taxes, vehicles costs and depreciation, is seen and weighted as the most influential factor. Employee earning is seen as second, with general inflation last.

4.2 In July 2007 the inflationary figure calculated using the formula was only 0.84%. This figure was considered too low to introduce a change, due to the costs that would be incurred for the reprogramming and testing of meters. The inflationary figure for the period January 2006 to October 2007 using the standard formula is 3.07%. The period since October 2007 has also seen further rises in the cost of fuel and predictions are that these rises will continue for the foreseeable future.

4.3 The tariff was increased every year from 2001 as follows:

|      |      |
|------|------|
| 2001 | 3.0% |
| 2002 | 3.5% |
| 2003 | 4.5% |
| 2004 | 2.0% |
| 2005 | 4.8% |
| 2006 | 3.7% |

and this has matched or bettered inflationary figures using the agreed formula.

4.4 The taxi tariffs set by local authorities are published in the Private Hire and Taxi Monthly newsletter. Attached as Annex A to this report is data taken from the table, providing an indication of other local tariffs in comparison with the proposed changes.

4.5 Attached at Annex B is a document showing the current hackney carriage fares (Tariff 1: daytime 7am-11pm) and a number of alterations that could be made to increase the fares.

4.6 In view of the period of time since the last tariff increase and the projected continued rise in the price of fuel, officers recommend a higher than calculated inflationary figure rise. The recommendation is therefore to reduce the distance travelled for 20 pence from 270 yards to 250 yards.

#### Background Papers

National Inflation Statistics

#### Contact for further information

Laura Driscoll, Licensing Section - 01344 352517

[laura.driscoll@bracknell-forest.gov.uk](mailto:laura.driscoll@bracknell-forest.gov.uk)

#### Doc. Ref

G:\TSTANDRD\Laura\Committee\200801\Taxi Tariff

## Information correct as at December 2007

## Tariff 1 data

| Local Authority            | Flag         | 1 mile       | 2 miles      | 5 miles       |
|----------------------------|--------------|--------------|--------------|---------------|
| Reading                    | £2.00        | £3.40        | £5.40        | £11.40        |
| Windsor & Maidenhead       | £2.60        | £3.40        | £5.00        | £9.80         |
| Hart                       | £2.60        | £3.60        | £5.60        | £11.60        |
| Surrey Heath               | £3.00        | £3.00        | £4.80        | £10.20        |
| Slough                     | £3.00        | £4.00        | £5.00        | £9.60         |
| Wokingham                  | £3.00        | £4.00        | £5.60        | £10.40        |
| Bracknell Forest (current) | £2.80        | £3.60        | £5.00        | £8.80         |
|                            |              |              |              |               |
| <b>Average Fares</b>       | <b>£2.71</b> | <b>£3.57</b> | <b>£5.20</b> | <b>£10.26</b> |
|                            |              |              |              |               |
| Current Rank               | 2            | =2           | =3           | 7             |
|                            |              |              |              |               |
| Option 1 Fares             | £2.80        | £3.80        | £5.20        | £9.40         |
| Option 1 Rank              | 2            | 2            | 3            | 7             |
|                            |              |              |              |               |
| Option 2 Fares             | £2.80        | £3.80        | £5.00        | £9.20         |
| Option 2 Rank              | 2            | 2            | =3           | 7             |
|                            |              |              |              |               |
| Option 3 Fares             | £2.80        | £3.60        | £5.00        | £9.20         |
| Option 3 Rank              | 2            | =2           | =3           | 7             |
|                            |              |              |              |               |
| Option 4 Fares             | £3.00        | £3.80        | £5.20        | £9.00         |
| Option 4 Rank              | =1           | 2            | 3            | 7             |
|                            |              |              |              |               |
| Option 5 Fares             | £2.90        | £3.70        | £5.10        | £9.30         |
| Option 5 Rank              | 2            | 2            | 3            | 7             |
|                            |              |              |              |               |
| Option 6 Fares             | £3.00        | £3.80        | £5.20        | £9.40         |
| Option 6 Rank              | =1           | 2            | 3            | 7             |

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## Annex B

### Current Tariff

First 738 yards £2.80, then 20 pence for each subsequent 270 yards

| Flag  | 1 mile | 2 miles | 3 miles | 4 miles | 5 miles |
|-------|--------|---------|---------|---------|---------|
| £2.80 | £3.60  | £5.00   | £6.20   | £7.60   | £8.80   |

### Option 1

Amend yardage from 270 yards to 250 yards

| Flag       | 1 mile | 2 miles | 3 miles | 4 miles | 5 miles | Avg % increase |
|------------|--------|---------|---------|---------|---------|----------------|
| £2.80      | £3.80  | £5.20   | £6.60   | £8.00   | £9.40   |                |
| % increase | 5.56%  | 4%      | 6.45%   | 5.26%   | 6.82%   | 5.62%          |

### Option 2

Amend yardage from 270 yards to 255 yards

| Flag       | 1 mile | 2 miles | 3 miles | 4 miles | 5 miles | Avg % increase |
|------------|--------|---------|---------|---------|---------|----------------|
| £2.80      | £3.80  | £5.00   | £6.40   | £7.80   | £9.20   |                |
| % increase | 5.56%  | 0%      | 3.23%   | 2.63%   | 4.55%   | 3.19%          |

### Option 3

Amend yardage from 270 yards to 260 yards

| Flag       | 1 mile | 2 miles | 3 miles | 4 miles | 5 miles | Avg % increase |
|------------|--------|---------|---------|---------|---------|----------------|
| £2.80      | £3.60  | £5.00   | £6.40   | £7.80   | £9.20   |                |
| % increase | 0%     | 0%      | 3.23%   | 2.63%   | 4.55%   | 2.08%          |

### Option 4

Amend flag charge from £2.80 to £3.00

| Flag       | 1 mile | 2 miles | 3 miles | 4 miles | 5 miles | Avg % increase |
|------------|--------|---------|---------|---------|---------|----------------|
| £3.00      | £3.80  | £5.20   | £6.40   | £7.80   | £9.00   |                |
| % increase | 5.56%  | 4%      | 3.23%   | 2.63%   | 2.27%   | 3.54%          |

### Option 5

Amend yardage from 270 yards to 260 yards and flag charge to £2.90

| Flag       | 1 mile | 2 miles | 3 miles | 4 miles | 5 miles | Avg % increase |
|------------|--------|---------|---------|---------|---------|----------------|
| £2.90      | £3.70  | £5.10   | £6.50   | £7.90   | £9.30   |                |
| % increase | 2.77%  | 2%      | 4.83%   | 3.95%   | 5.68%   | 3.85%          |

### Option 6

Amend yardage from 270 yards to 260 yards and flag charge to £3.00

| Flag       | 1 mile | 2 miles | 3 miles | 4 miles | 5 miles | Avg % increase |
|------------|--------|---------|---------|---------|---------|----------------|
| £3.00      | £3.80  | £5.20   | £6.60   | £8.00   | £9.40   |                |
| % increase | 5.56%  | 4%      | 6.45%   | 5.26%   | 6.82%   | 5.62%          |

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**LICENSING AND SAFETY COMMITTEE**  
**31 January 2008**

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**REVIEW OF FEES AND CHARGES 2008/2009**  
**(Director of Environment and Leisure)**

**1 PURPOSE OF DECISION**

- 1.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget review process. Attached to this report are appendices which set out the current and proposed fees. Members are asked to note the proposals and agree the fees for the year commencing 1 April 2008.

**2 RECOMMENDATIONS**

- 2.1 **That, save for the operator and vehicle licence fees, the Committee recommends to the Executive the new fees and charges detailed in Appendix A for implementation from 1 April 2008.**
- 2.2 **The proposed charges in operator and vehicle licence fees are:**
- (a) **advertised and**
  - (b) **if no objections received, implemented as from 1 April 2008 or**
  - (c) **if objections are received, they be reported to the Chair and Vice Chair of the Committee who shall be delegated authority by the Committee to consider the objections and determine the fees.**

**3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

- 3.1 The relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 3.2 The budget proposals for 2008/09 are currently out for public consultation. Any amendments to these, of which there are some, will need to be included as amendments in the final budget setting process. Overall these changes will not make a significant impact to the budgets in the current budget proposals.

Impact Assessment

- 3.3 There are no direct consequences of this report for any group and no direct community safety implications.

Strategic Risk Management Issues

- 3.4 There no issues to consider.

Other Officers

3.5 None.

#### **4 SUPPORTING INFORMATION**

- 4.1 The Council established a policy for the future review of fees and charges when setting the 2008/09 budget. This requires each Department to consider the level of charges against set criteria. Final proposals for fees and charges will need to be submitted to the Executive for consideration at its meeting on 12 February 2008 when it makes the final recommendation for the 2008/09 budget to Full Council at the meeting on 27 February 2008. It is intended that most fees and charges will increase broadly in line with the inflationary effect on the Council's expenditure at around 5%. However, given the Council's underlying budget gap, opportunities for increasing some fees to cover any shortfall in costs have been explored to ensure that the Council is recovering the full costs incurred.
- 4.2 The Appendices attached to the report include the charges for the services relevant to the Licensing and Safety Committee for the current year and the projected charges for 2008/09 based upon Council guidance. To allow easy collection, many charges have been rounded up or down. Overall, the effect is an increase of 5% on the vast majority of charges.
- 4.3 The table of charges is split into 2 parts. Appendix A lists the fees which the Committee needs to consider for approval, and Appendix B lists the fees which are set by central government through statute and are for information only.
- 4.4 The Licensing Authority should be operated upon on a cost recovery basis such that the costs involved in the administration and enforcement of the service should be met by the fees charged for the licence. The fee is required to meet the administrative costs of the processing of the application, the issuing of the licence, and the monitoring and enforcement within the relevant market to ensure a fair and safe trading environment for consumer and trader alike.
- 4.5 It was realised that the fees charged for Private Hire operators were well below the level to ensure cost recovery, especially those with more than 10 vehicles. It is necessary for the Licensing staff to regularly visit these premises to check records and in addition deal with queries and complaints relating to bookings, vehicles and drivers. Additionally it was seen that the costs involved in the processing and administration of drivers' licences were also not set at cost recovery levels. Therefore recommendations for increases above 5% have also been made for these fees. Street trading consents were also seen as an area where the fee had fallen behind the true costs involved and these again are recommended for increases above 5%. In making these recommendations officers can confirm that they have compared the proposed charges with those in other neighbouring authorities and can confirm that they are still less than those charged by Reading, Wokingham and Windsor & Maidenhead for comparable licences.
- 4.6 Charges for casinos and other gambling establishments were set by the committee at 75% of the statutory maximum fee in April 2007. These fees came into effect in September 2007. At this time officers recommend that the fees remain at their present levels, but be reviewed for 2009/10 when more experience of the workload involved with these licences has been established. Maximum statutory fees for Temporary Use Notices were set by a Regulation which came into force on 1 December 2007. As yet, no Temporary Use Notices have been received. Officers therefore recommend that the fees are set at a level comparable to other local authorities and review this in 2009/10.

- 4.7 Fees charged for the licensing of Hackney Carriages, Private Hire Vehicles and Operators are required by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to be advertised in a local paper with comments and objections received and considered by the Committee. Should objections be received, arrangements will need to be made for the Members to consider these prior to implementation. This would normally be achieved through the next Committee meeting.
- 4.8 As the next committee is not until 17 April 2008, this could result in the operator and vehicle licence fees not being implemented until after that date. This if necessary would result in problems in relation to collection and administrative procedures. To reduce the possible impact, it is recommended that the Committee delegates authority to the Chair and Vice Chair to consider any objections received and to make a decision on the charges. In the event that there are no objections, the fees will be implemented on 1 April 2008.

#### Background Papers

Local Government (Miscellaneous Provisions) Act 1976

Guidance issued under Section 182 of the Licensing Act 2003

#### Contact for further information

Robert Sexton, Head of Trading Standards and Services - 01344 352580

robert.sexton@bracknell-forest.gov.uk

#### Doc ref

G: Secs1\Winword\L&S Cttee\2008\Jan\Review of Fees and Charges 2008 – 2009\15.1.08(2)

## TRADING STANDARDS AND SERVICES

## F LICENSING AND REGISTRATION

| <b>PURPOSE OF CHARGE: to recover the cost of processing applications and monitoring compliance with conditions</b>  |         |          |          |     |                       |
|---|---------|----------|----------|-----|-----------------------|
| <b>The fees for all Licensing Act 2003 permissions have been set by central government and are based on the non-domestic rateable value of the premises</b> |         |          |          |     |                       |
| <b>Sex Establishment : Annual Licence</b>   |         |          |          |     | <b>No of licences</b> |
| Premises  | Initial | 1,931.00 | 2,030.00 | 5.1 | 0                     |
| Premises  | Renewal | 1,029.00 | 1,080.00 | 5.0 |                       |
| <b>Dangerous Wild Animal : Annual Licence</b>   |         |          |          |     |                       |
| Premises  | Initial | 334.00   | 350.00   | 4.8 | 1                     |
| Premises  | Renewal | 193.00   | 203.00   | 5.2 |                       |
| <b>Riding Establishment : Annual Licence</b>  |         |          |          |     |                       |
| Premises  | Initial | 375.00   | 394.00   | 5.1 | 4                     |
| Premises  | Renewal | 193.00   | 203.00   | 5.2 |                       |
| Provisional   | Initial | 217.00   | 228.00   | 5.1 |                       |
| Provisional   | Renewal | 110.00   | 115.00   | 4.5 |                       |
| <b>Animal Boarding Establishment : Annual Licence</b>   |         |          |          |     |                       |
| 1 – 30 animals  | Initial | 293.00   | 308.00   | 5.1 | 3                     |
|   | Renewal | 171.00   | 180.00   | 5.3 |                       |
| 31 – 60 animals   | Initial | 345.00   | 363.00   | 5.2 |                       |
|   | Renewal | 187.00   | 196.00   | 4.8 |                       |
| 61 (or more) animals  | Initial | 421.00   | 442.00   | 5.0 |                       |
|   | Renewal | 228.00   | 239.00   | 4.8 |                       |
| <b>Dog Breeders : Annual Licence</b>  |         |          |          |     |                       |
| Premises  | Initial | 363.00   | 381.00   | 5.0 | 0                     |
|   | Renewal | 160.00   | 168.00   | 5.0 |                       |

| <b>Pet Shops : Annual Licence</b>                 |         |        |          | <b>No of Licences</b> |    |
|---|---------|--------|----------|-----------------------|----|
| Premises  | Initial | 363.00 | 381.00   | 5.0                   | 9  |
|   | Renewal | 160.00 | 168.00   | 5.0                   |    |
| <b>Skin Piercing/Electrolysis: Single Payment</b> |         |        |          |                       |    |
| Premises  |         | 147.00 | 154.00   | 4.8                   | 8  |
|   | Person  | 30.00  | 31.50    | 5.0                   | 34 |
| <b>Street Traders' Fees</b>                       |         |        |          |                       |    |
| Week (minimum charge) (including 1 assistant)     |         | 60.00  | 80.00    | 33                    | 15 |
| 1 month (including 1 assistant)                   |         | 223.00 | 250.00   | 12                    |    |
| 3 months (including 1 assistant)                  |         | 527.00 | 600.00   | 13                    |    |
| 6 months (including 1 assistant)                  |         | 872.00 | 1,000.00 | 14                    |    |
| Additional Trading Assistant                      |         | 32.00  | 34.00    | 6.3                   |    |

| <b>Premises Type</b>        | <b>New Application</b> | <b>Variation</b> | <b>Transfer/Re-instatement</b> | <b>Application with Prov Statement</b> | <b>Prov Statement</b> | <b>Notifi-cation of Change</b> | <b>Annual Fee</b> | <b>Copy Licence</b> |
|-----------------------------|------------------------|------------------|--------------------------------|--|-----------------------|--------------------------------|-------------------|---------------------|
| Regional Casino             | £11,250.00             | £5,625.00        | £4,875.00                      | £6,000.00                              | £11,250.00            | £37.50                         | £11,240.00        | £18.75              |
| Large Casino                | £7,500.00              | £3,750.00        | £1,612.50                      | £3,750.00                              | £7,500.00             | £37.50                         | £7,500.00         | £18.75              |
| Small Casino                | £6,000.00              | £3,000.00        | £1,350.00                      | £2,250.00                              | £6,000.00             | £37.50                         | £2,250.00         | £18.75              |
| Existing Casino             | N/A                    | £1,500.00        | £1,012.50                      | N/A                                    | N/A                   | £37.50                         | £2,250.00         | £18.75              |
| Bingo Club                  | £2,625.00              | £1,312.50        | £900.00                        | £900.00                                | £2,625.00             | £37.50                         | £750.00           | £18.75              |
| Adult Gaming Centre         | £1,500.00              | £750.00          | £900.00                        | £900.00                                | £1,500.00             | £37.50                         | £750.00           | £18.75              |
| Betting (Track)             | £1,875.00              | £937.50          | £712.50                        | £712.50                                | £1,875.00             | £37.50                         | £750.00           | £18.75              |
| Family Entertainment Centre | £1,500.00              | £750.00          | £712.50                        | £712.50                                | £1,500.00             | £37.50                         | £562.50           | £18.75              |
| Betting (other)             | £2,250.00              | £1,125.00        | £900.00                        | £900.00                                | £2,250.00             | £37.50                         | £450.00           | £18.75              |

|                                       |        |
|---------------------------------------|--------|
| Temporary Use Notice                  | £50.00 |
| Endorsed copy of temporary use notice | £15.00 |

## G PETROLEUM LICENCES

| <b>PURPOSE OF CHARGE: to recover the cost of processing applications and monitoring compliance with conditions</b> |       |       |      |
|--|-------|-------|------|
| Replacement of lost petroleum licences   | 25.00 | 26.00 | 4.0  |
| Petroleum storage enquiries per hour (minimum charge of 1 hour)  | 61.00 | 64.00 | 4.9  |
| Copy of Register – first copy  | 8.00  | 8.50  | 6.3  |
| <b>Motor salvage operator and scrap metal dealer combined licence Copy of Register</b>                             |       |       |      |
| Motor salvage operator and scrap metal dealer combined licence   | 80.00 | 84.00 | 5.0  |
| First copy   | 8.40  | 8.80  | 4.8  |
| Subsequent copies per sheet  | 0.15  | 0.20  | 33.3 |



## I HACKNEY CARRIAGES

| PURPOSE OF CHARGE: contribution towards costs         |                        |                         |                            |        | No of Licences |        |
|---|------------------------|-------------------------|----------------------------|--------|----------------|--------|
| <b>Hackney Carriage Fees: Annual Fee</b>              |                        |                         |                            |        |                |        |
| Licensing (annual fee)*                               |                        | 198.00                  |                            | 208.00 | 5.1            | 77     |
| Licence plate (replacement fee)                       |                        | 20.00                   |                            | 21.00  | 5.0            |        |
| <b>Private Hire Fees</b>                              |                        |                         |                            |        |                |        |
| <b>Vehicle:</b>                                       |                        |                         |                            |        |                |        |
| Licensing (annual fee)*                               |                        | 198.00                  |                            | 208.00 | 5.1            | 165    |
| Licence plate (replacement fee)                       |                        | 20.00                   |                            | 21.00  | 5.0            |        |
| Home to School (annual fee)                           |                        | 84.00                   |                            | 88.00  | 4.8            | 9      |
| <b>Operator Licence</b>                               |                        |                         |                            |        |                |        |
| Licence fee   | 1–5 vehicles*          | 122.00                  | 1 > 5                      | 140.00 | 14             | 32     |
|   | 6–20 vehicles*         | 242.00                  | 5–10                       | 260.00 | 7.4            | 2      |
|   | more than 20 vehicles* | 364.00                  | 10–15                      | 400.00 | 65             | 1      |
|   |                        |                         | 15–20                      | 600.00 | 148            | 0      |
|   |                        |                         | 20+                        | 750.00 | 106            | 5      |
| <b>Driver's Licence</b>                               |                        |                         |                            |        |                |        |
| Dual badge – initial fee                              |                        | 95.00                   |                            | 110.00 | 15             | HC 210 |
| Renewal   |                        | 66.00                   |                            | 80.00  | 21             |        |
| Renewal – non-continuous                              |                        | 90.00                   |                            | 100.00 | 11             |        |
| Lost badge  |                        | 15.00                   |                            | 16.00  | 6.7            | PH 83  |
| Renewal (3 years)                                     |                        | 141.00                  |                            | 150.00 | 6.3            |        |
| Renewal (3 years) – non-continuous                    |                        | 171.00                  |                            | 200.00 | 17             |        |
| Home to School  |                        | 27.00                   |                            | 28.50  | 5.6            | 8      |
| <b>Other Charges</b>                                  |                        |                         |                            |        |                |        |
| <b>Business</b>                                       |                        |                         |                            |        |                |        |
| Transfer of hackney carriage or private hire business |                        | 72.00                   |                            | 76.00  | 5.6            |        |
| <b>Vehicles</b>                                       |                        |                         |                            |        |                |        |
| Admin fee for change of vehicle                       |                        | 53.00                   |                            | 56.00  | 5.7            |        |
| Meter test – retest after failure                     |                        | 22.00                   |                            | 23.00  | 4.2            |        |
| Knowledge test retest after failure                   |                        | 24.00                   |                            | 25.00  | 5.0            |        |
| First Aid training for drivers                        |                        | 20.00                   |                            | 21.00  | 5.0            |        |
| CRB Criminal Records check                            |                        | At cost + £10 admin fee | At cost + £10.50 admin fee |        | 5.0            |        |
| Backing plate   |                        | 16.00                   |                            | 17.00  | 6.3            |        |

\*These charges are subject to consultation as outlined in the report

**APPENDIX B  
FEES SET BY REGULATION**

**TRADING STANDARDS AND SERVICES**

**F LICENSING AND REGISTRATION**

|   |  |                |                   |
|---|--|----------------|-------------------|
| <b>PURPOSE OF CHARGE: to recover the cost of processing applications and monitoring compliance with conditions</b>  |  |                |                   |
| <b>These fees for all Licensing Act 2003 permissions have been set by central government and are based on the non-domestic rateable value of the premises</b>   |  |                |                   |
| The fees for applications for new, and for variation to, premises licences and club premises certificates are as set out below:   |  |                |                   |
| Rateable value band   |  |                |                   |
| A   |  | 100.00         | Set by Regulation |
| B   |  | 190.00         | Set by Regulation |
| C   |  | 315.00         | Set by Regulation |
| D   |  | 450.00         | Set by Regulation |
| E   |  | 635.00         | Set by Regulation |
| However, the fees for applications for new or variations to premises licences and club premises certificates where (a) the premises are in Band D or in Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on those premises are set out below: |  |                |                   |
| Rateable value band   |  |                |                   |
| D   |  | 900.00         | Set by Regulation |
| E   |  | 1,905.00       | Set by Regulation |
| Also, applications for new or variations to premises licences and club premises which exceed 5,000 are subject to an additional fee as set out below:   |  |                |                   |
| Number of people in attendance at any one time  |  | Additional Fee |                   |
| 5,000 – 9,999   |  | 1,000.00       | Set by Regulation |
| 10,000 – 14,999   |  | 2,000.00       | Set by Regulation |
| 15,000 – 19,999   |  | 4,000.00       | Set by Regulation |
| 20,000 – 29,999   |  | 8,000.00       | Set by Regulation |
| 30,000 – 39,999   |  | 16,000.00      | Set by Regulation |
| 40,000 – 49,999   |  | 24,000.00      | Set by Regulation |
| 50,000 – 59,999   |  | 32,000.00      | Set by Regulation |
| 60,000 – 69,999   |  | 40,000.00      | Set by Regulation |
| 70,000 – 79,999   |  | 48,000.00      | Set by Regulation |

|   |  |           |                   |
|---|--|-----------|-------------------|
| 80,000 – 89,999   |  | 56,000.00 | Set by Regulation |
| 90,000 and over   |  | 64,000.00 | Set by Regulation |
| Premises licences sought for community centres and some schools that permit regulated entertainment, but which do not permit the supply of alcohol and/or the provision of late night refreshment will not incur a fee. |  |           |                   |
| <b>OTHER FEES</b>   |  |           |                   |
| There are other occasions that fees and charges must be paid to the Licensing Authority, as set out below:  |  |           |                   |
| Personal Licence Application  |  | 37.00     | Set by Regulation |
| Supply of copies of information contained in register   |  | 7.90      | Set by Regulation |
| Application for copy of licence or summary on theft, loss etc of premises licence or summary  |  | 10.50     | Set by Regulation |
| Notification of change of name or address (holder of premises licence)  |  | 10.50     | Set by Regulation |
| Application to vary to specify an individual as premises supervisor   |  | 23.00     | Set by Regulation |
| Interim Authority Notice  |  | 23.00     | Set by Regulation |
| Application to transfer premises licence  |  | 23.00     | Set by Regulation |
| Application for making a provisional statement  |  | 315.00    | Set by Regulation |
| Application for copy of certificate or summary on theft, loss etc of certificate summary  |  | 10.50     | Set by Regulation |
| Notification of change of name or alteration of club rules  |  | 10.50     | Set by Regulation |
| Change of relevant registered address of club   |  | 10.50     | Set by Regulation |
| Temporary Event Notices   |  | 21.00     | Set by Regulation |
| Application for copy of notice on theft, loss etc of temporary event notice   |  | 10.50     | Set by Regulation |
| Application for copy of licence on theft, loss etc of personal licence  |  | 10.50     | Set by Regulation |
| Notification of change of name or address (personal licence)  |  | 10.50     | Set by Regulation |
| Notice of interest in any premises  |  | 21.00     | Set by Regulation |

**ANNUAL FEES**

Where premises licences and club premises certificates are issued by the Licensing Authority, the holder of the licence/certificate shall pay an annual fee as set out below:

| Rateable value band |  |  |        |                   |
|---------------------|--|--|--------|-------------------|
| A                   |  |  | 70.00  | Set by Regulation |
| B                   |  |  | 180.00 | Set by Regulation |
| C                   |  |  | 295.00 | Set by Regulation |
| D                   |  |  | 320.00 | Set by Regulation |
| E                   |  |  | 350.00 | Set by Regulation |

However, where (a) the premises are in Band D or in Band E, and (b) the premises are used exclusively or primarily for the supply of alcohol on those premises, the holder of the licence/certificate shall pay an annual fee as set out below:

| Rateable value band |  |  |          |                   |
|---------------------|--|--|----------|-------------------|
| D                   |  |  | 640.00   | Set by Regulation |
| E                   |  |  | 1,050.00 | Set by Regulation |

Also where the capacity of the premises exceeds 5,000, the holder of the licence/certificate shall pay an additional fee as set out below:

| Number of people in attendance at any one time |  |  |           |                   |
|--|--|--|-----------|-------------------|
| 5,000 – 9,999                                  |  |  | 500.00    | Set by Regulation |
| 10,000 – 14,999                                |  |  | 1,000.00  | Set by Regulation |
| 15,000 – 19,999                                |  |  | 2,000.00  | Set by Regulation |
| 20,000 – 29,999                                |  |  | 4,000.00  | Set by Regulation |
| 30,000 – 39,999                                |  |  | 8,000.00  | Set by Regulation |
| 40,000 – 49,999                                |  |  | 12,000.00 | Set by Regulation |
| 50,000 – 59,999                                |  |  | 16,000.00 | Set by Regulation |
| 60,000 – 69,999                                |  |  | 20,000.00 | Set by Regulation |
| 70,000 – 79,999                                |  |  | 24,000.00 | Set by Regulation |
| 80,000 – 89,999                                |  |  | 28,000.00 | Set by Regulation |
| 90,000 and over                                |  |  | 32,000.00 | Set by Regulation |

| Type of Permit/Registration              | New     | Annual Fee | Renewal | Variation | Transfer | Copy Permit | Change Name |
|--|---------|------------|---------|-----------|----------|-------------|-------------|
| Licensed Premises Gaming Machine Permit* | £150.00 | £50.00     | N/A     | £100.00   | £25.00   | £15.00      | £25.00      |
| Club Gaming Permit/Club Machine Permit** | £200.00 | £50.00     | £200.00 | £100.00   | N/A      | £15.00      | N/A         |
| Prize Gaming Permit                      | £300.00 | N/A        | £300.00 | N/A       | N/A      | £15.00      | £25.00      |
| Unlicensed Family Entertainment Centre   | £300.00 | N/A        | £300.00 | N/A       | N/A      | £15.00      | £25.00      |

\*Where the applicant for an LPGMP is the holder of an s34 permit issued under the Gaming Act 1968, the fee for a new permit shall be £100.

\*\*Where the applicant for a club gaming or club machine permit is the holder of a Club Premises Certificate under s72 of the Licensing Act 2003, or an existing Part II or Part III registration of the Gaming Act 1968, the fee for new permits and renewals is £100.

|   |        |
|---|--------|
| Notification of 2 or less gaming machines | £50.00 |
| Registration on non-commercial lottery    | £40.00 |
| Lottery annual fee                        | £20.00 |

**G PETROLEUM LICENCES**

|  |       |  |                   |
|--|-------|--|-------------------|
| <b>PURPOSE OF CHARGE: to recover the cost of processing applications and monitoring compliance with conditions</b> |       |  |                   |
| <b>Provision under which a maximum fee is payable</b>  |       |  |                   |
| <b>Petroleum (Consolidation) Act 1928 c32 (section licence to keep petroleum spirit of quantity:</b>               |       |  |                   |
| Section 4 Licence to keep petroleum spirit of quality<br>- not exceeding 2,500 litres                              | 39.00 |  | Set by Regulation |
| exceeding 2,500 litres but not exceeding 50,000 litres   | 54.00 |  | Set by Regulation |
| exceeding 50,000 litres  | .00   |  | Set by Regulation |
| <b>Petroleum (Transfer of Licences) Act 1936 c27</b>   |       |  |                   |
| Section 1(4) Transfer of petroleum spirit licence  | 8.00  |  | Set by Regulation |

**H EXPLOSIVES FEES**

|   |        |  |                    |
|---|--------|--|--------------------|
| <b>PURPOSE OF CHARGE: to recover the costs</b>  |        |  |                    |
| <b>Provision under which a maximum fee is payable</b>   |        |  |                    |
| <b>Explosives Act 1875 c17</b>  |        |  |                    |
| New Storage - Regulation 10   | 144.00 |  | Set by Regulation  |
| Renewal   | 79.00  |  | Set by Regulation  |
| New Registration – Regulation 11  | 86.00  |  | Set by Regulation  |
| Registration Renewal  | 43.00  |  | Set by Regulations |
| <b>Provision under which a maximum fee is payable</b>   |        |  |                    |
| <b>Fireworks Regulations 2004</b>   |        |  |                    |
| Regulation 9 – yearly licence fee for the sale of fireworks outside dates specified in Regulation 9 | 500.00 |  | Set by Regulation  |

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## LICENSING AND SAFETY COMMITTEE 31 JANUARY 2008

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### GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE OWNERS, OPERATORS AND DRIVERS (Director of Environment & Leisure)

#### 1 PURPOSE OF DECISION

- 1.1 The Council has issued guidance notes on an annual basis to owners, drivers and operators of hackney carriages and private hire vehicles. These notes are intended to set out the legal requirements, licence conditions and give guidance to the trade on issues associated with the licensed activity.
- 1.2 The guidance notes are updated annually to reflect changes in law, Council policy and to clarify matters where there has been confusion.

#### 2 RECOMMENDATIONS

##### 2.1 That the Committee:

- i) notes the changes made to the Guidance Notes and
- ii) provides comment on the proposed changes to the Licensing Team Leader by 8 February 2008 and
- iii) agrees that the Guidance Notes are issued following consultation with and agreement of the Chair of the Licensing and Safety Committee.

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The relevant legal provisions are contained within the main body of the report.

##### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

##### Impact Assessment

- 3.3 Not applicable.

##### Strategic Risk Management Issues

- 3.4 There are no issues to consider.

#### **4 SUPPORTING INFORMATION**

- 4.1 Attached to this report as Annex A are the re-drafted guidance notes with changes marked.
- 4.2 In addition to giving guidance to members of the trade, it is intended that the booklet will form a reference document for members who may find themselves sitting on a Licensing and Representations Panel for a Taxi Licensing matter.
- 4.3 It is planned that the new guidance will be published by 1 April 2008 and should members have any comments on content or layout, officers would ask that they contact Laura Driscoll prior to 8 February 2008 so those comments can be considered and, where appropriate, included.

#### Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Owners, Operators, and Drivers – April 2007

Committee papers:

Taxi Best Practice Guidance, 1.2.07

Road Safety Act 2006, 19.4.07 and 31.1.08

Manual of Inspection Standards, 4.10.07

#### Contact for further information

Robert Sexton - 01344 352580

E-mail: robert.sexton@bracknell-forest.gov.uk

#### Doc Ref

Cttes:other\licensing & safety\2008\jan\guidance notes and conditions for hackney carriage and private hire owners, operators and drivers\14.1.08

**Environment & Leisure Department  
Trading Standards & Services**



Time Square  
Market Street  
Bracknell  
Berkshire  
RG12 1JD  
01344 352000

**Guidance Notes and Conditions for  
Hackney Carriage and Private Hire  
Owners, Operators, and Drivers  
April 2007**

[www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)

[licence.all@bracknell-forest.gov.uk](mailto:licence.all@bracknell-forest.gov.uk)

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**Guidance Notes for Hackney Carriage,  
Private Hire Owners, Operators, Drivers  
and the Processes involved in the Licensing Procedure  
1 April 2007**

**1. 1. General**

The legislation relating to Hackney Carriages and Private Hire licensing is contained in the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Transport Act 1985.

This legislation applies throughout the whole of Bracknell Forest Borough.

In these Guidelines, the following abbreviations have been used:

|         |   |  |
|---------|---|--|
| TPCA    | - | The Town Police Clauses Act 1847                                   |
| LG(MP)A | - | The Local Government (Miscellaneous Provisions) Act 1976 (Part II) |
| TA      | - | The Transport Act 1985   |
| RTA     | - | The Road Traffic Act 1991  |
| DDA     | - | Disability Discrimination Act 1995                                 |
| BF(LC)  | - | Bracknell Forest Licence Conditions                                |
| BF (G)  | - | Bracknell Forest Guidance  |

These notes are issued to define and offer guidance on the legislation in relation to the provision of Hackney Carriages and Private Hire vehicles within the Borough of Bracknell Forest. Any requirements stated as BF(LC) must be regarded as conditions of the relevant licence.

Public Records

Information held by the Council is Data Protected, however there is a requirement for a 'Public Register' to be kept available for the free public inspection of licences granted. This should only give information in respect of:

|                            |  |
|----------------------------|--|
| Hackney Carriage Vehicles: | Details of all licences granted<br>Proprietor's name and address<br>Offences committed by proprietor<br>Offences committed by driver |
| Private Hire Drivers       | Name to whom granted (but no address)<br>The date and period for which it is granted<br>The licence number                           |

Enforcement Policy

The purpose of this Policy is to help your business comply with legislation in a manner that is equitable and without placing an unreasonable burden on anyone.

The 4 guiding principles enshrined in this Policy are as follows:

- Fairness: to ensure a fair and even-handed approach.

- Proportionality: to ensure that action taken relates directly to the actual or potential risk to health, safety, the environment, or economic disadvantage to the consumer or business.
- Transparency: to ensure that the reasons for taking any form of enforcement action are understood by those having to comply, and that clear distinctions are made between legal requirements and advice or guidance.
- Objectivity: to ensure that decisions are not influenced by the gender, ethnic origin, religious or political beliefs or sexual preferences of the offender, victim or witnesses. Sensitive consideration will be given where persons involved are children, elderly, infirm or suffering from a mental disorder.

A copy of the Enforcement Policy is available from Bracknell Forest Borough Council, Time Square, Market Street, Bracknell, RG12 1JD.

## 2. 2. Types of Licence

Hackney Carriage Vehicle Licence  
 Private Hire Vehicle Licence  
 Home-to-School Vehicle  
 Dual Driver Licence – licensed to drive both Hackney Carriage  
 and Private Hire Vehicles  
 Private Hire Driver  
 Home-to-School Driver  
 Private Hire Operator

Please note if a driver's licence has lapsed for a period exceeding 2 months then the application will be treated as a new application.

## 3. Fees

Only the alteration to vehicle and operators' fees are required to be advertised by Notice in a local newspaper.

*LG(MP)A s70 (3)*

The notice will be displayed in the Council's office for at least 28 days generally during October to February to allow for any objections to be made. **These fees will apply to all licences due on or after 1 April.** No increase in fees can take place until the Notice period has expired. As the Council bases its fees on the provision of the service, no refunds shall be made except in exceptional circumstances.

*BF(G)*

The Council reviews all fees periodically and the current scale of fees is available from the Licensing Team or on the website [www.bracknell-forest.gov.uk/licensing](http://www.bracknell-forest.gov.uk/licensing) .

Fees can be paid for by cash, cheque, or credit/debit card at the Environment & Leisure Reception or by ringing 01344 352000 for credit/debit card payment only.

*BF(G)*

## 4. How to Apply

Details are available from the Environment & Leisure Reception at Time Square. Information and application forms are also available on the internet at [www.bracknell-forest.gov.uk/licensing](http://www.bracknell-forest.gov.uk/licensing).

*BF(G)*



### **3. 5. Driver's Licence – Requirements**

All new applicants will be required to complete a form from the Criminal Records Bureau to enable an enhanced check to be made for any criminal convictions recorded against them.

*LG(MP)A s59*

Existing drivers will be required to submit a new CRB check every 3 years or as required by the Hackney Carriage Officer. There is a fee to be paid for checks made by the Criminal Records Bureau.

*BF(LC)*

An applicant may be in possession of an enhanced CRB through another process. If it is current, ie dated within the last 12 months, it may be accepted as part of the application process. Any CRB presented at time of application which is more than 12 months from date of issue will not be accepted.

*BF(LC)*

If a CRB was issued more than 3 months but less than 12 months prior to the date of application, the applicant will be required to sign a declaration regarding convictions or pending cases since the issue of the CRB.

*BF(G)*

All licensed drivers are required to report details of any convictions, cautions or fixed penalty fines imposed, to the Hackney Carriage Officer in writing within 28 days of the conviction, caution or fixed penalty.

*BF(LC)*

All applicants who do not hold a UK passport and have not been resident in the UK for the previous 5 years are required to obtain a certificate of good conduct or equivalent from their relevant Embassy or High Commission.

*BF(LC)*

Applicants must have held a full DVLA/EU/EEA driving licence for at least 1 year prior to application. Driving licences and photo-cards (if applicable) must be produced on initial application and renewal of driver licence. Photocopies will not be accepted.

*BF(LC)*

All new drivers will be required to complete a DVLA licence check (DQ3). For existing drivers, a DQ3 will be required to be completed at the same time as your Criminal Record Bureau check is renewed and then every 3 years after that.

*BF(LC)*

Section 57(2a) requires applicants to produce a certificate signed by a registered medical practitioner to the effect that they are physically fit to be the driver of a Hackney Carriage or Private Hire Vehicle.

*LG(MP)A s57(2a)*

A medical certificate on the prescribed BFBC form must be supplied with the first application. On attaining the ages of 50 years, 55 years, 60 years and 65 years of age, and thereafter at yearly intervals a further certificate must be supplied and at any other time that the Council's Medical Adviser shall direct. (Medical Criteria taken from: Medical Aspects of Fitness to Drive.) Group II Medical Standards apply. In the

case of insulin-treated diabetics, the DVLA Group 2 Standards for drivers of category C1 vehicles apply.

*BF(LC)*

A medical will only be viable as part of the application process for a period of 12 months from its date of issue. Should an application not be completed within that period of time, a new medical declaration must be obtained.

*BF(LC)*

All new applicants for driver's licences must take and pass the Driving Standards Agency practical test specifically designed for either (i) Hackney Carriages (including loading and unloading of wheelchair users) or (ii) Private Hire drivers.

*BF(LC)*

All new Dual and Private Hire Drivers are required to attend a First Aid Course run by the Council, unless they can provide documentation stating that they have passed a recognised First Aid course within the last 5 years.

*BF(LC)*

A driver is also required to attend a refresher course 5 years after the date of their initial course or when their current certificate expires. Drivers licensed prior to 1 August 2001 are not presently required to participate in First Aid training, although the Council is keen for those drivers to undertake training. At present the Council has set aside free places for drivers licensed prior to August 2001 and would like to see an improved take-up of this opportunity. It is an aim of the Council to have all drivers trained by 2010, and it is hoped that this can be achieved through the co-operation of the trade and provision of free training opportunities.

*BF(LC)*

Where a new driver fails to attend and pass a First Aid course within 12 months of the issue of their licence, their licence will be suspended until the course is passed.

*BF(LC)*

**Failure to attend a booked course will mean a further fee is required to be paid to enable a new booking to be made.**

*BF(LC)*

All licensed drivers are required to wear or display his/her driver's badge in a prominent position such that customers can easily read it.

*LG(MP)A s54*

Any change of details (name/address) must be submitted in writing to the Hackney Carriage Officer. Failure to do so could result in suspension of a licence. There is no fee to be paid for this process.

*TPCA s44*

## **6. Knowledge Test**

All new drivers will be required to take and pass a written knowledge test.

*LG(MP)A s51*

All drivers will be tested on the laws relating to the licence that they have applied for, the conditions laid down in the Guidance Book, and their geographical knowledge of street locations in the area. In addition, Hackney Carriage drivers will be given a location test of specific routes to destinations in the Borough. If the applicant fails

this test, they may re-take it but will be charged for any subsequent test. A pass mark of 70% applies to all sections, except the Highway Code which is a pass mark of 80%.

*BF(LC)*

Any driver who may require assistance in reading or understanding the test should notify the invigilator at the beginning of the test.

#### **4. 7. Driving Disqualifications**

Where any applicant for a **new** licence has been disqualified from driving (whether for a single offence or under the “totting up” provision), a licence will not be granted until the applicant has (since the period of disqualification has ended) held a full driving licence for a continuous period of 2 years (3 years for a conviction involving alcohol or drugs and 5 years for more than one conviction or after completion of treatment for alcoholism or drugs).

*LG(MP)A s59  
BF(LC)*

Where any licensed driver is disqualified from driving under the “totting up” provisions, providing the period of disqualification does not exceed 12 months, upon the restoration of the applicant’s driving licence, the Council will re-issue a dual or private hire driver’s licence. In the event of the applicant being convicted of any further endorsable offence or issued with any confirmed warning within a period of 12 months, the Council may take action to revoke or suspend the licence.

*BF(LC)*

Where a conviction is in relation to driving whilst over the legal limit of alcohol or has resulted in a disqualification of 12 months or more, the Council will refuse to issue a licence for a period of up to 3 years from date of restoration of DVLA driving licence.

*BF(LC)*

Where any licensed driver is disqualified from driving for any such reason, he/she shall immediately return his driver’s licence and badge to the Council.

*LG(MP)A s61(2)*

#### **5. 8. Hackney Carriage and Private Hire Vehicle Licence – Requirements**

All vehicles must be passed as fit by a Vehicle Inspector at an approved garage.

*LG(MP)A s68*

Vehicles submitted for inspection **must** be in a clean condition throughout including the underside and engine compartments. The Vehicle Inspector has the right to refuse inspection if he is of the opinion the vehicle is not in a clean condition. In such circumstances the vehicle will require a new inspection appointment which will necessitate a new inspection fee. See also section 13, Vehicle Inspections.

*BF(LC)*

**Drivers are reminded that Licensed vehicles are smokefree at all times.**

***The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007***

#### **6. 9. Age of Vehicle**

A vehicle submitted for initial licensing must be less than 5 years old or, if wheelchair accessible, less than 4 years old from date of first registration. The maximum age of a vehicle that may continue to be licensed is 8 years from date of first registration for saloon and estate-type vehicles, and 10 years for a purpose-built Hackney Carriage.

*LG(MP)A s47 and 48  
BF(LC)*

In cases where a vehicle has done an abnormally low mileage and is in exceptional condition, it may, on application, be granted an extension on the age limit. Such an extension may be subject to certain conditions.

*BF(LC)*

An application will need to be received in writing by the Hackney Carriage Officer at least 3 months prior to the date upon which the vehicle becomes 8 years old.

*BF(G)*

The vehicle shall be subjected to a visual inspection by the Hackney Carriage Officer and it is the responsibility of the owner to submit the vehicle on the date at the place as arranged with the Hackney Carriage Officer.

*BF(LC)*

The vehicle owner will receive a decision in writing from the Council within 10 working days after the inspection.

*BF(G)*

## **7. 10. Type of Vehicle**

All replacement Hackney Carriages must be wheelchair accessible, with an engine capacity of not less than 1550cc. Licensed Hackney Carriage vehicles replaced prior to 31 December 2001 with swivel seats fitted are required to have those seats retained until such time as the vehicle is replaced by a wheelchair accessible type. Vehicles with twin telescopic wheelchair ramps must also have a winch fitted to assist entry/exit. The internal measurement must allow not less than 16" (40.64 cm) per passenger along the narrowest part of the rear seat.

*LG(MP)A s47*

*BF(LC)*

Private Hire Vehicles shall be of the four-door saloon or five-door estate type, with an engine capacity of not less than 1550cc and must be capable of carrying not less than 4 passengers. The internal measurement must allow not less than 16" (40.64 cm) per passenger along the narrowest part of the rear seat.

*LG(MP)A s48*

*BF(LC)*

Where the vehicle is an estate car, a guard must be fitted to prevent luggage entering the passenger compartment in an emergency stop. Roof racks may only be used when excess luggage is to be carried. Please see item 14 regarding the use of a trailer.

*BF(LC)*

### Passenger Seating – Vehicle Type

A vehicle can only be licensed to carry up to a maximum of 8 passengers. Any licence issued relates to a number of persons to be carried regardless of weight, age or size, and to exceed that number is an offence. Babies and young children are persons for the purposes of this licence.

*LG(MP)A s30*

Some purpose-built vehicles can carry up to 8 passengers including those seated in wheelchairs. In this case, each seat and person seated in a wheelchair count in respect of seating capacity.

*LG(MP)A s80*

A Private Hire vehicle must not be of such design or appearance as to lead any person to believe it is a Hackney Carriage.

*LG(MP)A s48*

### Stretched Limousines

A vehicle modified and issued with a certificate under either the

- (i) Lincoln Qualified Vehicle Modifier Scheme or
- (ii) Cadillac Master Coachbuilder Scheme

would be acceptable for presentation and licensing as a Private Hire vehicle.

### Tinted Windows – Type of Vehicle

The front, driver and passenger windows are required to meet the legal requirements under the Road Traffic Regulations.

*(RTA)*

For safety reasons, it should be possible to observe the driver and passengers being carried. Many vehicles are used for the carriage of children and vulnerable persons, and for this reason tinted windows, which prevent clear vision into the vehicle, are not permitted.

*BF(LC)*

Any vehicle which is submitted for licensing after 1 April 2006 will not be permitted to have tinted windows. However, vehicles which have been granted a dispensation licence may be granted an exemption from this requirement.

*BF(LC)*

## **8. 11. Carriage of Goods or Packages**

The driver of a vehicle is under a duty of care to the passengers to ensure that they travel safely. The carriage of goods or packages in the interior of the vehicle may put passengers at risk and in some instances drivers if they are not properly secured. Ideally they should be located in an area outside the passenger compartment, ie: the boot or in the vehicle with a separate driver area in the foot well adjacent to the driver. If goods are carried in the passenger compartment and a passenger suffers harm due to the presence of the goods, the driver may be liable to pay damages to the passenger. Drivers are strongly advised to check out liability with their insurance company, to avoid carrying any loose goods in the passenger compartment, and to clearly make known to passengers the risk they face in having such goods in the compartment.

*BF(G)*

### Picking Up and Disembarking Passengers

All rear access wheelchair-accessible vehicles are to only stop to pick up or disembark wheelchair passengers in a location where, given the condition and traffic movement, it is safe to do so.

*BF(G)*

## 12. Insurance and Test Certificate

It is the responsibility of the owner of the vehicle to ensure that a current insurance certificate and MOT certificate are in place for a licensed vehicle.

*LG(MP)A s57*

Insurance cover must be for a minimum period of 4 weeks. On the expiry of the insurance, a cover note or Certificate of Insurance renewing cover must be produced to the Hackney Carriage Officer prior to or on the day of expiry of the previous certificate.

*BF(LC)*

Photocopies of the original can only be made by Environment Department Reception staff.

*BF(G)*

A valid MOT certificate must be presented with each initial application for a vehicle licence, if the vehicle age requires. A valid MOT certificate must also be presented with each application for renewal of a vehicle licence, if required by vehicle age. The MOT certificate must be made available for inspection upon request by an authorised officer.

*BF(LC)*

Faxed copies will not be accepted; original certificates must be produced.

*BF(G)*

## 9. 13. Vehicle Inspection

Vehicles up to 5 years old from first date of registration at DVLA will be subject to an annual inspection. Once a licensed vehicle reaches 5 years old from first date of registration, it will require an inspection within the next 6 months, and will be subject to 6-monthly inspections thereafter. For a vehicle solely engaged in home/school transport, the same regulation applies, unless it is demonstrated that the vehicle is covering less than 8000 miles per year. The owner of the vehicle is responsible for ensuring that these inspections are carried out. Details of the testing garages are available on the Bracknell Forest Borough Council website in the Licensing section, or they can be obtained from the Environment & Leisure reception desk.

*LG(MP)A s68*

*BF(LC)*

The vehicle owner will be advised in writing one month prior to the month in which an inspection is due. It is then the responsibility of the owner to make the necessary arrangements to ensure the inspection is carried out. **If an inspection is not carried out by the due date, the licence will be suspended until such a test has been passed.**

*BF(LC)*

Any failure for an MOT matter will be an immediate failure. Non MOT matters and MOT advisories will be reported to the Licensing Officer who will contact the licence holder and decide on a course of action on a case by case basis.

*BF(LC)*

It is a requirement that a spare wheel must be carried at all times, unless all 4 wheels are using 'run flat' tyres which have been approved by an authorised officer of the Council.

*BF(G)*

#### **10. 14. Trailers**

Trailers can only be used in connection with Private Hire bookings and cannot be used for plying for hire on a rank.

*LG(MP)A s48  
BF(LC)*

Trailers must comply with the following standards:

- Unbraked trailers shall be less than 750kgs gross weight.
- Trailers over 750kgs gross weight shall be braked acting on at least two road wheels.
- The towing vehicle must have a kerb weight at least twice the gross weight of the trailer.
- A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use.
- The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- The maximum length for braked twin axle trailers is 5.540 metres.
- The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- The vehicle insurance must reflect cover for towing a trailer.
- Trailers must not be left unattended anywhere on the highway.
- The speed restrictions applicable to trailers must be observed at all times.

*LG(MP)A s48  
BF(LC)*



## 11. 15. Equipment

Every licensed vehicle shall be fitted with a 1kg BC dry powder type fire extinguisher, which must be kept full and ready for immediate use. It should be securely restrained to prevent damage or accidental discharge.

*LG(MP)A s48(2)*  
*BF(LC)*

**NOTE:** Extinguisher must comply with BSEN3 (European Standard). It must be serviced in accordance with BS5306 on an annual basis, and a record kept for inspection by the Hackney Carriage Officer.

*LG(MP)A s48(2)*  
*BF(LC)*

Every licensed vehicle shall carry a first aid kit in such a position as to be readily visible and available for immediate use in an emergency.

*LG(MP)A s48(2)*  
*BF(LC)*

The First Aid kit shall at a minimum contain the recommended contents for a travelling worker as suggested in the HSE Guidance leaflet L74 "First Aid at Work".

- HSE leaflet "Basic Advice on first aid at work"
- 6 individual wrapped sterile adhesive dressings (assorted sizes).
- 2 individually wrapped triangular bandages (preferably sterile).
- 2 safety pins.
- 1 large (approx 18cm x 18cm) individually wrapped sterile unmedicated wound dressings.
- Individually wrapped moist cleansing wipes
- 1 pair of disposable gloves.

It is advised not to include ointments or painkillers in the first aid kit.

*BF(LC)*

## 12. 16. Radio

**Only one two-way radio with a single frequency may be operational at any one time** and this shall be an approved radio used exclusively for the hackney carriage/private hire trade and properly licensed with an effective radio power (ERP) **NOT** exceeding 25 watts.

*Wireless Telegraphy Act 1949*  
*BF(LC)*

## 13. 17. Use of Microphones and Car Telephones

A hand-held microphone or telephone handset must not be used whilst the vehicle is moving. A driver can also be prosecuted for using a hands-free device if they are not in proper control of their vehicle when using the device. Drivers must not stop on the hard shoulder of a motorway to answer or make a call unless it is to dial 999.

*RTA*

**You are reminded that it is a criminal offence to use a hand-held mobile phone whilst driving and any such offence may impact upon the driver's fitness to hold a driver's licence with BFBC.**

## 18. Signs

All licensed Hackney Carriage and Private Hire vehicles must display No Smoking signs in each compartment.

Smoke-free (signs) Regulations 2007.

Private hire vehicles must not display any roof sign. They may display door signs.

- The sign shall not exceed 50cm length and 25cm height
- It shall contain the following: "Name of operator " + "Operator telephone number" + "Advance Bookings Only"

No other words, devices or logos are permitted.

LG(MP)A s48(2)  
BF(LC)

The sign may be attached by means of transfer or magnetic catches, and **must be submitted for approval of the Hackney Carriage Officer before being used.**

BF(LC)

Hackney Carriages must display a roof sign with the word "TAXI", which **must** be illuminated when plying for hire. Door signs may be displayed complying with the conditions listed above, but excluding the words "Advance Bookings Only". **The TAXI roof sign may only be removed with permission of the Council or when working outside the Borough.**

BG(LC)  
LG(MP)A s47(2)

## 14. 19. Identification Plates/Screen Stickers/Badges

The licence is issued in respect of a specific vehicle and cannot be transferred to another vehicle without notice to the Council.

LG(MP)A s49(2)

For both Hackney Carriage and Private Hire, the licence backing plate must be securely fixed to the rear of the vehicle either by directly fixing it to the bumper or **on a secure bracket**. The screen stickers **must** be displayed in the **lower**, nearside corner of the front windscreen. It is an offence not to exhibit the licence plate and screen stickers.

TPCA s41  
BF(LC)

**No other Council shall license the licensed vehicle as a Hackney Carriage or Private Hire vehicle.**

The vehicle licence must be carried by the driver within the vehicle and be available for inspection by an authorised officer.

BF(LC)

## 20. Taximeter

Licensed vehicles equipped with a taximeter of approved design (compulsory for a Hackney Carriage, but optional for a Private Hire car) must be submitted for testing before operating in the Borough, and are subject to further tests as and when required by the Council.

*BF(LC)*

Meters are tested over the “measured mile” by the Hackney Carriage Officer. The tariff meter **must not** incorporate any other licensing authority’s fare structure.

*BF(G)*

If a meter has to be re-submitted for testing, a charge will be made.

*BF(G)*

Where a meter is fitted to **any** licensed vehicle, that meter must be used for the charging of any journeys that start and finish within the Borough. A current tariff card must be displayed within the vehicle.

*BF(LC)*

All new or replacement vehicles licensed must have a programmed calendar date meter fitted. It must not be possible to change the tariff by manual operation.

*BF(LC)*

#### **15. 21. Private Hire Vehicle Dispensation**

The Council may grant a dispensation to certain executive vehicles, licensed as private hire, but engaged **solely** in chauffeur/corporate work.

*BF(LC)*

A licence plate will not be required to be fixed to the vehicle; however, the licence and dispensation certificate must be carried at all times.

*LG(MP)A s75(3)*

The vehicle shall be of the 4-door executive class with an engine capacity of not less than 1950cc, and be approved by the Council as being eligible for dispensation. The internal measurement must not be less than **52” (132cm)** across the narrowest part of the rear seat. All other conditions shall apply.

*BF(LC)*

*LG(MP)A s48(1ai)*

The screen sticker must still be displayed in the front windscreen at all times. Failure to comply will result in the loss of the dispensation.

*LG(MP)A s48(2)*

*BF(LC)*

#### **16. 22. Home to School Transport Provisions**

All vehicles and drivers operating for hire or reward must be licensed by the local authority.

*LG(MP)A s46(1a)*

For drivers and vehicles engaged **solely** in the transport of children from home to school, a specific Home to School transport licence is available.

*BF(G)*

The Council has discretion to allow vehicles that do not conform to certain private hire vehicle requirements to be licensed as Home to School transport vehicles.

*LG(MP)A s48  
BF(G)*

Drivers and vehicles must comply with all other requirements for licensed persons and vehicles as stated in this document.

*BF(LC)*

### **17. 23. Unauthorised Drivers**

It is an offence under the LG(MP)A 1976 Act to allow an unlicensed driver to drive a Hackney Carriage or a Private Hire vehicle. A licensed vehicle is licensed for 365 days of the year and can only be driven by a licensed driver.

*LG(MP)A s46*

### **18. 24. Transfer of Business**

Any owner transferring a licensed vehicle to a new owner must inform the Hackney Carriage Officer in writing within 14 days of the transfer.

*LG(MP)A s49(1)  
BF(LC)*

It is the responsibility of the new owner to ensure that an application is made, and provide documentation as required for the issue of a new licence.

*LG(MP)A s49(2)*

It should be remembered that each licence granted is specific to a particular vehicle.

It is the responsibility of the vehicle owner to ensure the vehicle is only sold to a Hackney Carriage or Private Hire licensed driver, or for the plate and licence details to be withdrawn from this vehicle.

*LG(MP)A s49(2)  
BF(LC)*

### **25. Accidents to Vehicles**

Whenever a licensed vehicle has been involved in an accident, even if it has only minor damage to the vehicle, the proprietor must inform the Hackney Carriage Officer in writing within **72 hours** to allow the vehicle to be inspected and the damage assessed.

*LG(MP)A s50(3)  
BF(LC)*

A vehicle licence will be suspended where major works are required. These repairs must be completed before the expiration of 2 months otherwise, by virtue of Section 68 of the 1976 Act, the vehicle licence shall be deemed to have been revoked.

*LG(MP)A s68*

With regard to minor damage, repairs should be effected within a period of 28 days of the incident otherwise the vehicle will be subjected to a Stop Notice until repairs have been completed to the satisfaction of the Hackney Carriage Officer or vehicle inspection officer.

*BF(LC)*

Temporary replacement vehicles will generally be required to be of a similar specification and standard as the vehicle it is replacing.

*BF(G)*

A temporary replacement vehicle will only be plated under the original vehicle licence plate for a maximum of 2 months, after which the licence will be revoked. The usual application process applies.

*BF(LC)*

**19. 26. Authorised Table of Fares – Hackney Carriages (and Private Hire where fitted)**

Under Section 65(1) ‘a district council may fix the rates or fares within the district as well as for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table made or varied in accordance with the provisions of this section’.

*LG(MP)A s65(1)*

In the case of journeys ending outside the Borough where a prior agreement has been reached with the hirer, a lesser fare may be charged. **Any fares charged MUST NOT be higher than that which would have been authorised in the Fares Table.**

*LG(MP)A s66*

If a Hackney Carriage is used under a contract for private hire, it must not charge more than the fixed rate in the authorised fare table.

*LG(MP)A s67*

A charge is to be calculated from the point in the controlled district where the hirer commences his/her journey.

*LG(MP)A s67*

Setting Hackney Carriage Fares

In order for fares to be set for Hackney Carriage Procedures a notice will be published in a local newspaper, stating the proposed fares or variation of the fares. The notice will specify a date not less than 28 days from the date of the notice to allow any objections to be lodged.

*LG(MP)A s65(2a)*

A copy of the notice will also be available at the council offices for inspection, free of charge during council opening times.

*LG(MP)A s65(2b)*

If no objections have been received when the 28 days have expired, the new fares will take effect.

*LG(MP)A s65(3)*

If objections are made and not then withdrawn, the Licensing and Safety Committee will consider the objections before setting the fare.

*LG(MP)A s65(3)*

**20. 27. Plying for Hire – Hackney Carriages**

The penalty for plying for hire without a Hackney Carriage licence applies to the owner and person in charge of the vehicle.

*LG(MP)A s45*

“Plying for Hire” means either standing at a duly authorised rank in a street, railway station or on railway premises, on private property or driving within the Borough, exhibiting to the public that the vehicle is available for hire. Only licensed Hackney Carriages may “ply for hire”.

*TPCA s45*

## **21. 28. Guide and Assistance Dogs**

It is an offence for a driver to refuse to carry guide and assistance dogs unless they have a medical exemption certificate.

*DDA s37(4)*

These certificates are issued by the Council and details upon how to apply are available by visiting the Customer Service Centre at Time Square or speaking to the Licensing Officer on 01344 352000. A fee is payable for the application.

*BF(G)*

Drivers, in making an application for an exemption, will need to provide medical evidence to support it.

*DDA s37 (5)*

This must be provided by a medical practitioner other than the applicant’s general practitioner. If the exemption is being applied for on the grounds of a chronic phobia to dogs, the report must be provided by a psychiatrist or clinical psychologist.

*BF(LC)*

A driver may also commit an offence if they:

- do not accept bookings made by or on behalf of a disabled person who is accompanied by a guide, hearing or other assistance dog;
- make an additional charge for the carrying of the dog.

*DDA s37*

## **29. Carrying Disabled Passengers**

Under Section 36 of the Disability Discrimination Act 1995, a wheelchair accessible Hackney Carriage must carry a wheelchair using passenger if requested to do so. Assistance as may reasonably be required should be provided at no extra charge. Failure to comply with this section will make the driver, on summary conviction, liable to a fine not exceeding level 3 (£1000) on the standard scale.

*DDA 1995 s36*

## **22. 30. Supervision**

An authorised Officer of the Council has the power at all reasonable times to inspect and test for fitness any Hackney Carriage or Private Hire vehicle licensed by the Council or any taximeter affixed to the vehicle. If he/she is not satisfied as to the fitness of the vehicle or as to the accuracy of the taximeter, he/she may, by notice, require the proprietor or driver to make the vehicle or taximeter available for further inspection and testing and may suspend the vehicle licence until such time as he/she is satisfied as to its fitness.

*LG(MP)A s68*

If the vehicle is not made fit within 2 months, the vehicle licence will be automatically revoked.

*LG(MP)A s68*

A vehicle and driver will be subject to spot checks carried out by an authorised Bracknell Forest Borough Council officer.

*LG(MP)A s68*

It is an offence to wilfully obstruct an authorised Officer or fail to give such assistance or information as may be required or to comply with any reasonable requirement. It is also an offence to give false information.

*LG(MP)A s73(1)*

### **31. Operator Licences**

An Operator's Licence is required for the purpose of making provision for the invitation or acceptance of bookings for a private hire vehicle.

*LG(MP)A s55*

An Operator can only use vehicles and drivers licensed by the same authority as himself/herself.

*LG(MP)A s46*

All bookings must be made through an Operator with a fixed base holding the required Private Hire Operator's licence (not through a mobile phone number).

*LG(MP)A s55*

*BF(LC)*

### Insurance

Under health and safety legislation, employer's liability insurance is required. Any premises that provide access to members of the public should be covered by public liability insurance. As a rule of thumb, if the operator supplies the tools of the trade, for example the supply of a vehicle to a driver, or in the case of office-based personnel the radio equipment, they have a liability. On the grant of a licence the operator should ensure that adequate insurance in respect of public and employer's liability, if applicable, are held. These should be available for inspection at any reasonable time by an authorised officer.

*LG(MP)A s55*

*BF(LC)*

Please contact the Hackney Carriage Officer for further guidance.

### **23. 32. Responsibility of Proprietor or Operator**

The Council will hold the owner or proprietor of a licensed Hackney Carriage or the owner or Operator of a Private Hire vehicle responsible for the general condition and roadworthiness of his/her vehicle, and for ensuring that his/her drivers are familiar with all conditions, legislation and by-laws regulating the operation of vehicles.

*BF(G)*

In certain instances therefore the proprietor or operator may be subject to enforcement action as a result of an offence committed by their Driver.

*LG(MP)A s50*

The Council will take into account the circumstances of such offence and how far the proprietor has carried out his/her obligations in deciding whether to take any action against the proprietor.

*BF(G)*

### Records

The records required to be kept by the operator shall be kept in a manner, whether written or on a computer, which enables them to be examined or audited. 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:

*LG(MP)A s56*

*BF(LC)*

- a) The time and date of booking.
- b) The name of the hirer.
- c) How the booking was made (ie: telephone, personal call, etc).
- d) Price quoted for booking.
- e) The time of pick-up.
- f) The point of pick-up.
- g) The destination.
- h) The time at which a driver was allocated to the booking.
- i) Driver's badge number or call sign of the vehicle allocated to the booking.
- j) Remarks (including full details of any sub-contract).

*LG(MP)A s56(2)*

*BF(LC)*

All records kept by the operator shall be preserved for a period of not less than 6 months following the date of the last entry.

*BF(LC)*

Should the operator use a computerised record system at the end of each daily working period, hard copies of all records as required above are to be made and kept in accordance with the above.

*BF(LC)*

The operator shall also keep the following records of the particulars of all private hire vehicles operated by him, and supply to the Hackney carriage officer an up to date list upon reasonable request.

- a) Owner and all drivers of each licensed vehicle.
- b) Registration and plate number.
- c) Insurance certificate/cover note expiry date.
- d) MOT expiry date (copy to be held at operating base).
- e) Radio call sign used.

Any changes in drivers or vehicles shall be notified to the Hackney Carriage Officer in writing within 48 hours.

*LG(MP)A s56 (3)*



*BF(LC)*

### Standards of Service

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:

- 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. Where possible, contact customer and inform of any delay.

*BF(G)*

- Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public has access whether for the purpose of booking or waiting.

*BF(G)*

- Ensure that any waiting area provided by the operator has adequate seating facilities.

*BF(G)*

- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

*BF(G)*

- The use of Citizen Band Radio transmitter/ receiver will not be permitted in a licensed vehicle.

*LG(MP)A s55(3)*

### **24. 33. Suspension, Revocation or Refusal to Renew Licences**

Any contravention will be dealt with in accordance with the Enforcement Policy (see Appendix E).

*BF(G)*

### Vehicle Licences

The Council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:

- The licensed vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle.

*LG(MP)A s60(1a)*

- Any offence under, or non-compliance with, the provisions of the 1847 or 1976 Acts by the proprietor, operator or driver.

*TPCA  
LG(MP)A s60(1b)*

- Any other reasonable cause.

*LG(MP)A s60 (1c)*

### Driver Licences

The Council may suspend, revoke or refuse to renew a driver's licence on any of the following grounds:

- That he/she has since the granting of the licence:

- been convicted of an offence involving dishonesty, indecency, violence, or driving with excess alcohol;
- been convicted of an offence under or has failed to comply with the provisions of the 1847, 1976 and 1991 Acts as amended; or
- any other reasonable cause.

*LG(MP)A s61*

### Operator Licences

The Council may suspend, revoke or refuse to renew an operator's licence on any of the following grounds:

- any offence, misconduct under, or non-compliance with, the provisions of Part II of the 1976 Act as amended;
- any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- any other reasonable cause.

*LG(MP)A s62*

### **25. 34. Appeals Procedure**

Where a new licence application is refused, an appeal is available to the Magistrates Court, Crown Court for Hackney Carriage vehicle. Where an existing licence is suspended or revoked, the applicant or licence holder has a right of appeal to a court of summary jurisdiction (Magistrates Court). An appeal must be lodged with either Court within 21 days of notification of the refusal, suspension or revocation.

*LG(MP)A s52*

The applicant/licence holder may also within 21 days make an application to appeal to the Council's Licensing Panel. Upon receipt of an application, the Director of Environment and Leisure will decide if the matter is to be referred to the Panel. If referred, the applicant will be informed in writing of the date and time, and will receive information on their rights and the process of the hearing.

*BF(G)*

### **26. 35. Return of Licences**

#### Vehicle Licence

On the suspension, revocation or expiry of a vehicle licence, the proprietor must return the licence plate and screen sticker to the Borough Council within 7 days of receipt of notice. Failure to do so can render the proprietor liable on summary conviction to a fine. **Any authorised officer of the Council or a Police Officer shall be entitled to remove and retain the licence plate or screen sticker in such cases.**

*LG(MP)A s58*

#### Driver's Licence

On the suspension, revocation or expiry of a driver's licence, the driver must return the badge and licence to the Borough Council on demand. **Any authorised officer**

of the Council or a Police Officer shall be entitled to retain the licence in such cases.

LG(MP)A s58

The badge, plate and licence remain the property of the Council at all times.

BF(LC)

### 36. Offences

As well as the suspension or revocation of licences, it may be that the circumstances amount to a criminal offence. In such a case a prosecution for these may also be appropriate.

LG(MP)A  
TPCA

### 37. Seat Belts and Child Seats

Hackney Carriage drivers are exempt by virtue of Regulation 5(h) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1982, providing they are seeking hire, answering a call for hire or carrying a passenger for hire, and the vehicle is carrying a plate showing it is a licensed Hackney Carriage.

A similar exemption applies to a Private Hire Vehicle **provided it is being used to carry a passenger for hire.**

New regulations governing the use of child car seats came into force on 18 September 2006. The law is summarised in the following table:

|  | Front seat                                   | Rear seat  | Who is responsible? |
|--|--|--|---------------------|
| <b>Child up to 3 years old</b>   | Correct child restraint <b>MUST</b> be used. | Correct child restraint <b>MUST</b> be used.<br><br>If a restraint is not available in a licensed taxi/private hire vehicle, the child may travel unrestrained.  | <b>Driver</b>       |
| <b>Child from 3rd birthday up to 135cms in height (approx 4' 5") (or 12th birthday whichever they reach first)</b> | Correct child restraint <b>MUST</b> be used. | <b>Where</b> seat belts are fitted, the correct child restraint <b>MUST</b> be used. The child must use adult belt if the correct child restraint is not available as follows:<br><br>- in a licensed taxi or private hire vehicle; or<br>- for a short distance in an unexpected necessity; or<br>- two occupied child restraints prevent fitment of a third.<br><br>A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear. | <b>Driver</b>       |
| <b>Child over 1.35 metres (approx 4' 5") in height or 12 or 13 years old</b>                                       | Seat belt <b>MUST</b> be worn if available.  | Seat belt <b>MUST</b> be worn if available.  | <b>Driver</b>       |

|  |   |   |                  |
|--|---|---|------------------|
| <b>Passengers aged 14 years old and over</b> | Seat belt <b>MUST</b> be worn if available. | Seat belt <b>MUST</b> be worn if available. | <b>Passenger</b> |
|--|---|---|------------------|

Notwithstanding the above legal requirements, where vehicles are fitted with a front air bag, the driver must be aware of any manufacturer's instructions in relation to the age and height of the person sitting in the front seat. A failure by a driver to take account of those instructions may be regarded as a breach of their duty of care to customers.

*RTA  
BF(G)*

## **27. 38. Complaints**

Complaints received from members of the public regarding the service and conduct of drivers/vehicles and operators will be considered, and where appropriate, investigated by the Licensing Officer.

*BF(G)*

## **28. 39. Service Standards**

**29.**

**30.** Within 2 working days of receipt of all documentation necessary to make a decision upon a licence application, we aim to:

- provide you with all the necessary documents, badges or plates; and
- make contact with you to make an appointment when these can be collected or fitted to your vehicle; or
- advise you of the reason for a delay or, in some cases, the reason for refusal.

Some applications require us to make enquiries of other agencies and they may take over 4 weeks to supply the necessary information.

When making an application, you are required to provide information and documentation as detailed on the application form. A failure by you to provide this will unnecessarily delay the decision on your application. Certain documents must be provided together at the same time and unless they are received as required, they will be returned to you and the application will be delayed until they are provided as requested.

*BF(G)*

### How to contact the department:

Write to:

Licensing Officer  
Trading Standards & Services  
Environment & Leisure Department  
Time Square  
Bracknell RG12 1JD

Email: [licence.all@bracknell-forest.gov.uk](mailto:licence.all@bracknell-forest.gov.uk)  
Telephone: 01344 352000

Visit: Environment & Leisure Department Reception, Time Square, Market Street, Bracknell.

The offices are open from 8.30 am to 5.00 pm Monday to Friday.

If you have any questions on your application or licence, please visit the office or phone and speak to a member of the Customer Service Team. In the vast majority of cases they will be able to answer your questions, but if they cannot they will make arrangements for you to speak to a member of staff best able to deal with your enquiry.

Information provided on application forms is held on a database and will only be disclosed to other agencies where there is a legal requirement to do so.

Payments can be made by cash, cheque or credit card at the Customer Service Reception, Time Square, Market Street, Bracknell, or online by debit/credit card.

**Guidance on the Relevance of Criminal Records  
in respect of Applicants for a Licence to drive  
a Hackney Carriage, Private Hire Vehicle or to be an Operator**

Unless otherwise specified, all applicants must complete a Criminal Records Bureau Check form prior to the granting of a licence and re-submit the same every **3 years**.

**Refusal to complete the form will mean no licence will be issued.**

All past convictions will be considered against the following Guidelines and other relevant guidance including decided cases. In every case the individual facts will be considered with the overriding consideration being the protection of the public. Where multiple convictions of a similar type have occurred, a minimum period of 5 years free from conviction may be required.

Examples of the relevance of past convictions in relation to the issue, revocation or refusal to grant a licence are detailed below. It must be stressed that these examples are for guidance only and every case will be judged on its merits with the overriding principle being that of the protection of the public, both customers and other road users.

1. Minor traffic offences

Convictions for minor traffic offences, eg: obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application.

However, if sufficient penalty points have been accrued to require a period of disqualification of the applicant's DVLA driving licence, then a licence may be granted after its restoration, but a warning will be issued as to future conduct.

2. Major traffic offences

An isolated conviction for reckless driving or driving without due care and attention etc will normally merit a warning as to future driving, and advice on the standard expected of licensed drivers. More than one conviction for this type of offence within the last 2 years should merit a refusal. No further application should be considered until a period of 3 years from the last conviction has elapsed.

3. Drunkenness

With Motor Vehicle

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol.

Where there is a single conviction for this offence there will be a refusal to the applicant. At least 3 years should elapse (after restoration of DVLA driving licence) before the applicant will be considered for a licence. Any suggestion that the applicant is an alcoholic will require a special medical even before the application is entertained. If an applicant is found to be an alcoholic, or where there is more than one conviction of this type a period of 5 years from completion of treatment or restoration of the licence should elapse before a further application is considered.

## Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, more than one conviction for drunkenness could indicate a medical problem necessitating a critical medical examination (see above). In some cases, a warning may be sufficient.

## Drugs

An applicant with a conviction for a drug-related offence will be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

### 4. Indecency offences

Applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused.

### 5. Violence

Any convictions for violence such as grievous bodily harm, wounding or assault, will be refused until at least 5 years has elapsed from the expiry of any sentence.

### 6. Dishonesty

- Single conviction for minor incident – refusal for a period of one year free from conviction.
- Two convictions for minor incidents – refusal for a period of 3 years free from conviction.
- More than 2 convictions for minor incidents or one or more convictions for significant act of dishonesty – refusal for a period of 5 years free from conviction.

## **Information**

In clarification of the above, the recorded date of the court conviction is to be taken as the period to remain free of conviction from, unless a sentence of imprisonment or corrective training exceeding 30 months has been imposed, whence the period is to commence from the date of release from imprisonment.

## **Licence Conditions**

Where new licence conditions are being considered, the Council will look to consult the Trade. Where conditions are revised in line with new legislation, every effort will be made to advise the Trade.

Where a new condition is applied to a licence, the licence holder is entitled to appeal to a court of summary jurisdiction within 21 days of that application of the condition.

### Advice for Drivers when dealing with People with Disabilities

Taxis are an important, and sometimes the only means of transportation for many people with disabilities.

It may be that you drive or operate a vehicle designed to make travelling easier for disabled people, but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by people with disabilities is very important.

Disability comes in many forms – not always visible. Never make assumptions, always ask what help (if any) a passenger may need from you. **Make sure that you are familiar with any access and safety equipment in your vehicle.**

The following is some basic advice to assist you in giving the best service to your passenger.

#### Wheelchair Users

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

#### Ambulant Disabled

Whilst some ambulant disabled may use crutches or sticks, many disabled people who have mobility difficulties will not. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.
- Offer the use of a swivel seat (if you have one).
- Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist.
- If you have used a swivel seat, make sure it is locked back in position once inside the vehicle.
- Always ask the customer to make sure that the brakes of the wheelchair are on.



- Secure the wheelchair and suggest that the passenger uses the seat belt provided.
- Avoid sudden braking or acceleration.
- Leave the passenger in a safe and convenient place which enables them to move away independently.

### Visually Impaired Passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab.
- If you are knowingly collecting a visually impaired passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.
- If possible, place a visually impaired person’s hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.
- Tell passenger(s) the fare and count out the change.
- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog without a medical exception is an offence under the Disability Discrimination Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

### Hearing Impaired Passengers

If a passenger’s hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face.
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing.
- Make sure that they are aware that you have understood their instructions and that you know where you are going.

#### Maintenance of Vehicles

- Keep door handles, locks and hinges well oiled. This reduces the amount of physical (often painful) effort required to operate them.

**ADVICE FOR DRIVERS AND OPERATORS  
when dealing with 'Difficult Passengers'**

It is recognised that taxi drivers do on occasions have to deal with customers who, due to the influence of substances such as alcohol and possibly drugs, can be difficult and dangerous. These passengers can exhibit aggressive and sometimes violent tendencies, which can threaten the safety and welfare of the driver. If the vehicle is in motion, then this behaviour can distract a driver and may lead to the loss of control of the vehicle, with serious consequences for the occupants and other highway users.


To assist drivers in dealing with these situations, the following guidelines have been issued:

1. Upon arrival to collect passengers, a driver may make a judgement as to whether the intended passengers are fit to travel in the vehicle. If a person is judged by the driver to represent a risk by their behaviour to the driver or other passengers, the driver may make the decision to refuse entry to the vehicle. The driver must inform the person of the reason for refusal and consider if this action has induced a change in that behaviour. If no change is evident, the driver must inform his base of his decision as soon as possible.
2. If passengers during a journey exhibit behaviour which is likely to threaten the safety or welfare of a driver, the driver must stop the vehicle at the earliest possible moment in a safe location. In deciding upon the location, the driver must take into account the possible risks to the passengers and themselves whilst stationary in that location. For example, is the stopping place likely to be hazardous to other traffic, or should the passengers leave the vehicle will they be at risk from traffic? The driver should not attempt to continue on the journey until the behaviour has modified.
3. There may be occasions when the threat to the driver's safety is at such a level that it is necessary to stop the vehicle immediately. In doing so, the driver must be aware of the risks to other traffic in taking such action. The driver should take account of the Highway Code, in particular the sections on 'Waiting and Parking' and 'Breakdowns and Accidents', in making his/her decision. The driver must advise passengers on how and when to leave the vehicle and, if appropriate, where to stand in line with the guidance in the Highway Code.
4. Where the behaviour of passengers has resulted in a refusal to carry or in the stopping of a journey, the driver should contact his operator and advise him/her of the circumstances and location. The operator or driver should consider if the incident requires Police attendance and, if deemed necessary, request it. A record should be kept by the driver or operator of any incident that occurs which they should produce at the request of an authorised Officer of the Council or a Police Officer.
5. In vehicles where the driving section is separate from the passenger section by a partition, the driver should consider driving directly to a Police Station or to a public place, such as his/her operating base. At these locations, the risk to the safety and welfare of the driver can be limited.

6. In cases where the passenger(s) showing threatening behaviour are female, it is advised where possible to take the passenger(s) to a well lit area which is covered by CCTV, preferably a 24 hour petrol station.

**Recording on Contraventions**

The Council has agreed a system whereby infringements of the law or licence conditions by a licence holder can be recorded and given a value dependent upon the nature of the infringement. Any licensed person who in the opinion of the Hackney Carriage Officer has committed an infringement will be issued with a notice as shown below.

| <b>BRACKNELL FOREST BOROUGH COUNCIL</b><br>Environment & Leisure Department<br>Time Square, Market Street, Bracknell, RG12 1JD<br>01344 352000   |        |   |  |        |   |
|--|--------|---|--|--------|---|
|  |        |   |  |        |   |
| Contraventions   | Points | ✓ | Contraventions   | Points | ✓ |
| No valid insurance   | 10     |   | Failure to report accident   | 2      |   |
| No valid MOT   | 10     |   | Contravene Stop Notice   | 10     |   |
| Illegal tyres  | 10     |   | Unattended on rank   | 2      |   |
| Horn misuse  | 2      |   | Private Hire parked on rank  | 5      |   |
| Civil orderly manner   | 2-4    |   | Private Hire plying for hire   | 10     |   |
| C & U regulations  | 2-4    |   | Failure to display badge   | 2      |   |
| Too many passengers  | 8      |   | Failure to notify change of details  | 3      |   |
| Overcharging   | 5      |   | Other licence requirements   |        |   |
| Vehicle cleanliness  | 3      |   | Using unlicensed vehicle   | 10     |   |
| Removing plate   | 3      |   | Driving not licensed   | 10     |   |
| Using bus lane   | 5      |   | Smoking in vehicle/incorrect signage   | 5      |   |
| Plate no: ..... Driver's name: .....<br>Vehicle reg no: ..... has been inspected as indicated above.<br>The contravention(s) above mean(s) that you have acquired ..... points.<br>The vehicle must not be used until the contravention(s) above have been rectified and the vehicle is presented to the Hackney Carriage Officer by .../.../... or the vehicle may be used.<br>Failure to comply with this Notice could lead to the revocation or suspension of your licences and does not rule out further proceedings when this matter is considered along with driver/ vehicle history.<br>Date: ..... Signed: ..... |        |   |  |        |   |

The licence-holder has a right of appeal in writing to the Director of Environment & Leisure Department at Time Square within 14 days of receiving the notice, and will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

The issue of a notice does not prevent the Department from taking any other action in line with its published Enforcement Policy including prosecution where this is felt to be appropriate.

Where 20 or more points are issued to a licence holder within a 12-month period or where 30 penalty points are issued to a licence holder within a 24-month period, a report will be submitted to the next meeting of the Licensing Panel.

The Panel will receive the report from officers and invite representations from the licence holder

The present list of infringements and scores will be reviewed on an annual basis.

Points will be applied in the event of failure to notify the Licensing Team of change of address details. Please note following representation from the Trade, there is no longer a charge for notification of these changes.

**Enforcement Table  
Town Police Clauses Act 1847**

| <b>Section</b> | <b>Offence</b>   |
|----------------|--|
| 40             | Giving false information on application for HC proprietor's licence        |
| 44             | Failure to notify change of address of HC proprietor                       |
| 45             | Plying for hire without HC proprietor's licence                            |
| 47             | Driving a HC without HC driver's licence                                   |
| 47             | Lending or parting with HC driver's licence                                |
| 47             | HC proprietor employing unlicensed driver                                  |
| 48             | Failure by HC proprietor to hold HC driver's licence                       |
| 48             | Failure by HC proprietor to produce HC driver's licence                    |
| 52             | Failure to display HC plate  |
| 53             | Refusal to take a fare   |
| 54             | Charging more than the agreed fare   |
| 55             | Obtaining more than the legal fare   |
| 56             | Travelling less than the lawful distance for an agreed fare                |
| 57             | Failing to wait after a deposit to wait has been paid                      |
| 58             | Charging more than the legal fare  |
| 59             | Carrying other person than the hirer without consent                       |
| 60             | Driving HC without proprietor's consent                                    |
| 60             | Person allowing another to drive HC without proprietor's consent           |
| 61             | Drunken driving of HC  |
| 61             | Wanton or furious driving or wilful misconduct leading to injury or danger |
| 62             | Driver leaving HC unattended   |
| 64             | HC driver obstructing other HCs  |

**Enforcement Table  
Hackney Carriage Provisions  
Local Government (Miscellaneous Provisions) Act 1976**

| <b>Section</b> | <b>Offence</b>  |
|----------------|---|
| 49             | Failure to notify transfer of HC proprietor's licence                           |
| 50(1)          | Failure to present HC for inspection as required                                |
| 50(2)          | Failure to inform local authority where HC is stored if requested               |
| 50(3)          | Failure to report an accident to local authority                                |
| 50(4)          | Failure to produce HC proprietor's licence and insurance certificate            |
| 53(3)          | Failure to produce HC driver's licence  |
| 57             | Making false statement or withholding information to obtain HC driver's licence |

|          |  |
|----------|--|
| 58(2)    | Failure to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence |
| 61(2)    | Failure to surrender driver's licence after suspension, revocation or refusal to renew                       |
| 64       | Permitting any vehicle other than HC to wait on an HC stand  |
| 66       | Charging more than the meter fare for a journey ending outside the district, without prior agreement         |
| 67       | Charging more than the meter fare when HC used as private hire vehicle                                       |
| 69       | Unnecessarily prolonging a journey   |
| 71       | Interfering with a taximeter   |
| 73(1)(a) | Obstruction of authorised officer or constable   |
| 73(1)(b) | Failure to comply with requirement of authorised officer or constable  |
| 73(1)(c) | Failure to give information or assistance to authorised officer or constable                                 |



**Enforcement Table  
Private Hire Provisions  
Local Government (Miscellaneous Provisions) Act 1976**

| <b>Section</b> | <b>Offence</b>  |
|----------------|---|
| 46(1)(a)       | Using an unlicensed PH vehicle  |
| 46(1)(b)       | Driving a PH vehicle without a PH driver's licence  |
| 46(1)(c)       | Proprietor of a PH vehicle using an unlicensed driver   |
| 46(1)(d)       | Operating a PH vehicle without a PH operator's licence  |
| 46(1)(e)       | Operating a PH vehicle when the driver is not licensed as a PH driver   |
| 46(1)(e)       | Operating a PH vehicle when the driver is not licensed as a PH driver   |
| 48(6)          | Failure to display PH vehicle plate   |
| 49             | Failure to notify transfer of PH vehicle licence  |
| 50(1)          | Failure to represent PH vehicle for inspection as required  |
| 50(2)          | Failure to inform local authority where PH vehicle is stored if requested   |
| 50(3)          | Failure to report an accident to local authority  |
| 50(4)          | Failure to produce PH vehicle licence and insurance certificate   |
| 53(3)          | Failure to produce PH driver's licence  |
| 54(2)          | Failure to wear PH driver's badge   |
| 56(2)          | Failure by PH operator to keep records of bookings  |
| 56(3)          | Failure by PH operator to keep records of PH vehicles operated by him   |
| 56(4)          | Failure to produce PH operator's licence on request   |
| 57             | Making false statement or withholding information to obtain PH driver's or obtain PH driver's or operator's licence |
| 58(2)          | Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence             |
| 61(2)          | Failure to surrender driver's licence after suspension, revocation or refusal to renew                              |
| 67             | Charging more than the meter fare when HC used as PH vehicle  |
| 69             | Unnecessarily prolonging a journey  |
| 71             | Interfering with a taximeter  |
| 73(1)(a)       | Obstruction of authorised officer or constable  |
| 73(1)(b)       | Failure to comply with requirement of authorised officer or constable   |
| 73(1)(c)       | Failure to give information or assistance to authorised officer or constable  |

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## LICENSING AND SAFETY COMMITTEE 31 JANUARY 2008

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### LICENSING ACT 2003 – MINOR VARIATIONS (Director of Environment and Leisure)

#### 1 PURPOSE OF DECISION

1.1 The Government has proposed to amend the Licensing Act 2003 to introduce a simplified process for minor variations to premises licences and club premises certificates, as it believes that the current variations process represents an unnecessary burden on licence holders. The Department of Culture, Media and Sport (DCMS) has issued a consultation document and is seeking views from licensing authorities on the proposal.

1.2 There are three options available:

- a) Amend the Act to introduce a new process for minor variations, broadly defined as any variation that does not impact adversely on the promotion of the licensing objectives. Leave licensing authorities to decide whether a variation is 'minor' within the broad parameters above and having regard to general criteria and the statutory Guidance. Licensing authorities required to consult relevant responsible authorities as they judge necessary, depending on the individual circumstances.
- b) Amend the Act to introduce a new process for minor variations as above, but constrain licensing authority discretion by specifying within the Act which variations should be included in and excluded from a minor variations process. Licensing authorities required to consult relevant responsible authorities as they judge necessary, depending on the individual circumstances.
- c) No change.

The Government's preferred option is (a).

#### 2 RECOMMENDATION

##### 2.1 That the Committee

- a) **notes the proposal to amend the Licensing Act 2003 to introduce a simplified process for minor variations, and**
- b) **approves a response to the DCMS consultation to support the option proposed in 1.2 (a) above.**

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

3.1 There relevant legal provisions are contained within the main body of the report..

### Borough Treasurer

- 3.2 There are no financial implications arising from the recommendations in this report. Whilst the number of standard variation applications received would reduce as a result of this proposal, it is believed there would be a small increase in the number of applicants submitting variation applications.

### Impact Assessment

- 3.3 There are no implications identified.

## **4 SUPPORTING INFORMATION**

- 4.1 Sections 34 and 84 of the Licensing Act 2003 require that a premises licence or club premises certificate holder may apply to the licensing authority to vary the licence or certificate. A variation is required for any change to the licence or certificate, including amendments to the plan. The only exception is a variation of designated premises supervisor, for which there is a separate notification process.
- 4.2 The proposal outlined above would allow licence holders to make small alterations to their licences and certificates without having to advertise the variation or copy it to all responsible authorities. The fee for a minor variation would also be set at a lower level than the current variation fees, which vary according to the rateable value of the premises.
- 4.3 A significant number of applications to vary licences and certificates (approximately 30%) are for minor changes, such as relocating a bar or adding performance of dance as a licensable activity when all other regulated entertainment is already permitted on the licence. The average cost of a variation to the applicant (excluding the licence fee) is estimated to be between £385 and £950.
- 4.4 The Government recommends that the decision as to whether a variation is minor or not should be able to be taken by licensing officers rather than a panel or committee. It is suggested that there should not be any such thing as a 'borderline' case going through the minor variation process, as by definition there must be an absence of any risk to the promotion of the objectives for the procedure to apply. Guidance on the criteria and examples would be provided for officers.
- 4.5 If problems arose at the premises at a later stage in relation to the licensing objectives, interested parties or responsible authorities can request a review of the licence or club premises certificate.

### Background Papers

Licensing Act 2003

DCMS Consultation Document on Minor Variations Process

### Contact for further information

Laura Driscoll, Licensing Section - 01344 352517

[laura.driscoll@bracknell-forest.gov.uk](mailto:laura.driscoll@bracknell-forest.gov.uk)

### Doc. Ref

G:\TSTANDRD\Laura\Committee\200801\Minor Variations

## LICENSING AND SAFETY COMMITTEE 31 JANUARY 2008

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### SPECIAL TREATMENT REGISTRATIONS (Director of Environment and Leisure)

#### 1 PURPOSE OF DECISION

- 1.1 Special Treatment Registrations are required by those persons and premises carrying out certain procedures including tattooing, electrolysis, acupuncture, cosmetic skin piercing and semi-permanent skin colouring.
- 1.2 Byelaws are in place to ensure an adequate standard of hygiene and cleanliness at all special treatment premises. The byelaws are attached at Annex A. When an application is received for a premises registration, an officer will check the premises for compliance with the byelaws prior to a registration being issued.
- 1.3 When an application for a personal registration is submitted, the applicant must include details of their qualifications and competence to carry out special treatments. If a person is deemed as qualified and/or competent, they are issued with a registration.
- 1.4 A review has recently taken place of the current procedure with regards to personal registration qualifications and competence. The competency guidelines have been updated and amended and the revised version is attached at Annex B.
- 1.5 It is recommended that in the interests of public health and safety, all applicants for personal registrations should meet the standards outlined in these guidelines. If a person is unable to meet these criteria, the registration will be refused.

#### 2 RECOMMENDATION

- 2.1 **That the Committee approves the competency guidelines for special treatment registrations attached at Annex B.**

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The relevant legal provisions are contained within the main body of the report..

##### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

##### Impact Assessment

- 3.3 There are no implications identified.

#### **4 SUPPORTING INFORMATION**

- 4.1 Registrations are issued under part VIII of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”). Under sections 14 and 15 of the Act, applications for special treatment registrations shall be accompanied by such particulars as the local authority may reasonably require. Once issued, registrations last indefinitely.
- 4.2 There are currently 10 premises registrations and 34 personal registrations in force within the Borough.
- 4.3 Special treatment premises are checked on an annual basis to ensure compliance with the byelaws and any provisions under the Act.

#### Background Papers

Bracknell Forest Borough Council Byelaws for Special Treatments  
Special Treatment Competency Guidelines

#### Contact for further information

Laura Driscoll, Licensing Section - 01344 352517  
laura.driscoll@bracknell-forest.gov.uk

#### Doc. Ref

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## Bracknell Forest Borough Council

### Local Government (Miscellaneous Provisions) Act 1982

#### Acupuncture

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of acupuncture, made by Bracknell Forest Borough Council in pursuance of Section 14(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:

- a) In these byelaws, unless the context otherwise requires:

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982.

“Client” means any person undergoing treatment.

“Operator” means any person giving treatment.

“Premises” means any premises registered under Part VIII of the Act.

“Proprietor” means any person registered under Part VIII of the Act.

“Treatment” means any operation in effecting acupuncture.

“The treatment area” means any part of premises where treatment is given to clients.

- b) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2. For the purposes of securing the cleanliness of premises and fittings therein a proprietor shall ensure that:

- a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings in any part of the premises used by clients and operators are kept clean and in such good repair as to enable them to be cleaned effectively.
- b) The treatment area is used solely for giving treatment.
- c) The floor of the treatment area is provided with a smooth impervious surface.
- d) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned.

- e) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Here reusable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals.
  - f) All furniture and fittings in the treatment area are kept clean and in such good repair as to enable them to be cleaned effectively.
  - g) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down with a suitable disinfectant between the treatment of different clients, and thoroughly cleaned at the end of each working day.
  - h) Where tables or couches are used, they shall be covered by a disposable paper sheet, which shall be changed for each client;
  - i) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment:
- a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment;
    - i) Is clean and in good repair, and, so far as is appropriate, is sterile;
    - ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
  - b) An operator shall ensure that:
    - i) Any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
  - c) A proprietor shall provide:
    - i) adequate facilities and equipment for the purpose of sterilisation (unless presterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii) sufficient and safe gas points and or electrical socket outlets to enable compliance with these byelaws;
    - iii) an adequate constant supply of clean hot and cold water readily available at all times on the premises;



- iv) adequate storage for all items mentioned in byelaw 3a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators:
- a) An operator whilst giving treatment shall ensure that:
    - i) his hands and nails are clean, and nails kept short;
    - ii) he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
    - iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
    - iv) he does not smoke or consume food or drink;
  - b) A proprietor shall provide:
    - i) suitable and sufficient washing facilities for the sole use of operator, such facilities to have hot and cold water, sanitation soap or detergent, and nail brush;
    - ii) suitable and sufficient sanitary accommodation for operators.

## **Ear Piercing and Electrolysis**

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of ear piercing and electrolysis, made by Bracknell District Council in pursuance of section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:
  - a) In these byelaws, unless the context otherwise requires:
    - “The Act” means the Local Government (Miscellaneous Provisions) Act 1982; “Client” means any person undergoing treatment;
    - “Operator” means any person giving treatment;
    - “Premises” means any premises registered under Part VIII of the Act;
    - “Proprietor” means any person registered under Part VIII of the Act;
    - “Treatment” means any operation in effecting ear piercing or electrolysis;
    - “The treatment area” means any part of premises where treatment is given to clients.
  - b) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. For the purposes of securing the cleanliness of premises and fittings therein a proprietor shall ensure that:
  - a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings in any part of the premises used by clients and operators are kept clean and in such good repair as to enable them to be cleaned effectively;
  - b) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;
  - c) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;

- d) All furniture and fittings in the treatment area are kept clean and in such good repair as to enable them to be cleaned effectively;
  - e) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down regularly with a suitable disinfectant;
  - f) Where tables or couches are used, they shall be covered by a disposable paper sheet. which shall be changed for each client;
  - g) a notice or notices reading “No Smoking” are prominently displayed within the treatment area.
3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection in the treatment:
- a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:
    - (i) is clean and in good repair, and, so far as is appropriate, is sterile;
    - (ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
  - b) An operator shall ensure that any needle, metal instrument, or other item of equipment used in treatment or for handling ‘instruments and needles used in treatment, is in a sterile condition and kept sterile until is used;
  - c) A proprietor shall provide:
    - (i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - (ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - (iii) an adequate constant supply of clean hot and cold water readily available at all times on the premises;
    - (iv) adequate storage for all items mentioned in byelaw 3a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators:
- a) An operator whilst giving treatment shall ensure that:

- (i) his hands are clean;
  - (ii) he is wearing clean clothing;
  - (iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
  - (iv) he does not smoke or consume food or drink;
- b) A proprietor shall provide:
- (i) suitable and sufficient washing facilities for the use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
  - (ii) suitable and sufficient sanitary accommodation for operators.

## **Cosmetic Piercing**

Byelaws for the purposes of securing the cleanliness of premises registered under section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in those premises and of registered persons and persons assisting them and the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the business of cosmetic piercing made by Bracknell Forest Borough Council in pursuance of Section 15(7) of the Act.

### 1. Interpretation:

#### a) In these byelaws, unless the context otherwise requires:

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“Client” means any person undergoing treatment;

“Operator” means any person giving treatment;

“Premises” means any premises registered under Part VIII of the Act;

“Proprietor” means any person registered under Part VIII of the Act;

“Treatment” means any operation in effecting cosmetic piercing;

“The treatment area” means any part of the premises where treatment is given to clients.

#### b) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

### 2. For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that:

a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;

b) All waste materials, and other litters, arising from the treatment should be handled and disposed of as clinical waste in accordance with relevant legislation and guidance as advised by the local authority;

c) All needles used in treatment are single-use and disposable, as far as is practicable; and are stored and disposed of as clinical waste in accordance with the relevant legislation and guidance as advised by the local authority;

d) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;

e) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is disinfected immediately after use and at the end of each working day;

- f) Where tables and couches are used, they are covered by a disposable paper sheet which is changed for each client;
  - g) No eating, drinking or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, “No Eating or Drinking” is prominently displayed there.
3. For the purpose of securing the cleansing and so far as is appropriate, the sterilization of instruments, materials and equipment used in connection with the treatment -
- a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in the treatment -
    - i) is clean and in good repair, and, so far as is appropriate, sterile;
    - ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilized.
  - b) An operator shall ensure that any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in the treatment is in a sterile condition and kept sterile until it is used;
  - c) A proprietor shall provide -
    - i) adequate facilities and equipment for the purpose of sterilization (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - iii) an adequate constant supply of clean hot and cold water readily available at all times on the premises;
    - iv) adequate storage for all items mentioned in byelaw 3a and b above, so that those items are properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators -
- a) A proprietor shall ensure that -
    - i) any operator keeps his hands and nails clean and his nails short;
    - ii) any operator wears disposable surgical gloves that have not previously been used with any other client;
    - iii) any operator of the premises wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with any other client;

- iv) any operator keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
  - v) any operator does not smoke or consume food or drink in the treatment area.
- b) A proprietor shall provide;
- i) suitable and sufficient washing facilities for the sole use of operators, including hot and cold water and sanitising soap or detergent;
  - ii) suitable and sufficient sanitary accommodation for operators.

## Tattooing

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of tattooing, made by Bracknell Forest Borough Council in pursuance of Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:
  - a) In these byelaws, unless the context otherwise requires:

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982.

“Client” means any person undergoing treatment.

“Operator” means any person giving treatment.

“Premises” means any premises registered under Part VIII of the Act.

“Proprietor” means any person registered under Part VIII of the Act.

“Treatment” means any operation in effecting tattooing.

“The treatment area” means any part of premises where treatment is given to clients.
  - b) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. For the purposes of securing the cleanliness of premises and fittings therein a proprietor shall ensure that:
  - a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings in any part of the premises used by clients and operators are kept clean and in such good repair as to enable them to be cleaned effectively.
  - b) The treatment area is used solely for giving treatment.
  - c) The floor of the treatment area is provided with a smooth impervious surface.
  - d) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned.
  - e) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where reusable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and



the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals.

- f) All furniture and fittings in the treatment area are kept clean and in such good repair as to enable them to be cleaned effectively.
- g) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down with a suitable disinfectant between the treatment of different clients, and thoroughly cleaned at the end of each working day.
- h) Where tables or couches are used, they shall be covered by a disposable paper sheet, which shall be changed for each client;
- i) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.

3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment:

- a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment;
  - i) Is clean and in good repair, and, so far as is appropriate, is sterile;
  - ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
- b) An operator shall ensure that:
  - i) Any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
  - ii) all dyes used for tattooing are bacteriologically clean and inert;
  - iii) the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatments, or are sterilised before re-use;
- c) A proprietor shall provide:
  - i) adequate facilities and equipment for the purpose of sterilisation (unless presterilised items are used) and of cleansing, as required in pursuance of these byelaws;
  - ii) sufficient and safe gas points and or electrical socket outlets to enable compliance with these byelaws;

- iii) an adequate constant supply of clean hot and cold water readily available at all times on the premises;
  - iv) adequate storage for all items mentioned in byelaw 3a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators:
- a) An operator whilst giving treatment shall ensure that:
    - i) his hands and nails are clean, and nails kept short;
    - iii) he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
    - iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing,
    - iv) he does not smoke or consume food or drink;
  - b) A proprietor shall provide:
    - ii) suitable and sufficient washing facilities for the sole use of operator, such facilities to have hot and cold water, sanitation soap or detergent, and nail brush;
    - ii) suitable and sufficient sanitary accommodation for operators.

## **Semi-Permanent Skin-Colouring**

Byelaws for the purposes of securing the cleanliness of premises registered under section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and registered persons and persons assisting them and the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the business of semi-permanent skin-colouring, made by Bracknell Forest Borough Council in pursuance of section 15(7) of the Act.

### 1. Interpretation:

#### a) In these byelaws, unless the context otherwise requires:

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“Client” means any person undergoing treatment;

“Operator” means any person giving treatment;

“Premises” means any premises registered under Part VIII of the Act;

“Proprietor” means any person registered under Part VIII of the Act;

“Treatment” means any operation in effecting semi-permanent skin-colouring;

“The treatment area” means any part of the premises where treatment is given to clients.

#### b) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

### 2. For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that:

#### a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;

#### b) The treatment area is used solely for giving treatment;

#### c) The floor of the treatment area is provided with a smooth impervious surface;

#### d) All waste materials, and other litters, arising from the treatment should be handled and disposed of as clinical waste in accordance with relevant legislation and guidance as advised by the local authority;

#### e) All needles used in treatment are single-use and disposable, as far as is practicable; and are stored and disposed of as clinical waste in accordance with the relevant legislation and guidance as advised by the local authority;

- f) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
  - g) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is disinfected immediately after use and at the end of each working day;
  - h) Where tables and couches are used, they are covered by a disposable paper sheet which is changed for each client;
  - i) No eating, drinking or smoking is permitted in the treatment area and a notice or notices reading "No Smoking", "No Eating or Drinking" is/are prominently displayed there.
3. For the purpose of securing the cleansing and so far as is appropriate, the sterilization of instruments, materials and equipment used in connection with the treatment:
- a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:
    - i) is clean and in good repair, and so far as is appropriate, is sterile;
    - ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilized.
  - b) An operator shall ensure that:
    - i) any needle, metal instrument, or other item or equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
    - ii) all dyes used for semi-permanent skin-colouring are sterile and inert;
    - iii) the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatment, or are cleaned and sterilized before re-use;
  - c) A proprietor shall provide:
    - i) adequate facilities and equipment for the purpose of sterilization (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - iii) an adequate constant supply of clean hot and cold water readily available at all times on the premises;
    - iv) adequate storage for items mentioned in byelaw 3a and b above, so that those items are properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.

4. For the purpose of securing the cleanliness of operators:
- a) A proprietor shall ensure that:
    - i) any operator keeps his hands and nails clean and his nails short;
    - ii) any operator wears disposable surgical gloves that have not previously been used with any other client;
    - iii) any operator of the premises wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with any other client;
    - iv) any operator keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
    - v) any operator does not smoke or consume food or drink in the treatment area.
  - b) A proprietor shall provide -
    - i) suitable and sufficient washing facilities for the sole use of operators, including hot and cold water, sanitising soap or detergent;
    - ii) suitable and sufficient sanitary accommodation for operators.

**NOTE: The following does not form part of the Byelaws**

- A Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.
- B Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part III of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration, and of the registration of premises in which the offence was committed if such premises are occupied by the person so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- C Nothing in these byelaws shall extend to the carrying on of the business of ear piercing or of electrolysis as the case may be by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

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## Special Treatment Competency Guidelines

### General Guidance

As a practitioner who carries out invasive therapies you will need to consider the following:

- Infection control procedures
- Cleaning and sterilisation of equipment and studio / treatment area
- Waste disposal (needles etc)
- Protective clothing
- First aid
- Use of anaesthetics
- Client consultation
- Client record keeping (including record of all visits)
- Client after care advice
- Client complaint procedure
- Risk assessment
- Health and Safety
- Personal hygiene

A recommended qualification is the Level 2 certificate in Salon Hygiene. Further information available from:

Level 2 Certificate in Salon Hygiene (Beauty Therapy)  
The Royal Institute of Public Health  
28 Portland Place  
London  
W1B 1DE  
Email: [exams@RIPH.org.uk](mailto:exams@RIPH.org.uk)

### Ear piercing

All persons carrying out ear-piercing should have been trained in the use of the relevant ear-piercing system and must demonstrate competency to the satisfaction of the local authority and/or system manufacturer.

Training should cover:

- Hygienic procedures
- Cleaning
- After care provision to clients
- Incident reporting
- Failed piercing – what to do
- Basic first aid – particularly bleeding and fainting

### Body Art (including tattooing, semi-permanent skin colouring and cosmetic body piercing)

All persons carrying out body art procedures **must** attend a suitable course on infection control (approved by Local Authority or Trade Association) and attend a refresher every 5 years.

All practitioners must be carefully and constantly supervised for the first year by someone who has routinely carried out body art procedures over the past five years. *NB It is considered that it takes up to two years of full time practice to achieve the minimum level of competence.*

All persons must be able to demonstrate competency/knowledge and proficiency in subjects such as anatomy, diseases and their transmission, infection control procedures and a precautionary approach to new procedures.

Full details of the courses attended and details of periods of supervision must be available and produced when requested by an authorised officer of the Council. This training shall include procedures dealing with body fluid spillage (blood, vomit, urine etc), needle stick injury and safe working methods.

Body art procedures **should** not be undertaken by anyone under the age of 18.

The following document may be of use for practitioners carrying out skin piercing and tattooing: Health & Safety Executive Local Authority Enforcement Committee (HELA) - Enforcement of Skin Piercing Activities LAC 76/2 (April 2005)

<http://www.hse.gov.uk/lau/lacs/76-2.htm>

The following document may be of use for practitioners carrying out micro-pigmentation: HELA - Micro-pigmentation LAC 14/1 (August 2006)

<http://www.hse.gov.uk/lau/lacs/14-1.htm>

## **Electrolysis**

All persons carrying out professional beauty treatment must have completed a recognised course and have documented evidence.

All persons carrying out such treatments should regularly attend recognised training workshops and seminars. All practitioners should be appropriately supervised during their first year following qualification.

## **Acupuncture**

All persons practising acupuncture must successfully complete a relevant course and must be registered with a professional association

Practitioners must demonstrate continuing professional development.

Full details of the courses attended must be kept on the premises at all times and be available for inspection by an authorised officer of the Council.

Acupuncture **must not** be undertaken by anyone under the age of eighteen.

Recognised Associations

British Acupuncture Council (BA<sub>c</sub>C), 63 Jeddo Road, London W12 9HQ

Tel: 020-8735 0400

Fax: 020-8735 0404

E-mail: [info@acupuncture.org.uk](mailto:info@acupuncture.org.uk)

Please contact the BA<sub>c</sub>C for details as to course suitability and accredited colleges.



## LICENSING AND SAFETY COMMITTEE 31 January 2008

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### LICENSING PANEL HEARINGS (Director of Environment and Leisure)

#### 1 PURPOSE OF DECISION

- 1.1 The hearings held by the Licensing Panel for matters under the Licensing Act 2003 are governed by the Licensing Act 2003 (Hearing) Regulations 2005. These regulations set out the conditions in and under which hearings shall be conducted.
- 1.2 The Council supports and encourages negotiation between the applicant, responsible authorities and persons making representations to reach an amicable arrangement. This report seeks to gain committee approval for a procedure which will recognise that commitment and possibly reduce the need to hold a hearing with all parties in attendance.

#### 2 RECOMMENDATION

- 2.1 That the Committee agrees the procedure as set out in paragraph 4.7.

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The relevant legal provisions are contained within the body of the report.

##### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

##### Impact Assessment

- 3.3 There are no direct consequences of this report for any group and no direct community safety implications.

##### Strategic Risk Management Issues

- 3.4 There are no issues to consider.

##### Other Officers

- 3.5 None.

## 4 SUPPORTING INFORMATION

- 4.1 The Licensing Act 2003 requires a period of consultation between a range of parties including responsible authorities and interested persons. Where there are no representations made, then the application must be granted with conditions attached in line with those measures as set out in the Operating Schedule.
- 4.2 Where the Licensing Authority has received a valid representation within the 28-day consultation period, then unless that representation is withdrawn a hearing must be held.
- 4.3 Where a representation is received, the Licensing Authority through its officers will encourage the relevant parties to enter into a period of negotiation to try and reach agreement. In some instances there are misunderstandings and it is possible to deal with those without any need to agree an alteration to the application or suggested conditions contained in the Operating Schedule. In other circumstances agreement may be reached where changes to the application or additional conditions are agreed. In a very few circumstances it is not possible to reach agreement.
- 4.4 Where agreement is reached, it is permissible for parties to withdraw their representations which must be done in a specified manner. If representations have been withdrawn, then the Licensing Authority, with the agreement of all parties, may decide to dispense with a hearing. The Licensing Authority in this instance refers to the decision-making power of members of the Licensing Committee, and not officers of the Council.
- 4.5 Where representations have been withdrawn with no agreed changes to the original application or Operating Schedule, then the application can be granted without the need for a hearing. Where agreement is reached, but with a need to change or alter the application or Operating Schedule including new or modified conditions then a "Hearing" must take place as the Licensing Panel is the only body that can impose conditions on a licence other than those offered up by the applicant in the Operating Schedule.
- 4.6 A question that needs to be asked is "given agreement by all other parties, is there a necessity to have a hearing with all parties present or could it be determined on written representations?" The answer in the officers' view is "yes", however there is still the need to ensure that the discretion of the Licensing Authority is engaged.
- 4.7 With this in mind the following procedure is recommended to the Committee for adoption where representations have resulted in agreement between parties and which seek to alter the original application or operating schedule. Where representations are received, the Licensing Authority has 28 days from the closing date within which to hold a Hearing. If possible, attempts to mediate those representations should be completed within 10 days.
- Notice in writing by all parties of the agreement reached and that a Hearing is not required must be received by the Licensing officer by the end of the tenth day.
  - The Licensing Officer will draw up a report on the application and mediated agreement and submit it to Democratic Services within 2 working days.
  - Democratic Services will pass the report to the allocated panel members within one working day.
  - Panel members will have 3 days within which to consider the report and decide either:

- (i) to have a public hearing on the agreed date or
- (ii) agree the application after consideration of the written representations and mediated agreement.

- The decision will be made by a simple majority of the 3 members.
- The decision must be communicated to Democratic Services by the close of the third day.
- Democratic Services must then send out either the papers necessary to hold a hearing or a decision letter at least 5 working days prior to the set hearing date.

4.8 The procedure outlined above is very tight in terms of timing and turnarounds, but it has proved to be achievable in a couple of examples in recent months. The aim of such a procedure is to comply with legal requirements and to provide to members the option to dispense with a public hearing if they are satisfied that the suggested mediated conditions met the licensing objectives.

#### Background Papers

Licensing Act 2003

Licensing Act (Hearing) Regulations 2005

#### Contact for further information

Robert Sexton, Head of Trading Standards and Services - 01344 352580

robert.sexton@bracknell-forest.gov.uk

#### Doc ref

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**LICENSING AND SAFETY COMMITTEE  
31 JANUARY 2008**

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**ROAD SAFETY ACT 2006  
(Director of Environment and Leisure)**

**1 INTRODUCTION**

- 1.1 Guidance has recently been published by the Department for Transport (DfT) in respect of the implementation of section 53 of the Road Safety Act 2006 (the Act).
- 1.2 Vehicles were previously exempt from the requirement to be licensed if they are only used for contracts lasting not less than seven days. This was known as “the contract exemption”. Neither the driver of the vehicle, the vehicle itself, nor the operator was required to be licensed.
- 1.3 Section 53 of the Act repealed this exemption from the requirement to be licensed, except in respect of vehicles used solely for weddings and funerals. This new provision came into force on 28 January 2008.

**2 SUPPORTING INFORMATION**

- 2.1 Since April 2007, the Licensing Section has been contacting operators of firms which previously worked under the contract exemption to advise them of the change in legislation and has provided guidance and assistance to those firms in order for them to obtain the relevant licences. It is estimated that since April 2007, two or three new operators and between 25 and 30 drivers and vehicles who previously operated under the contract exemption have become licensed.
- 2.2 The Licensing Section has also made contact with a large number of businesses in the Borough to advise them of the changes and to encourage them to check that the vehicles they use to transport staff and clients are properly licensed.
- 2.3 The DfT Guidance says that when deciding whether a vehicle is a private hire vehicle, two considerations should be addressed: whether the vehicle is provided for hire with a driver for the purpose of carrying less than nine passengers, and the manner in which the vehicle is provided, as licences will generally be required in those situations where commercial benefit accrues to the drivers.
- 2.4 Services provided by volunteer drivers who receive no recompense other than actual expenses would probably fall outside the licensing requirements. For example, vehicles used to transport patients from their home to a hospital or clinic would not require a licence unless they derived a commercial benefit from the journey.

**3 IMPACT ASSESSMENT**

- 3.1 There are no implications identified.

**4 STRATEGIC RISK MANAGEMENT ISSUES**

- 4.1 There are no strategic risk management issues identified.

Background Papers

Road Safety Act 2006

Guidance and letter from Department for Transport 23 November 2007

Contact for further information

Laura Driscoll, Licensing Section - 01344 352517

[laura.driscoll@bracknell-forest.gov.uk](mailto:laura.driscoll@bracknell-forest.gov.uk)

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### LICENSING AND SAFETY COMMITTEE 31 January 2008

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#### LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY (Director of Environment and Leisure)

#### 1 INTRODUCTION

- 1.1 The Licensing Act 2003 requires that the Council should review its Statement of Licensing Policy at least every 3 years. The Council's existing policy was therefore required to be reviewed and published by 7 January 2008. If this process had not been completed, the Council would not have been able to carry out its functions in relation to applications made under the Act.

#### 2 SUPPORTING INFORMATION

- 2.1 The Licensing and Safety Committee received a report on 1 February 2007 on the proposals to consult on and review the Statement of Licensing Policy. Further reports were made to the Committee on:

|                |  |
|----------------|--|
| 19 April 2007  | on the proposals for consultation  |
| 5 July 2007    | a verbal update on the consultation process                              |
| 4 October 2007 | results of consultation together with draft amendments for consideration |

- 2.2 The draft policy was then taken to Executive on 23 October 2007 and Full Council on 28 November 2007. Comments from the consultation process have been fully considered and the new policy was published on 13 December 2007 on the Council's website and came into force on 7 January 2008. The Policy will be required to undergo a further review process in 2010 and be republished by 6 January 2011.
- 2.3 Attached to the report is the new Statement of Licensing Policy.

#### Background Papers

Guidance issued under Section 182 of the Licensing Act 2003

#### Contact for further information

Robert Sexton, Head of Trading Standards and Services - 01344 352580  
robert.sexton@bracknell-forest.gov.uk

#### Doc ref

G: Secs1\Winword\L&S Cttee\2008\Jan\Licensing Act 2003 – Statement of Licensing Policy\3.1.08

*[Statement of Licensing Policy dated December 2007 filed at:  
TS\Licensing\Licensing Act 2003\Policies\Lic Policy 2008\Lic Pol Dec 07]*

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# **STATEMENT OF LICENSING POLICY**

**December 2007**

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## 1. Introduction to the Policy

- 1.1 The Government has introduced legislation to reform the country's licensing laws. The Licensing Act 2003 requires Bracknell Forest Borough Council, as the Licensing Authority, to publish a 'Statement of Licensing Policy' which sets out the policies the Licensing Authority will apply to promote the four Licensing Objectives when making decisions on applications. In drafting this Policy, the Licensing Authority is seeking to protect and where possible to improve the look and feel of Bracknell Forest, attracting visitors and making it a stimulating and enjoyable place in which to live, study or work.
- 1.2 In carrying out its licensing function, the Licensing Authority will promote the four Licensing Objectives. These are the only matters to be taken into account when determining an application. The four Licensing Objectives are:
- (a) Prevention of Crime and Disorder;
  - (b) Public Safety;
  - (c) Prevention of Public Nuisance; and
  - (d) Protection of Children from Harm.
- 1.3 The Council has adopted a Neighbour Notification policy for applications for new licences or the variation of existing licences. This is in accordance with paragraph 8.52 of the Guidance issued under section 182 of the Licensing Act 2003. A copy of the policy is attached to this document as Annex A. The policy will be kept under review by the Licensing and Safety Committee
- 1.4 Where representations have been submitted, the Licensing Authority shall aim to facilitate negotiations between the applicant, Responsible Authorities or persons making relevant representations prior to the hearing.
- 1.5 There are four main licensable activities:
- a) the sale by retail of alcohol;
  - b) the supply of alcohol by or on the behalf of a club to, or to the order of, a member of the club;
  - c) the provision of regulated entertainment; and
  - d) the provision of late night refreshment.
- This Licensing Policy is about the regulation of licensable activities and as such is focussed on the direct impact of activities taking place on or in the vicinity of those premises. It is not a primary mechanism for controlling general nuisance unconnected to the Licensing Objectives.
- 1.6 This Policy is intended to shape the future of licensing, entertainment and related social activities within the Borough, and has been produced after consultation with the public and interested bodies, including the licensed trade and other agencies (Annexe A). Due consideration has been given to all relevant responses in the production of the final version of this Policy.
- 1.7 The Licensing Authority aims to ensure that licensed premises have good operating Practices, which assist in reducing the significant contribution that alcohol misuse makes to violent crime.
- 1.8 The Licensing Authority is committed to working in close partnership and communicating with all licensees, responsible authorities and interested parties where appropriate in order that they have a clear understanding of both the legislative and operation requirements.

- 1.9 The Licensing Authority is committed to promoting the Borough's Sustainable Community Strategy and will actively encourage a broad range of entertainment, recognising the wider cultural benefits for local communities. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circus and street arts. The Licensing Authority recognises that artistic freedom of expression is a fundamental right and should be greatly valued.
- 1.10 To ensure this Policy integrates with other strategies, such as Safety Communities Strategy, Anti -Social Behaviour Strategy and the Safer Communities Partnership, the Licensing Authority has liaised and consulted with the appropriate groups and will continue to develop close working partnerships.
- 1.11 The Licensing Authority recognises that licensing is about licensable activities taking place on licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and that conditions attached to various authorisations will be focussed on matters which are within the control of individual licensees and others in possession of relevant authorisations.
- 1.12 The changes which came into effect in November 2005 applied to:
- Pubs, nightclubs, and bars
  - Indoor sporting events including boxing and wrestling
  - Off-licences and other places that sell alcohol, such as supermarkets and convenience stores
  - Restaurants that serve alcohol
  - Businesses offering hot food between 11pm and 5am, eg: late-night cafés, takeaways, street trading etc
  - Hotels, guesthouses
  - Private members clubs, sports and social clubs and clubs associated with businesses
  - Theatres
  - Garage forecourts selling alcohol and hot food after 11pm
  - Cinemas
  - Organisers of Regulated Entertainment, eg: Community Centres, Schools and Village Halls

However, this list is not exhaustive and the Policy covers a wide variety of premises and activities carried on in them as specified within the Act. For this reason the Licensing Authority cannot detail in the Policy all the factors that may influence the achievement of the Licensing Objectives.

- 1.13 When determining applications, the Licensing Authority must be satisfied that the applicant's Operating Schedule (described later in the Policy) seeks to promote the four Licensing Objectives. The Licensing Authority will make decisions guided by this Policy but will not fetter its right to discretion. In the interests of the safety and well-being of all users of the facilities it licenses, the Licensing Authority expects licensees to adopt best practices for their industry. The Licensing Authority's Statement of Licensing Policy further outlines the expectations of the Licensing Authority and should assist applicants to understand the rationale behind its Policy.
- 1.14 Every application to the Licensing Authority will be considered on its merit and will be treated fairly and objectively in accordance with the four Licensing Objectives. The Licensing Authority may monitor race-equality to ensure a fair application of the Policy, with specific reference to the rate of approvals/refusals, the level of enforcement, and the attachment of additional conditions.

- 1.15 The Licensing Panel will take into account the views of Thames Valley Police who has issued guidance to its licensing officers regarding the criteria to work to when considering a licence application. It is recommended that all applicants consult with the local police licensing officer before submitting an application.
- 1.16 If there is a recognised need, the Licensing Authority will form a liaison group that includes representation from responsible authorities and the community, to assess the impact of current licensable activities and the possible cumulative effect in an area. The purpose of this will be to:
- (a) monitor developments in the area;
  - (b) identify and resolve any issues within the community;
  - (c) assess cumulative impact of a concentration of licensed premises; and
  - (d) ensure the licensing objectives are being met.
- 1.17 The Policy will not undermine the applicant's right to apply under the Act for a variety of permissions, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate.
- 1.18 The Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example the Disability Discrimination legislation, Health and Safety at Work etc Act 1974, Environmental Protection Act 1990 and the Regulatory Reform (Fire Safety) Order 2005.
- 1.19 This Policy will be continually updated and reviewed. In any event the Policy will be reviewed every 3 years.
- 1.20 Comments on the Policy may be made to the Licensing Authority, Environment and Leisure Department, Bracknell Forest Borough Council, Time Square, Market Street, Bracknell or online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk). All comments received will be considered and carefully monitored and where appropriate, included in the Policy.
- 1.21 The Licensing Authority will work with the Police where there is a need to determine whether any premises should be subject to a Police Closure Notice. Protocols for enforcement will be established between the Police and the Licensing Authority in order to target agreed problems and high risk premises that require greater attention whilst allowing a lighter touch in respect of well run, low risk premises.
- 1.22 The Licensing Authority will work with and actively encourage licensees to promote anti-drink driving campaigns, for example, licensees could participate in the Designated Driver (DES) Scheme promoted by the Portman Group and backed by the Department of Transport and the British Beer & Pub Association.
- 1.23 The Policy has in mind a wide range of licensed premises, from small off-licences, take-aways to cinemas and large nightclubs. The Licensing Authority has discretion to decide that parts of the Policy do not apply to particular premises, and also has a wide discretion as to what conditions, if necessary, are appropriate to attach to a licence. These conditions will be tailored to suit the circumstances and premises. Conditions will be proportionate and necessary to achieve the licensing objectives. If no representations are received, however, the application will be granted in the terms sought and no additional conditions attached.
- 1.24 The Licensing Authority will seek to protect the reasonable rights of residents and businesses, and other parties such as visitors and persons holding official offices/responsibilities. In determining applications, the Licensing Authority will primarily

focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not a primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises. Nonetheless, it is a key aspect of such a control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in the town centre.

1.25 The Licensing Authority recognises that longer licensing hours for the sale of alcohol aims to:

- ensure that large numbers of customers leaving premises simultaneously are avoided,
- meet the Public Safety, Public Nuisance and Crime and Disorder Licensing Objectives,
- encourage the development of a thriving and safer night time economy, and
- offer a greater choice and flexibility to the community.

1.26 Most licensable activities are listed in the Glossary, however where a member of the public is uncertain as to whether an activity is licensable or not they should contact the Licensing Section through the Customer Service Centre on 01344 352000 or e-mail [licence.all@bracknell-forest.gov.uk](mailto:licence.all@bracknell-forest.gov.uk).

## **PART A**

### **2. Licensing Objective 1: Prevention of Crime and Disorder**

- 2.1 The Licensing Authority is committed to reducing crime and disorder across the Borough through its statutory duty under the Crime and Disorder Act and the Community Safety Strategy. In addition, the Council is committed to further improving the quality of life for the people of Bracknell Forest by continuing to reduce crime and the fear of crime.
- 2.2 National and local crime statistics evidence that the consumption of alcohol is a significant contributory factor to levels of crime and disorder. Good management and good practice procedures in licensed premises can and do make an important contribution to lessening that impact. An example of good practice would be for licensees to join a local Pub and Drug Watch Scheme, where operational.
- 2.3 The Licensing Authority, Police and licensees are encouraged to work in partnership with a local Pub and Drug Watch Scheme within the Borough to help licensees to form strategies for actively preventing crime and disorder issues. This scheme encourages the sharing of information through effective communication and seeks to address matters such as under-age sales, problems associated with drunkenness, prevention of illegal drug use, and anti-social behaviour.
- 2.4 It is imperative that all forms of crime are prevented in licensed premises. A responsible licensee or their staff shall deter, prevent and report other instances of crime, such as offences under the Theft Acts (eg: handling stolen goods), violence related or any other activity likely to constitute or conspiring to commit crime, including activities associated with the sex industry.
- 2.5 The Licensing Authority and Thames Valley Police through their Safety Communities Partnership will regularly monitor and review crime statistics within the Borough and their association with alcohol. Applicants for new licences or existing licences under a review process will need to satisfy the Licensing Authority in their Operating Schedule that they will take reasonable steps to reduce and prevent Crime and Disorder on their premises or in the vicinity in line with Local Crime Prevention Strategies.
- 2.6 In considering licensing applications, the Licensing Authority will expect applicants to set out, where necessary and based on individual risk assessment:
- (a) What measures will be taken by the licensee to promote intolerance of drugs and illegal substances, to prevent their use, sale or supply on the premises, and what provision will be made for facilities to store seized items.
  - (b) What measures will be taken by the licensee to raise staff awareness of both drug and alcohol abuse, for example training to recognise symptoms of drug abuse.
  - (c) What action will be taken when drugs have been found. The Licensing Authority may require a log to be kept and all entries in the log to be witnessed. This log should be made available to any Police Constable or authorised officer of the Licensing Authority. The Licensee should advise the Police at the earliest possible opportunity of any confiscated item.
  - (d) What measures will be taken by the licensee to prevent alcohol abuse such as drinking games and continuous drink promotions, including the adoption of advice by the British Beer and Pub Association and the Portman Group.

- (e) What features are currently in place or planned for physical security at the premises eg, CCTV. As a preventative measure in the licensing application process, all new applicants are advised to consult with the Thames Valley Police Crime Reduction Team
  - (f) How licensees propose to work in partnership with the Licensing Authority, Police and other traders to establish an agreement on co-ordinating operating hours to prevent large numbers of people moving between premises, eg. disco nights, promotion nights and special events which could attract large numbers of people. Such co-ordination, though it is not a requirement of the Licensing Act, could be achieved through a local Pub Watch Scheme.
  - (g) What arrangements will be made for the adoption and use of a recognised or appropriate age-monitoring scheme.
  - (h) What active management measures will be taken for the prevention of violence or public disorder eg, where appropriate, employment of registered door staff to control entry, persons awaiting entry to the premises, flashpoints within the premises, and the dispersal of customers. This might include the safety of women and race issues, ie: measures taken to deal with harassment, discrimination and inappropriate behaviour.
- 2.7 Applicants should address in their Operating Schedule the individual style and characteristics of their premises and the proposed events and activities. This could include, for example, seating provided in pubs, bars, nightclubs and late night refreshment houses because research has shown that the amount of seating can be relevant to the prevention of crime and disorder.
- 2.8 The Licensing Authority is aware that retail outlets will be able to sell alcohol for consumption off the premises at any time they are open for trade including 24-hour opening, Sundays and Bank Holidays. However, restrictions on sales may be imposed where representations are made by the Police under the Crime and Disorder and Public Nuisance licensing objectives and maybe imposed by Committee where an agreement cannot be reached with the retailer.
- 2.9 Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Licensing Authority will expect applicants to have considered and taken action to address those issues. New applications, or applications for variation, may be refused where there are significant outstanding issues.
- 2.10 In the interests of the Public Safety and Crime and Disorder Licensing Objectives, the Licensing Authority will advise, where appropriate, that where alcohol is consumed in designated outside areas, provision is made to ensure that glasses and bottles will be of a type which, when broken, do not enable the remnants to be hazardous, or used as a weapon. This would not be a ban on glass bottled products per se, merely on the serving of drinks in glass bottles. A ban would be based on risk assessment and would only be applied where necessary.
- 2.11 Wherever possible, applicants are expected to be aware of local groups known to incite violence or hatred, or take part in extremist activities in order to prevent the likelihood of meetings resulting in crime and disorder. Licensees will be expected to take into consideration the potential impact on privacy or religious freedom and the ethnic and cultural composition of the local area when hosting these meetings. The Licensing Authority recognises the need to promote the elimination of unlawful discrimination and equality of opportunity. The Licensing Authority recommends licensees seek guidance



from the Commission for Racial Equality website, <http://www.cre.gov.uk/> or by contacting them on 020 7939 0000.

2.12 In appropriate cases, and where its discretion is engaged, the Licensing Authority may attach conditions in line with the achievement of the Licensing Objectives, as listed in the core model conditions, relating to but not limited to:

- Use of text pagers
- Door supervisors
- Banning of bottles
- Plastic containers and toughened glass
- CCTV – to a standard required by Thames Valley Police
- Preventing the taking of alcoholic and other drinks from the premises in open containers
- Restriction on the hours of use of particular drinking areas (eg: gardens)
- Capacity limits
- Proof of age cards
- Display of crime prevention notices
- Irresponsible drinks promotions
- Appropriate signage, for example: advertising the normal hours under the terms of the licence and/or, where appropriate, restrictions on admission of children
- Ratio of tables and chairs to customers based on capacity

### **3. Licensing Objective 2: Public Safety**

- 3.1 When visiting licensed premises, members of the public have a right to be confident that due consideration has been given to their physical safety. Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety. Such steps will be dependent on the individual style and characteristics of the premises and/or event(s) to be held. Advice is available through the Bracknell Forest Borough Council website, or by contacting the Licensing Authority.
- 3.2 The Licensing Authority is committed to ensuring public safety across the Borough, by working in close partnership with Thames Valley Police, Royal Berkshire Fire and Rescue Service, and licensees.
- 3.3 In order to ensure public safety, the Licensing Authority will consider the attachment, where applicable, of a condition to the licence requiring the use of Door Supervisors, licensed by the Security Industry Authority, to control access to and egress from the premises during events.
- 3.4 Where applicable, the Licensing Authority will consider the attachment of a condition to the licence requiring the use of stewards whose role is not to carry out security activity but to provide advice and ensure the safety of those visiting the premises.
- 3.5 Where occupancy limits for a premises, or part of a premises, have been set by the Fire Authority, the Licensing Authority will not normally need to set a capacity limit by way of a licence condition because that would be to duplicate an existing control imposed under another regime.
- 3.6 Where the Fire Authority has not set an occupancy limit the Licensing Authority will, on advice of the Fire Authority, consider setting an occupancy limit for premises wishing to supply alcohol on the premises to customers after 11pm and/or where regulated entertainment is provided, where this may be beneficial in achieving the Licensing Objectives.
- 3.7 The Licensing Authority has a Safety Advisory Group and, where appropriate, applicants are encouraged to seek the group's advice on issues of public safety. For example, a licensee who wishes to stage a licensable public event which is not specifically indicated in the Operating Schedule may be invited to approach the Safety Advisory Group.
- 3.8 When applying for licensable events on Local Authority property, the applicant may be required to present an event plan to Bracknell Forest Borough Council's Safety Advisory Group.
- 3.9 In the interests of public safety and to prevent accidents occurring, where appropriate applicants may be required as part of the licence conditions to provide toughened glass and/or plastic containers for refreshments. This may be particularly relevant for an auditorium, theatre, cinema, sporting occasion or outdoor event.
- 3.10 In the interests of public safety, nightclub owners and dance event promoters are encouraged to seek guidance to ensure the health and safety of anyone attending dance events from the Safer Clubbing Guide by visiting [www.drugs.gov.uk](http://www.drugs.gov.uk).
- 3.11 Where appropriate, there should be provision of drinking-water and trained first aiders with appropriate up-to-date training able to recognise the symptoms caused by the

combination of drugs (including controlled drugs) and alcohol, which can lead to overheating and exhaustion.

- 3.12 The licensee may have a responsibility to develop a Drugs Policy. Advice on methods of preventing the misuse of drugs and related matters can be sought from Bracknell Forest Borough Council's Drug Action team. For example, the use of sharp boxes and personal protective equipment in the disposal of drug-related articles found on licensed premises.
- 3.13 The use of special effects such as lasers, pyrotechnics, smoke and foam machines can be dangerous. If it is intended to use any special effects, full details of when and how the effects will be used must be set out in the Operating Schedule and appropriate risk assessments of the location, use and type of special effects should be provided.
- 3.14 If at any time consideration is given to allowing onto the premises animals with the potential to cause harm, eg: animals specified in the Dangerous Wild Animals Act and Dangerous Dogs Act (1976), the Operating Schedule should set out the circumstances in which such animals would be admitted to the premises, purposes for which they would be there, and the steps which would be taken to ensure the safety of the public, both staff and patrons, while the animals are present.
- 3.15 In appropriate cases where there are no statutory requirements, and where its discretion is engaged, the Licensing Authority may attach conditions in line with the achievement of the Licensing Objectives, as listed in the core model conditions, relating to but not limited to:
- Disabled people – effective alarm and evacuation procedures
  - Maintenance of all escape routes and exits including external exits and routes
  - Safety checks and provision of log book
  - Curtains, hangings, decorations and upholstery – maintained and flame-retardant
  - Accommodation capacity limits
  - Fire action notices
  - Notification to fire control centre if water supply is cut off or restricted
  - Fire outbreaks – contacting the Fire Brigade and appropriate record-keeping
  - Access for emergency vehicles
  - First Aid equipment and the number of up-to-date trained first-aiders on site
  - Lighting
  - Monitoring and logging of noise levels by responsible personnel
  - Temporary electrical installation inspections and notification
  - Ventilation
  - Alterations to the premises
  - Use of special effects
  - Additional conditions may be attached to Theatres, Cinemas, Concert Halls and similar places
- 3.16 For indoor sports entertainment, or where special provision must be made for the safety of the public or club members and guests, the Licensing Authority may consider attaching conditions, such as, but not limited to:
- Provision of qualified medical practitioners throughout a sports entertainment
  - Where a ring is involved, that it be constructed by a competent person and inspected by a competent authority and any material used be flame retardant
  - Where there is wrestling or similar entertainment that the public do not occupy any seat within 2.5 metres of the ring

- Where there is a water sports event, appropriate provision of adequately trained staff in rescue and life safety to be made available who should remain in the vicinity at all times.

#### **4. Licensing Objective 3: The Prevention of Public Nuisance**

- 4.1 The Licensing Authority is committed to minimising the level of public nuisance in the Borough by working in close partnership with the Thames Valley Police, Planning, Environmental Health and licensees. The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour.
- 4.2 Where premises are located near to noise-sensitive areas, e.g. residential premises, nursing homes, hospitals or places of worship, the licensee should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.
- 4.3 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the Operating Schedule:
- (a) Measures taken or proposed to be taken to reduce noise and vibration escaping from the premises. This would include music, noise from fixed or mobile equipment (eg: air conditioning, generators), and human voices, whether or not amplified.
  - (b) Measures taken or proposed to be taken to prevent unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
  - (c) Measures taken to control light to ensure that it does not stray outside the boundary of the premises so as to give rise to problems to local residents and businesses.
  - (d) In the absence of locally available public transport, sufficient provision for access to taxis and private hire services. For example, lists of licensed taxi companies displayed by the public telephone.
  - (e) Measures taken to encourage patrons to arrive and disperse quickly and quietly from the immediate vicinity of the premises. This might include, for example in nightclubs and discotheques, lowering the volume of the music and raising lights during the last 30 minutes before closing time.
  - (f) Measures taken to ensure the safe removal and dispersal of persons ejected from the premises.
  - (g) Measures to control nuisance that might be associated with the use of the external areas, particularly late at night.
- 4.4 Applicants should note that there are mechanisms other than the licensing regime that are available for addressing public nuisance away from the licensed premises. Examples include, but are not limited to:
- (a) Planning controls
  - (b) CCTV surveillance
  - (c) The designation of restricted areas for consumption of alcohol
  - (d) Police enforcement
  - (e) Review of Licences and certificates
  - (f) Other local initiatives

- 4.5 The Licensing Authority, whilst recognising the need to treat every application on its own merits, should be satisfied that the type of Regulated Entertainment provided and hours of operation will be suitable for the location in which the premises are situated (eg: areas of dense residential accommodation).
- 4.6 In appropriate circumstances, to prevent public nuisance, the Licensing Authority will consider attaching a condition to the licence requiring the use of Door Supervisors, licensed by the Security Industry Authority, in order to control access to and egress from the premises during events.
- 4.7 The applicant will be expected to demonstrate within the Operating Schedule what actions will be taken to train staff on those measures necessary to stop customers consuming excessive amounts of alcohol whilst on the premises. The effective training of staff in alcohol abuse awareness is appropriate to meet the Prevention of Public Nuisance, Public Safety, and Prevention of Crime and Disorder Licensing Objectives.
- 4.8 In appropriate cases, and where its discretion is engaged, the Licensing Authority may attach conditions in line with the achievement of the Licensing Objectives, as listed in the core model conditions, relating to but not limited to:
- Hours – for example: restrictions when licensable activities take place, such as recorded/amplified music and/or speech, after a certain time in indoor and outdoor areas
  - Noise and vibration – abatement, monitoring and logging
  - Noxious smells
  - Light pollution
  - Litter

## **5. Licensing Objective 4: Protection of Children from Harm**

- 5.1 When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.
- 5.2 Applicants are required, where appropriate, to set out in the Operating Schedule the arrangements they have in place to prevent the sale of alcohol and illegal substances to children. This should include an age-monitoring scheme. The Licensing Authority would accept that the licensee obtains any of the following as an acceptable proof of age scheme:
- (a) Passport
  - (b) Photo Card driving licence issued in the European Union
  - (c) Proof of Age Standards Scheme Card (PASS)
  - (d) Official ID card issued by HM Forces or by a European Union country bearing a photo and date of birth of holder.
- 5.3 The Licensing Authority will expect applicants to set out in the Operating Schedule the measures that they will take to ensure that alcohol is not sold by persons under 18 unless specifically approved by a responsible person, or they are working as a waiter or waitress in a specially designated part of the premises and alcohol is sold only with a table meal.
- 5.4 Where there are off-licence sales, the Licensing Authority would expect the Operating Schedule to demonstrate how the licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity. For example, if the licensee has any suspicions of this activity to ask the customer if they have been approached by children to purchase alcohol and if necessary contact the Police.
- 5.5 Applicants from retail outlets who use self scanning devices will be expected to demonstrate how they are going to control the sale and purchase of alcohol by persons under the age of 18.
- 5.6 Licensees retain the right to permit or not to permit children into their premises at any time. Where appropriate, applicants should state in the Operating Schedule:
- (a) whether or not they will admit children to the licensed premises;
  - (b) whether or not children will be admitted to all parts of the premises;
  - (c) where children are to be admitted, the steps that will be taken to protect children from harm, for example where deemed appropriate the provision of designated areas for children and families, age (below 18) and hour limitations.
- 5.7 Licensees are encouraged to inform the appropriate agencies where it has been highlighted that children have tried to purchase alcohol and illegal substances.
- 5.8 With regard to children, where appropriate licensees will be expected to consider and deal within the Operating Schedule the risk of children being exposed to and the steps that will be taken to protect them from:
- (a) the purchase, acquisition and consumption of alcohol;
  - (b) likely exposure to drugs, drug-taking or drug-dealing;
  - (c) exposure to activities of an adult and/or sexual nature;
  - (d) exposure to incidents of violence and disorder.

- 5.9 Where appropriate, and particularly with regard to large public events, the Licensing Authority will expect to see in the Operating Schedule procedures for lost and found children.
- 5.10 The Operating Schedule should, in appropriate circumstances, set out the details of the training and information that will be provided for all staff responsible for the sale of intoxicating liquor in premises where children will be admitted.
- 5.11 Where events are taking place that are solely provided for children, for example, an Under-18s disco, no alcohol will be served.
- 5.12 In appropriate cases, the Licensing Authority will expect the licensee to evidence how they will supervise children who are performing in a Regulated Entertainment event and what consideration will be given to the welfare of children as performers and customers. Where children are supervised, the Licensing Authority will expect the Operating Schedule to demonstrate that these supervisors have been appropriately checked by the Criminal Records Bureau.
- 5.13 Where there is a sale by retail of alcohol, the Licensing Authority would expect licensees to demonstrate in their Operating Schedule that they will observe industry best practice guidance on the naming, packaging and promotion of alcoholic drinks to prevent children from being enticed into purchasing these products.
- 5.14 Protection of Children from Harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual content. In appropriate cases, the Licensing Authority will expect the licensee to evidence how they intend to prevent these occurrences. This concerns any activities of an adult nature, not just films and videos.
- 5.15 In relation to cinemas and places where films are shown, the Licensing Authority will expect the Operating Schedule to demonstrate that entry shall be controlled as part of an age-monitoring strategy.
- 5.16 The Licensing Authority propose to abide by the recommendations of the British Board of Film Classification but for the Protection of Children from Harm Licensing Objective, the Licensing Authority reserves the right to re-classify any film, and information regarding such classifications will be published on Bracknell Forest Borough Council's website and advertised in the local press.
- 5.17 In appropriate cases, and where its discretion is engaged, the Licensing Authority may attach conditions in line with the achievement of the Licensing Objectives, as listed in the core model conditions, relating to but not limited to:
- Access for children to licensed premises
  - Specific age restrictions
  - Age restrictions in cinemas and theatres
  - Performances especially for children
  - Children in performances, eg: size of venue, fire safety, special effects, care of children
  - Proof of Age Cards
- 5.18 The Licensing Authority has named the Local Safeguarding Children Board as the responsible authority to advise on the protection of children from harm. The LSCB is judged by the Licensing Authority to be a competent body in relation to these matters.



## PART B

### 6. Premises Licence

- 6.1 The Premises Licence will detail the operating conditions. The purpose of these conditions is to regulate the use of the premises for licensable activities in keeping with the Licensing Objectives. The Operating Schedule is essential so that the Licensing Authority and responsible authorities can establish what measures may be necessary to meet the four Licensing Objectives.
- 6.2 Where a premises licence is in force and an event outside of the normal Operating Schedule is taking place, the licensee is legally required to notify the Licensing Authority no later than 10 working days prior to an event. However where possible 3 months' notification of an event is advised to allow full consultation and consideration of the risks involved. Where a premises licence is in force and a licensee wishes to amend the licence application to have a particular licensable event on a regular basis, they must go through the variation process.
- 6.3 In the case of circuses, festivals and carnivals, where a Premises Licence or Temporary Event Notice is required, it is the responsibility of the event organiser to ensure that the appropriate licence is in place.
- 6.4 The Licensing Authority encourages local Town and Parish Councils to seek premises licences for land or buildings under public ownership within the community. This could include village greens, market squares, community halls and similar public areas, thus allowing festivals, carnivals and circuses to take place encouraging a livelier community.
- 6.5 *The Licensing Authority will not require raffles and tombolas which include alcohol to be licensed provided that:*
- (a) the proceeds are not for personal gain;
  - (b) there are no money prizes;
  - (c) alcohol is in a sealed container; and
  - (d) tickets are only sold at the place where the entertainment occurs.
- If raffle tickets are sold prior to the event a lottery registration will be required.
- 6.6 The Operating Schedule, which will form part of the Premises Licence, must include:
- (a) the name of the person (including a business or public body holding a licence);
  - (b) the address of the premises;
  - (c) the licensable activities to be conducted on the premises;
  - (d) the location of licensable activities on the premises (eg: bar downstairs);
  - (e) the times during which it is proposed that the licensable activities are to take place;
  - (f) any other times when the premises are to be open to the public;
  - (g) where the licence is required only for a limited period, that period must be specified;
  - (h) where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor;
  - (i) where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
  - (j) the licensed area identified by a scaled map;
  - (k) a scale drawing of the internal arrangements of the premises; and
  - (l) the steps which the applicant proposes to take to promote the Licensing Objectives.

The Operating Schedule should be precise and clear about the measures proposed to promote the licensing objectives.

- 6.7 In order to support the Licensing Objectives, the Licensing Authority would recommend that consideration be given to the training and development of staff. A range of qualifications covering staff development and risk assessments designed to support these objectives are available from the British Institute of Innkeeping at [info@bii.org](mailto:info@bii.org).
- 6.8 It is essential that the Licensing Authority and interested parties know the nature of any licensable activities that take place at the premises, at the time of application. This is in order that the Licensing Authority can discharge its statutory responsibilities under the Licensing Objectives.
- 6.9 There is a Standard Pool of Conditions that may be applied in appropriate circumstances. The Licensing Authority's discretion to impose conditions is engaged only if it receives a relevant representation. If relevant representations are made to the licensing authority and it is reasonably considered that the licensing objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching those which are necessary and proportionate for the promotion of the four licensing objectives. Licences are sought at very different scales and the Licensing Authority will apply a level of conditions proportionate to the individual style and characteristics of the event or premises concerned. At any rate where measures to promote the Licensing Objectives are included in the Operating Schedule, these will automatically be attached as conditions to the licence.
- 6.10 Where appropriate, for example in nightclubs and discotheques, the Licensing Authority recommends a calming atmosphere to be created to assist in the orderly and quiet dispersal of customers. For example, lowering the volume of music and raising lights during the last 30 minutes before closing time.
- 6.11 Prior to submitting an application, the Licensing Authority recommends an applicant seeks advice and guidance on matters relating to the Licensing Objectives when completing their Operating Schedules. Details are available in the Guidance Notes for Applicants. This will ensure the application is processed efficiently and will reduce the likelihood of hearings.
- 6.12 Applicants for Premises Licences are expected to conduct a thorough risk assessment on the activities proposed at the premises giving due consideration to the Licensing Objectives. The licensee will be expected to record the actions to be taken as a result of the risk assessment in their Operating Schedule. These actions may be used to form conditions attached to the licence and should therefore be clear, concise and unambiguous.
- 6.13 In determining the grant, or variation of a licence, the following interested parties, and responsible authorities may make representations.
- (a) Thames Valley Police
  - (b) Royal Berkshire Fire and Rescue Service
  - (c) Environmental Health
  - (d) Trading Standards
  - (e) Local Safeguarding Children Board
  - (f) Health and Safety Executive
  - (g) Persons living in the vicinity of the premises
  - (h) Bodies or persons representing persons living in that vicinity this may include local Town and Parish Councils and Ward Councillors

- (i) Individuals involved in a business in the vicinity
  - (j) Bodies representing persons in such businesses
  - (k) Planning Authority
- 6.14 The Licensing Authority will consider any relevant representations received from these parties. Any of these individuals or groups may specifically request a representative to make representations on his or her behalf. This could be a legal representative, a friend, an MP or a Ward Councillor. However, a Ward Councillor who is a member of the Licensing and Safety Committee will be advised not to become involved in making either written or oral representations on behalf of constituents regarding matters covered by the Licensing Act 2003. In order for representations to be taken into account, they must concern at least one of the Licensing Objectives. Where a representation is made by an interested party, the Licensing Authority will decide if the representation is relevant and not vexatious or frivolous.
- 6.15 Where the responsible authorities and interested parties do not raise any representations, it is the duty of the Licensing Authority to grant the licence or certificate subject to the conditions of the operating schedule and any mandatory conditions of the Licensing Act 2003 itself.
- 6.16 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of a representation and it has been satisfied at a hearing of the necessity of additional conditions based on the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations.
- 6.17 Hearings may be avoided when interested parties, licensees and responsible authorities through negotiation, arrive at an amicable solution to the issues raised. The Licensing Authority will seek to facilitate such negotiation.
- 6.18 In determining the application the Licensing Authority will consider:
- (a) the case and evidence presented by all parties;
  - (b) the promotion of the four Licensing Objectives;
  - (c) guidance issued by central Government; and
  - (d) the Licensing Authority's own Statement of Licensing Policy.

#### Provisional Statement

- 6.19 Where a licensed premises is being constructed, extended or structurally changed, the applicant may apply for a provisional statement. This will be processed in the same way as a new licence application. However the provisional statement will not automatically be converted into a full licence on completion of works, and the applicant will have to go through the new licence application procedure. It is acknowledged that unless representations are made at the provisional statement stage, or are not made without reasonable excuse, and neither the premises/vicinity has changed nor the type of licensable activities taking place there, the licence will be granted.
- 6.20 The applicant will be required to submit a full schedule of works, including a statement of the licensable activities for which the premises are proposed to be used as well as the plans and proposed hours of use in order to allow the Licensing Authority to make an informed decision.

### Late-Night Refreshment

- 6.21 Where late-night refreshment is provided, applicants must demonstrate in their Operating Schedule how they will achieve the requirements of the Licensing Objectives.
- 6.22 Where appropriate, the Licensing Authority may recommend takeaway containers to display the company name in order for the Licensing Authority to identify the source of litter and in any event, the licensee is expected to provide waste disposal bins on or around the premises.

### Mobile Premises

- 6.23 Where licensable activities are taking place from or in moveable vehicles they will require a Premises Licence and the Operating Schedule must indicate the specific pitch from which they will trade. This is in addition to other licensing requirements for mobile trading vehicles.
- 6.24 The Licensing Authority requires the Operating Schedule to demonstrate how the applicant will promote the Licensing Objectives.

### Disability Access

- 6.25 Due regard is expected to be given to the Disability Discrimination Act 2004, particularly to access and egress for disabled persons.
- 6.26 The Licensing Authority has produced guidance on making the physical environment accessible to disabled people. Advice can be obtained from "Designing for Accessibility in Berkshire". Further information is available on the Bracknell Forest Borough Council's website or at the Council's offices, Time Square, Market Street, Bracknell, RG12 1JD.

### Cumulative Effect

- 6.27 Where the Licensing Authority receives relevant representations regarding the 'cumulative impact' of granting a licence, it will fully consider the effect it may have on the promotion of the licensing objectives, in particular Crime and Disorder and Public Nuisance, and make a decision accordingly.
- 6.28 If the Licensing Authority receives representation that a particular area of the Borough is reaching a concentration of licensed premises which is adversely affecting the promotion of the licensing objectives, it will consider the implementation of an additional policy after full consultation with all responsible bodies and examination of the supporting evidence.

## 7. Temporary Events Notices

- 7.1 Where there is an event with less than 500 attendees which includes Regulated Entertainment and/or the sale of alcohol, for a limited period that is not otherwise authorised by the premises licence or club premises certificate, a Temporary Event Notice will need to be served on the Licensing Authority. Temporary Event Notices are not applications for permission to trade, they are notices of intent and are therefore served on the Licensing Authority and the Police. If there are 500 or more attendees, a Premises Licence must be applied for.
- 7.2 In accordance with the 2003 Act, any individual person aged 18 or over may give a Temporary Event Notice, whether or not they hold a personal licence. An individual who is not a personal licence holder may only give a Temporary Event Notice 5 times a year, and no more than 50 times a year if the individual does hold a personal licence. However, no more than 12 Temporary Event Notices covering a maximum of 15 days may be given in respect of any particular premises in a single calendar year.
- 7.3 Organisers of temporary events are encouraged to submit their notification to the Licensing Authority as soon as is reasonably practicable in order for the Police to consider whether or not they have any concerns about the event and, if they have, to enable all parties to try and take steps to resolve those concerns. In order for the Temporary Event Notice to be processed within the time frame, licensees should submit their application to a 24-hour manned police station, details of which are available on [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk) or by calling the Licensing Authority on 01344 352000.
- 7.4 Event organisers are advised to submit their application to the Licensing Authority on a weekday and before 12 midday on a Friday to ensure a quick and efficient response. It is advised to submit the application in an envelope marked for the urgent attention of the Licensing Manager and for TEN to be written in red in the top right-hand corner.
- 7.5 Although the legal requirement is 10 working days, the Licensing Authority recommends that at least 3 months' notice be given to hold such events, to allow it to help organisers to plan their events safely to allow appropriate publicity and to consult with responsible authorities and interested parties. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 7.6 The Licensing Authority recommends that organisers of a Temporary Event notify the Fire Authority of the event at the earliest opportunity to ensure that full discussion may occur in order that the event can take place with due regard to fire safety matters.
- 7.7 In the event of a relevant representation from the Police, the Licensing Authority will hold a hearing and give a decision not less than 24 hours before the event is due to take place.
- 7.8 Organisers of events are reminded of the police powers to close down events with no notice on the grounds of disorder, the likelihood of disorder, or public nuisance. Therefore, the Licensing Authority expects organisers to be aware of the relevant offences under the Licensing Act 2003, for example sales of alcohol to children or to a drunk individual.
- 7.9 Where exceptional events of local, national or international significance arise, for example a one-off local festival or World Cup, the Secretary of State may make a licensing order to open for specified extended hours. A minimum of 6 months' notice

must be given to the Secretary of State so that consultation can take place and approval of both Houses of Parliament obtained.

## **8. Personal Licences**

- 8.1 Personal Licences, which are renewable every ten years, authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off the premises for which a Premises Licence is in force for that activity.
- 8.2 There is no strict legal requirement for the holder of the Personal Licence to be on the premises at all times, but merely for all sales to be so authorised by such a person, either directly or under authority that has been delegated. There may be circumstances where the holder of the Personal Licence is not on the premises, such as when that person is off duty, absent through illness, or on vacation. Where the Personal Licence holder has delegated responsibility for the sale of alcohol, they still have a duty of responsibility for the actions of those they have authorised to make those sales.
- 8.3 The Act requires a Designated Premises Supervisor to be nominated who is also a Personal Licence holder, the main purpose being to ensure that there is always one specified individual who can be swiftly identified in cases of emergency. The Designated Premises Supervisor should be an individual who is in charge of the day-to-day running of the premises.
- 8.4 Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Licensing Authority will expect his or her full contact details to be available at the premises and made known to at least one individual who will be present at the premises. For example, this would apply to local organisations and groups renting shared community facilities where the Designated Premises Supervisor is a caretaker of the building, not normally present during operational hours when the community hall is rented but who is otherwise in charge of the premises.
- 8.5 The Premises Licence will specify the name of the Designated Premises Supervisor. It is the responsibility of the Premises Licence holder to notify the Licensing Authority immediately of any change of the Designated Premises Supervisor.
- 8.6 Where there is to be a new Designated Premises Supervisor, the Licensing Authority will require the Premises Licence holder to evidence that the individual concerned consents to taking on the role and to notify the Police of the application within 7 days. In this case, the whole Premises Licence does not have to be submitted for amendment, only the relevant part of the licence.
- 8.7 Personal Licence applicants with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions prior to making an application.
- 8.8 Where the Police object to a Personal Licence on the Prevention of Crime and Disorder Objective, the Licensing Authority will arrange for a hearing to take place at which the issue can be considered.
- 8.9 It is an offence for a Personal Licence holder who is convicted of a relevant offence not to inform the Licensing Authority in order that their licence can be amended.
- 8.10 Where a Personal Licence holder is convicted of a relevant offence as listed in the Act during the period when the application is being considered, the licence holder is required to advise the Licensing Authority forthwith.

8.11 The syllabus for the personal licence qualifications is available on the Department of Culture, Media and Sport (DCMS) website, which can be found at [www.culture.gov.uk](http://www.culture.gov.uk). The syllabus sets out the structure for any course that will result in a licensing qualification. Details of those bodies which are accredited to award licensing qualifications are available on the DCMS website.

## **9. Club Premises Certificates**

9.1 In order for Qualifying Clubs to supply alcohol and provide other licensable activities on Club premises, a Club Premises Certificate is required.

9.2 Qualifying conditions are specified in Section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making.

9.3 The Licensing Authority will require the Club to produce an Operating Schedule, which demonstrates how it will promote the Licensing Objectives. The Operating Schedule, which will form part of the Club Premises Certificate, must include:

- (a) the name of the club;
- (b) the address which is to be the relevant registered address;
- (c) the address of the club premises to which the certificate relates;
- (d) the qualifying club activities that will take place on the premises;
- (e) the location of qualifying club activities on the premises (eg: bar downstairs);
- (f) the times at which the qualifying club activities will take place;
- (g) other times that the premises is open to members and guests;
- (h) where the supply of alcohol is involved, whether supplies will be made for consumption on or off the premises or both;
- (i) a plan of the premises drawn to scale; and
- (j) the steps which the applicant proposes to take to promote the 4 Licensing Objectives.

9.4 The Act does not require any member or employee to hold a Personal Licence in order to supply alcohol to members and sell it to guests on the premises to which the certificate relates, nor is there a requirement for the club in question to specify a Designated Premises Supervisor. However, the Licensing Authority will require the Club Secretary's contact details to be readily available in the event of an emergency.

9.5 Where a Club intends to admit the general public to a Regulated Entertainment event, then a Premises Licence or a Temporary Events Notice is required. Where alcohol is sold and there is a Premises Licence, then there will also be a requirement for a person holding a Personal Licence to be named as the Designated Premises Supervisor.

9.6 If an applicant wishes to vary a Club Premises Certificate, the Act requires the application to be processed in the same manner as for a Premises Licence.

## **PART C**

### **10. Appeals**

- 10.1 Where any condition, decision or relevant representation aggrieves an applicant, there is a right of appeal. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to the Justices' Chief Executive of the Magistrates' Court, at East Berkshire Magistrates Court, The Law Courts, Chalvey Park, Off Windsor Road, Slough, Berkshire, SL1 2HJ.
- 10.2 In respect of Personal Licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other licences must be made to the Magistrates' Court where the premises or event is situated.

### **11. Complaints Against Licensed Premises**

- 11.1 All representations must in the first instance be addressed to the Licensing Manager, Environment and Leisure Department, Bracknell Forest Borough Council, Time Square, Market Street, Bracknell, RG12 1JD.
- 11.2 All relevant representations against premises licensed by the Licensing Authority will be investigated by the Licensing Authority. Whilst complainants will be encouraged to raise any concerns directly with the licensee or business concerned, they will additionally be encouraged to bring the matter to the attention of the Licensing Authority. Where it is a valid complaint, the Licensing Authority will endeavour to seek a resolution through informal means.
- 11.3 The Licensing Authority is responsible for considering representations in the context of this Policy and legal requirements in order to determine whether it is relevant. The Licensing Authority authorises suitably qualified staff to discharge duties as appropriate to their seniority, professional qualification and/or experience.
- 11.4 Where it is considered a relevant representation, then the Licensing Authority shall ensure that it is investigated and enforcement action taken where necessary.
- 11.5 Where a representation is received from an interested party, the Licensing Authority may consider a representation to be frivolous or vexatious. The Licensing Authority may also consider the representation to be 'irrelevant' if it does not directly relate to the application and to the promotion of the Licensing Objectives. If the decision is made that a representation is frivolous, vexatious, and/or irrelevant, the person making the complaint will be informed of this in writing with full reasons being given for the decision.
- 11.6 The Licensing Authority recognises that promotion of the Licensing Objectives relies on partnership between licensees, authorised persons, interested parties and responsible authorities. Where there are any concerns or problems identified at the premises or there is need for improvement, authorised persons and responsible authorities will work closely with the licensees at an early stage to address these concerns.
- 11.7 The details of the objector or objectors will be made known to the licensee if his or her representations are deemed relevant and are to be heard in a public domain.



## **12. Enforcement**

- 12.1 In order to ensure compliance with the law and licensing conditions, the Licensing Authority will carry out regular programmed inspections, based on risk assessments. During performance inspections will be carried out without notification to the Premises Licence holder based on risk assessment and complaint history. Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted. Inspection and enforcement will take into account the principles set out in the Hampton report “Reducing Administrative Burdens”
- 12.2 The Licensing Policy has been written in conjunction with the Licensing Authority’s Enforcement Policy. This Enforcement Policy has been adopted in accordance with the principles of consistency, transparency, proportionality and objectivity set out in the Enforcement Concordat.
- 12.3 Any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.
- 12.4 The Licensing Authority’s Enforcement Policy is available on the Bracknell Forest Borough Council website [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk) and from the offices of the Environment & Leisure Department, Time Square, Market Street, Bracknell, RG12 1JD.

## **13. Licensing and Safety Committee**

- 13.1 Decisions on all licensing matters will be taken in public in accordance with an approved scheme of delegation (see Annexe B) aimed at underlining the principles of timely, efficient and effective decision-making.
- 13.2 The Licensing Committee will consist of between 10 and 15 members. Licensing Panels of 3 Committee members will hear any relevant representations from responsible authorities and interested parties.
- 13.3 Where there are no relevant representations on an application for a Premises Licence, Club Premises Certificate and Temporary Event Notice, the Act provides that this application shall be granted with no further conditions other than those stipulated as mandatory in the Act or issues raised in the operating schedule.
- 13.4 Where there are relevant representations to an application for a Premises Licence, Club Premises Certificate or Temporary Event Notice, the application will be referred to the Licensing Panel.
- 13.5 The decision determined by the Panel shall be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other legislation. A summary of the decision shall be posted on the Licensing Authority’s website as soon as is reasonably possible after the decision has been confirmed. This will form part of the statutory licensing register which is kept by the Licensing Authority.

## **14. Applications for Review**

- 14.1 A Review of a Premises Licence represents a key protection for the community where problems associated with the Licensing Objectives are occurring after the grant or variation of a premises licence. Where a request to review the licence is made by a responsible body, the Licensing Authority will hold a hearing in respect of this, unless it, the applicant and responsible authorities agree that a hearing is not necessary.

14.2 Where the request originates from an interested party (e.g. a local resident, residents association, local business or trade association) the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious. A Licensing Authority may refuse an application for a review on any of the above grounds and will give reasons to the applicant for such a refusal.

**15. Policy Review**

15.1 The Policy takes effect on 7 January 2008 and will remain in force for not more than 3 years. It will be subject to periodic reviews and further consultation.

15.2 The Licensing Authority is required to review its Licensing Policy Statement every 3 years and shall take into account the views of:

- (a) Responsible Authorities
- (b) Holders of Premises and Personal Licences and Club Premises Certificates
- (c) Local businesses, residents and representatives of these bodies
- (d) Guidance issued by the Secretary of State under section 182 Licensing Act 2003

## Neighbour Notification

Neighbourhood notification seeks to ensure that those persons within the Borough who live immediately next to or opposite

- a) a licensed premises, or
- b) the proposed site for a licensed premises

are notified when there is a licence application related to that premises or site. Neighbour notification will allow immediate neighbours an opportunity to consider the application and respond if appropriate.

This process applies to any of the following:

- Application for new premises licence
- Application to vary premises licence
- Application for new club premises certificate
- Application to vary club premises certificate
- Application for new gambling premises licence
- Application to vary gambling premises licence
- Application for a review of a licence

The use of notification letters is in addition to the statutory requirements that are already in place for applicants to advertise applications in a local newspaper and on a blue notice outside the premises. The letter will contain the name of the premises, brief details of the application and how to get further information or make representations, as detailed on the blue notices posted at the premises.

## Properties to be notified

Properties to be notified are as follows:

- Properties sharing a common boundary with the premises, including outside areas
- Properties immediately in front of premises (opposite side of road)

The Licensing Officer will use judgement in circumstances where:

- a) Other parties, not identified as above, may reasonably be considered to be affected.
- b) Distances between buildings, or other circumstances, are such that notification in precise accordance with the above guidance is considered unnecessary.

## DELEGATION OF FUNCTIONS

Following approval by the Licensing and Safety Committee on 13 December 2004, delegated authority will be as follows.

| Matter to be dealt with   | Full Committee | Licensing Panel                   | Officers                           |
|---|----------------|-----------------------------------|------------------------------------|
| Application for personal licence  |                | If a police objection             | If no objection made               |
| Application for personal licence with unspent convictions   |                | All cases                         |                                    |
| Application for premises licence/club premises certificate  |                | If a relevant representation made | If no relevant representation made |
| Application for provisional statement   |                | If a relevant representation made | If no relevant representation made |
| Application to vary designated premises supervisor  |                | If a police objection             | All other cases                    |
| Request to be removed as designated premises supervisor   |                |                                   | All cases                          |
| Application for transfer of premises licence  |                | If a police objection             | All other cases                    |
| Applications for interim authorities  |                | If a police objection             | All other cases                    |
| Application to review premises licence/club premises certificate  |                | All cases                         |                                    |
| Decision on whether a complaint is irrelevant, frivolous, vexatious, etc  |                |                                   | All cases                          |
| Decision to object when local authority is a consultee and not the relevant authority considering the application |                | All cases                         |                                    |
| Determination of a police objection to a temporary event notice   |                | All cases                         |                                    |

## LICENSING ACT 2003 GLOSSARY

|                                       |   |
|---------------------------------------|---|
| <b>Authorised Persons</b>             | <p>Bodies empowered by the Act to carry out inspection and enforcement roles. This group includes:</p> <ul style="list-style-type: none"> <li>• Fire Authority Inspectors</li> <li>• Inspectors responsible for the Health and Safety at Work Act 1974</li> <li>• Environmental Health Officers</li> <li>• Social Services officers responsible for the Protection of Children from Harm</li> </ul> <p>Thames Valley Police are separately empowered.</p>   |
| <b>Capacity Limit</b>                 | <p>Where the Licensing Authority in conjunction with the Fire Authority will set a limit on the number of people allowed in a premises or part of a premises, thus preventing overcrowding which can lead to crime and disorder, and concerns over public safety.</p>   |
| <b>Child</b>                          | <p>Any person who is under the age of 18 years.</p>   |
| <b>Club Premises Certificate</b>      | <p>A certificate authorising the supply alcohol to members of a Qualifying Club the sale of alcohol to guests on the premises and the provision of regulated entertainment without the need for any member or employee to hold a Personal Licence.</p>  |
| <b>Council</b>                        | <p>As far as this Policy is concerned, any reference to Council shall be interpreted as the Licensing Authority.</p>  |
| <b>Cumulative Impact</b>              | <p>Where there is a potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area.</p>  |
| <b>Designated Premises Supervisor</b> | <p>A specified individual, holding a Personal Licence, who is responsible for the day-to-day running of the business and whose name will appear on the Premises Licence.</p>  |
| <b>Interested Parties</b>             | <p>Bodies or individuals who are entitled to make relevant representations or seek a review of a Premises Licence. This group includes:</p> <ul style="list-style-type: none"> <li>• A person, or body representing persons, living in the vicinity of the premises in question.</li> <li>• A person involved in a business in the vicinity of the premises in question.</li> <li>• A body representing persons involved in such businesses, eg: a trade association.</li> </ul>  |
| <b>“In the vicinity of”</b>           | <p>Whether or not an individual resides “in the vicinity of” the licensed premises is ultimately a matter of fact to be decided by the courts, but initially licensing authorities must decide if the individual or body making a representation qualifies as an interested party. In making their initial decision, licensing authorities should consider, for example, whether the individual’s residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises. In essence, the decision will be approached with common sense and individuals</p> |

|                                |   |
|--------------------------------|---|
|                                | living and working in the neighbourhood or area immediately surrounding the premises will be able to make representations.  |
| <b>Late-Night Refreshment</b>  | The supply of hot food and drink between the hours of 11pm and 5am for consumption on or off the premises.  |
| <b>Licence Types</b>           | <ul style="list-style-type: none"> <li>• Premises</li> <li>• Club Premises Certificate</li> <li>• Personal Licence</li> <li>• Provisional Statement</li> <li>• Temporary Events Notice</li> </ul>   |
| <b>Licensable Activities</b>   | <ul style="list-style-type: none"> <li>• The sale of alcohol by retail</li> <li>• The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club</li> <li>• The provision of regulated entertainment</li> <li>• The provision of late-night refreshment</li> </ul>  |
| <b>Licensing Objectives</b>    | <ul style="list-style-type: none"> <li>• Prevention of Crime and Disorder</li> <li>• Public Safety</li> <li>• Prevention of Public Nuisance</li> <li>• Protection of Children from Harm</li> </ul>  |
| <b>Licensing Qualification</b> | Qualification obtained from the British Institute of Innkeeping and a requirement for a Personal Licence.   |
| <b>Operating Schedule</b>      | <p>This forms part of the completed application form for a Premises Licence and must promote the 4 Licensing Objectives.</p> <p>It must include:</p> <ul style="list-style-type: none"> <li>(a) the relevant licensable activities;</li> <li>(b) the name and address of the person holding the licence;</li> <li>(c) the name of the premises;</li> <li>(d) the times during which the applicant proposes that the relevant licensable activities are to take place;</li> <li>(e) any other times during which the applicant proposes that the premises are to be open to the public;</li> <li>(f) the location of licensable activities on the premises;</li> <li>(g) where the applicant wishes the licence to have effect for a limited period, that period;</li> <li>(h) where the relevant licensable activities include the sale by retail of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor;</li> <li>(i) whether the relevant licensable activities include the supply of alcohol, whether such sales are proposed to be for consumption on the premises on or off the premises, or both;</li> <li>(j) the licensed area identified by a scaled map;</li> <li>(k) a scale drawing of the internal arrangements of the premises;</li> <li>(l) the steps to promote the 4 Licensing Objectives.</li> </ul> |
| <b>Personal Licence</b>        | A Licence to authorise individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a Premises Licence is in force for the carrying on of that activity. Valid for 10 years.   |

|                                 |  |
|---------------------------------|--|
| <b>Premises Licence</b>         | A Licence in respect of any premises, such as land or buildings under public ownership within the community that are to be used for one or more licensable activities. Valid for an indefinite period unless reviewed.   |
| <b>Proprietary Clubs</b>        | Clubs run commercially by individuals, partnerships or businesses for the purpose of profit.   |
| <b>Provisional Statement</b>    | A Licence where premises are being constructed or extended or substantial structure changes are proposed.  |
| <b>Qualifying Club</b>          | <p>Where members have joined together for particular social, sporting or political purposes and then combine to buy alcohol in bulk as members. Examples of Qualifying Clubs are:</p> <ul style="list-style-type: none"> <li>• Conservative, Labour and Liberal Clubs</li> <li>• Royal British Legion</li> <li>• Ex-Servicemen's Club</li> <li>• Working Men's Clubs</li> <li>• Social and Sports Clubs</li> </ul> <p>A Qualifying Club can, however, obtain a Premises Licence if it wishes to offer its facilities commercially for use by the general public.</p>   |
| <b>Regulated Entertainment</b>  | <p>Entertainment that is provided to members of the public or to members of a qualifying club , or entertainment held with a view to profit. This includes:</p> <ul style="list-style-type: none"> <li>(a) Performance of a play</li> <li>(b) An exhibition of a film</li> <li>(c) Indoor sporting event</li> <li>(d) Boxing or wrestling entertainment (indoors or outdoors)</li> <li>(e) Performance of live music</li> <li>(f) Any playing of recorded music, except incidental</li> <li>(g) Performance of dance</li> </ul>  |
| <b>Relevant Offences</b>        | As set out in Schedule 4 to the Licensing Act 2003.  |
| <b>Relevant Representations</b> | Representations (objections) made by authorised persons, interested parties and responsible authorities.   |
| <b>Responsible Authorities</b>  | <p>This group can make relevant representations and includes Public Bodies such as:</p> <ul style="list-style-type: none"> <li>• The Chief Officer of Police</li> <li>• The Fire Authority</li> <li>• The Local Enforcement Agency for the Health and Safety at Work etc Act 1974</li> <li>• The Local Authority (Environmental Health, Planning)</li> <li>• Any body that represents those who are responsible for, or interested in, matters relating to the Protection of Children from Harm.</li> <li>• Any Licensing Authority, other than the originating Licensing Authority, in whose area part of the premises are situated.</li> </ul> |

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| <b>SAG</b>                    | Safety Advisory Group. An advisory body whose sole purpose is to offer advice and guidance on event organisation.  |
| <b>Temporary Event Notice</b> | A notice of proposal to carry on of the sale of alcohol, provision of regulated entertainment or late-night refreshment at a premises not otherwise authorised by a Premises Licence or Club Premises Certificate. This Notice is subject to certain limitations as laid down by the Licensing Act 2003. |