



NOTICE OF MEETING

Licensing and Safety Committee

Thursday 5 February 2009, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Licensing and Safety Committee

Councillor Brunel-Walker (Chairman), Councillor Mrs Ryder (Vice-Chairman), Councillors Baily, Mrs Barnard, Beadsley, Brossard, Browne, Burrows, Finch, Kendall, Leake, Osborne, Thompson, Virgo and Ms Wilson

ALISON SANDERS
Director of Corporate Services

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**Licensing and Safety Committee
Thursday 5 February 2009, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell**

AGENDA

	Page No
1. Apologies for Absence To receive apologies for absence.	
2. Declarations of Interest 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.	
3. Minutes To approve as a correct record the minutes of the meeting held on 2 October 2008.	1 - 6
4. Urgent Items of Business Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	
5. Health & Safety Law Enforcement Plan 2009-10 (Director of Environment, Culture & Communities)	7 - 14
6. Bracknell Licensed Taxi Forum Update (Chief Officer: Environment & Public Protection)	15 - 22
7. Update on Hackney Carriage Unmet Demand Survey (Chief Officer: Environment & Public Protection)	23 - 46
8. Review of Penalty Points Scheme (Chief Officer: Environment & Public Protection)	47 - 50
9. Review of Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (Chief Officer: Environment & Public Protection)	51 - 94
10. Review of Statement of Gambling Principles (Chief Officer: Environment & Public Protection)	95 - 96
11. Changes to the Licensing Act 2003	

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LICENSING AND SAFETY COMMITTEE
02 OCTOBER 2008
7.40 - 9.50 PM

Present:

Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman), Baily, Mrs Barnard, Beadsley, Brossard, Osborne and Virgo.

Also Present:

Steve Loudoun, Chief Officer Environment & Public Protection
Rob Sexton, Head of Trading Standards & Services
Laura Driscoll, Licensing Team Leader
Simon Bull, Legal Services
Priya Patel, Democratic Services Officer

Apologies for absence were received from:

Councillors Browne, Burrows, Kendall, Leake and Thompson

10. **Declarations of Interest**

There were no declarations of interest made at the meeting.

11. **Minutes**

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee on 2 October 2008 were approved as a correct record and signed by the Chairman.

12. **Enforcement Policy**

The Committee was asked to consider and comment upon the proposed draft Enforcement Policy as set out in Appendix A of the report. It was reported that the Policy would be submitted for approval to the Executive.

It was reported that there were two new elements to the Policy; the first was around dealing with the proceeds of crime and the second was around restorative justice.

Members asked that paragraph 6.10.4, penultimate bullet point be amended to read 'Exclude a *mandatory* condition attached to the Licence, remove or amend an exclusion'.

Subject to this amendment it was **RESOLVED** that

- i) the Committee had considered the draft Enforcement Policy as set out in Appendix A prior to formal adoption.

13. **Fees and Charges**

The Committee considered the proposals for fees and charges and were asked to agree a set of fees that would go forward for public consultation and agreement by the Executive as part of the budget review process.

It was reported that the Council was entitled to recover its costs in respect of the work associated with some pieces of legislation. In some instances, such as caravan site licences and charitable collection permits, the Council was not entitled to charge for the service it provided. In other cases, such as licences issued under the Licensing Act 2003, the fees were set centrally by Government through legislation and did not allow for local discretion.

It was noted that the Council had created a separate budget for the licensing of taxis and appropriated costs to that budget.

It was **RESOLVED** that;

- i) the Committee approved the proposed fees and charges document at Appendix A of the agenda papers for public consultation.

14. **Animal Boarding Establishments - Home Boarding for Dogs**

The Committee considered a report that asked them to approve the use of Home Boarding for Dogs conditions and fees as detailed in Appendix A of the agenda papers.

It was noted that when officers were required to inspect homes, they could request the assistance of other professionals such as a vet or the RSPCA. It was noted that the cost of the professionals time should be built into the Council's fees and charges.

It was **RESOLVED** that;

- i) the Committee approved the use of the Home Boarding Model Conditions for Dogs as detailed in Appendix A to the report,
- ii) the fees be set at £120 for a new application and £100 for a renewal application, subject to discretion being given to the Director of Environment, Culture and Communities, in consultation with the Chairman, to waive the fee where there was satisfactory evidence that the activity was being undertaken for charitable purposes and without personal gain.

15. **Film Classification Procedure**

The Committee considered a report that asked them to agree an addition to the Council's Statement of Licensing Policy in relation to film classification.

It was reported that at present, the Council's Statement of Licensing Policy only contained reference to the re-classification of films, and therefore there was a need to clarify what the Council's procedure should be in cases where a film had not been subject to classification by the British Board of Film Classification.

It was **RESOLVED** that:

- i) authority be delegated to the Director of Environment, Culture and Communities, in consultation with the Chairman of the Licensing and Safety Committee, to determine applications for classification of films.

16. Face-to-Face Direct Debit Collections - Site Agreement

The Committee considered a report that asked them to approve an agreement that would govern face-to-face direct debit collections within the town centre, carried out by members of the Public Fundraising Regulatory Association (PFRA).

The Committee unanimously agreed that Stanley Walk should not be used by collectors as it was too narrow and not a suitable location, in line with the Town Centre Manager's comments.

It was **RESOLVED** that:

- i) the PFRA site agreement at Appendix A of the agenda papers be approved as the document governing face-to-face collections within the town centre carried out by members of the PFRA, subject to the deletion of Stanley Walk.

17. Bracknell Licensed Taxi Forum

The Committee considered a report that asked them to agree that officers bring to the Committee meeting on 5 February 2009 a report on a proposal for an 'unmet demand survey'.

It was reported that representatives of the taxi trade had approached officers about their concerns around trade in the Borough. The Council had a duty to issue as many licences as was necessary to satisfy demand in the Borough, if the Council was satisfied that there was no unmet demand it could refuse to issue further licences. A survey would need to be carried out in order to establish whether there was any unmet demand.

Officers would meet with the trade to go through exploratory costs for a survey and come back to the Committee with a report and recommendation. Costs were likely to be around £10,000 - £20,000 and would be recouped from taxi licence fees.

The Committee considered a letter that had been submitted by the Chairman of the Bracknell Licensed Taxi Forum and who represented the views of the majority of Hackney Carriage drivers.

In response to members' queries about the barrier at Heathrow airport, officers agreed to make enquiries about the height restriction of the barrier and report back to the Committee.

The Chairman raised concerns around private hire vehicles parking on taxi ranks plying for trade. Officers reported that they were aware of the problems and that parking attendants had been asked to target the problem areas.

It was confirmed that signs were clearly posted around the taxi rank to deter other vehicles from parking there. Officers stated that it was important that the trade

reported specific details of the problems so that officers could take appropriate enforcement action.

Members stated that they had sympathy with the trade and would hope to support the proposal for an unmet demand survey.

It was **RESOLVED** that;

- i) the Committee noted the contents of the minutes at Appendix A of the agenda papers and
- ii) agreed that officers bring to the Committee on 5 February 2009 a report on a proposal for an unmet demand survey, including the results of any consultation with the trade.

18. **Hackney Carriage Fare Tariff**

The Committee considered a report that recommended that no changes be made to the taxi tariff at this time.

It was reported that having consulted the Bracknell Licensed Taxi Forum, the Forum had agreed that no changes to taxi tariffs should be made at this time. Members were pleased that the Forum now existed as a mechanism of consultation with the taxi trade.

It was **RESOLVED** that the Committee agreed;

- i) to accept the advice of the trade and not implement a change to the hackney carriage fare tariff at this time; and
- ii) that officers would bring a further report on the tariff to the Committee at its meeting on 23 April 2009.

19. **First Aid Training for Licensed Drivers**

The Committee considered a report that asked them to agree additional conditions to ensure that licensed drivers attended first aid training regularly.

It was proposed that from April 2009, all drivers who had not yet attended a first aid course would be booked on to a course and notified of the details in writing. Failure to attend the course without good reason would lead to the driver's licence being suspended until a course was attended.

Members' asked that this item be deferred until the next meeting of the Committee, in order to allow officers to research some of the concerns raised by the taxi trade.

It was **RESOLVED** that this item be deferred until the next meeting of the Committee on 5 February 2009.

20. **Advertising on Hackney Carriages**

The Committee considered a report that asked them to approve the proposals around advertising on Hackney Carriages.

It was **RESOLVED** that the Committee approved with immediate effect:

- i) the use of the criteria at Appendix A of the report to assess all applications for advertisements on wheelchair accessible hackney carriages,
- ii) that any vehicles which currently display advertising be required to apply for authorisation of the advert at the time of their next licence renewal application,
- iii) that authority be delegated to the Director of Environment, Culture and Communities to determine such applications, and
- iv) that the fee in the current year for consideration of such applications be set at £30.00 per advert for new applications, and £20.00 for renewal applications.

CHAIRMAN

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LICENSING AND SAFETY COMMITTEE 5 February 2009

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2009-10 (Director of Environment, Culture and Communities)

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 2009-2010 at the Committee meeting on 3 July 2008. The purpose of this report is to provide members with an opportunity to comment on the draft Health and Safety Enforcement Plan for 2009-2010 prior to the final version the Committee will receive later in the year. The Work Plan for Health and Safety Law Enforcement 2009-2010 (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 the Committee:

- (a) notes the timescales for the production of the final Health and Safety Law Enforcement Plan 2009-2010 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 2009-2010 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 2008 the Borough had 2,153 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. In addition 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. When the committee approved the Health and Safety Law Enforcement Plan on 3 July 2008 it was reported that there had been longstanding staff vacancies but since that time the vacancies have been filled and it is expected that plan will be met.
- 4.5 Consultation with stakeholders has been ongoing since the Committee approved the plan for 2008-2009. 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 2008-09

Contact for further information

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Doc ref

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HEALTH & SAFETY ENFORCEMENT PLAN 2009/10

Protecting Consumers		
Task	Outcome	By when
To seek to improve the health and safety standards of workplaces in Bracknell Forest through effective enforcement methods.	Inspection 164 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, where appropriate.	March 2010
To develop, implement and maintain a Health and Safety Plan	Provide encouragement, direction and support to local businesses in achieving higher levels of compliance and standards to enhance the wellbeing of Bracknell Forest residents and visitors. Plan to be achieved within existing resources.	March 2010
Respond to and investigate workplace accidents and reports of poor working practices and conditions	To ensure that effective investigations are carried out for 100 notifications and to take prompt action to improve conditions and reduce likelihood of injury recurring. Examine local trends in accidents reports.	March 2010
In partnership with the Health & 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.	Adapting existing project plans that have been developed by the HSE for campaigns to: <ul style="list-style-type: none"> • Free up officer time for developing 8 Fit 3 campaigns and allow more contact time with businesses • Low cost publicity and support material by use of nationally produced resources and publicity • Impact on the health of the community and the strength of the local economy by targeting areas of identified significant risk. (FIT3) 	March 2010

FIT3 Project Working – Focusing Resources		
Task	Outcome	By when
Slips and Trips – Watch Your Step in Catering Premises	30 visits to hotel and catering establishments with the aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2010
Slips and Trips at leisure centres	10 visits to leisure centres; the aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2010
Better Backs	Manual Handling interventions at loading and unloading operations at 30 industrial units and 20 pub premises.	March 2010
Disease Reduction – Dermatitis	Aimed at industries where skin hazards are high risk. Following up successful seminars held in 08/09: visits to raise awareness and implement simple controls to 40 hairdressing premises and further seminar for those in flower industry followed by 10 flower sales premises	March 2010
Legionella	Identify high risk sources and raise awareness with 15 duty holders at leisure centres, garden sales premises, spa venues is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2010
RIDDOR – Under-reporting	To incorporate awareness raising at all relevant visits and identify potential for under-reporting of accidents	March 2010
Asthma associated with flour dust	Identify high risk sources and raise awareness with duty holders to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2010
Construction	Advise designers and planners to design out H+S risks as part of the planning consultation process.	March 2010
Noise at Work in Pubs and Nightclubs	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 10. Aim is to improve overall H&S score for 20% premises by ensuring legal compliances and adopting best practice.	March 2010

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Task	Outcome	By when
Special Treatments	Continue to provide specialist advice for the Licensing section and for businesses on 100% new applications and renewals.	March 2010
Smoke-Free	Continue to monitor for compliance at all premise visits and respond to 100% complaints and enquiries.	March 2010
Stress Management	Initial work to identify leaders implementing management standards for work-related stress. Identify and work with 5 local service industries to encourage adoption of methods to manage risk. Aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2010
Asbestos – Duty to Manage	Raise at all relevant visits third year of campaign. Likely to result in some enforcement to secure improvement.	March 2010
Caravan Sites	Conduct full inspection of one caravan site to check compliance, health and safety aspects of model standards and licence conditions.	March 2010
Fireworks	To inspect 40 licensed premises to check compliance with storage and safe provisions.	December 2009
Rising Establishments	To inspect 4 premises for compliance with health and safety legislation and animal welfare provision	December 2009
Taxi Inspections	To conduct at last one joint enforcement agency inspection involving VOSA, Social Services, Customs and Excise and Thames Valley Police to check safety of licensed vehicles.	September 2009
Petroleum	To inspect through risk assessment premises licensed for the storage and sale of petroleum products to ensure compliance with legislation and safer working practices.	March 2010

Support for Local Businesses		
Task	Outcome	By when
To facilitate the delivery of health and safety promotional events and material to reflect local needs and national priorities	Organise one major workshop during the year Produce one H&S Newsletter for distribution to all Bracknell Forest businesses Prepare 2 H&S press releases Ensure that the full range of information and guidance on priority areas	March 2010
To provide support and advice to local businesses to help them improve their health and safety compliance	Respond to requests for advice within 2 working days and provide full advice within 14 days Develop a new business advice pack	March 2010
To maintain up-to-date health and safety pages on the Council's website	Provision of relevant accessible information and links to other key sites including Berkshire Health and Safety Website.	March 2010
To provide training in Risk Assessment (CIEH Accredited course)	One low cost course aimed at small businesses in Risk Assessment (CIEH Accredited)	March 2010
Local Partnerships		
Task	Outcome	By when
To support and participate in a joint warranting project with the HSE	Work effectively together on agreed regional projects to provide a consistent and improved service	March 2010
Develop links with local businesses to support local priority topics	To form partnerships with a variety of organisations to help support the service aims particularly focussing on raising awareness during European Health and Safety Week. 2 major partnerships (Panasonic and one other)	March 2010

Performance Management		
Task	Outcome	By when
To respond within agreed timetables for national performance data for HSE	Full reports annually and in year returns submitted within time frames	March 2010
To maintain a quality service in accordance with Section 18 HSC	Implementation of the agreed work plan, ensuring consistency of approach and maximised resources Continue to implement an in-house competency system for appointed officers Identification of staff training needs during appraisals Reviewed and up-to-date internal procedures	March 2010
Complete Monthly Performance Assessments	Report on quality and consistency of the Commercial Team's work and review as necessary	March 2010
To undertake benchmarking with the other Berkshire Authorities via the Berkshire Health & Safety Liaison Group and Berkshire EH Managers Group	Application of best practice, enabling the service to continually improve and identify areas suitable for collaborative working	March 2010
To periodically consult with stakeholders	To seek Business satisfaction levels by annual ongoing consultation and to use the information to improve the service and to further identify local needs.	March 2010

INFORMATION ITEM

LICENSING AND SAFETY COMMITTEE 5 FEBRUARY 2009

BRACKNELL LICENSED TAXI FORUM (Chief Officer: Environment and Public Protection)

1 INTRODUCTION

- 1.1 Since the last meeting of the Licensing and Safety Committee on 2 October 2008, officers have met with representatives of the Bracknell Licensed Taxi Forum (BLTF) on two occasions: 14 October and 18 December 2008.

2 SUPPORTING INFORMATION

- 2.1 The minutes of the meetings held are attached as Appendices A and B.
- 2.2 As a point of clarification of the attendees of the meetings, Mr Watson and Mr Yexley currently own and drive hackney carriages in the Bracknell Forest borough, while Mr Hildreth and Mr Flanagan represent the GMB Union, Professional Drivers Branch.

3 IMPACT ASSESSMENT

- 3.1 There are no implications arising from this report.

4 STRATEGIC RISK MANAGEMENT ISSUES

- 4.1 There are no strategic risk management implications arising from this report.

Background Papers

Minutes of meeting held 14 October 2008

Minutes of meeting held 18 December 2008

Contact for further information

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Doc Ref

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MINUTES


**Bracknell
Forest
Council**

MEETING NAME: Bracknell Licensed Taxi Forum

MEETING DATE AND TIME: 11.30 hours Tuesday 14 October 2008

PRESENT: Laura Driscoll (LD)
Robert Sexton (RJS)
Andy Watson (AW)
John Yexley (JY)
Mick Hildreth (MH)
Terry Flanagan (TF)

1.	<p>Apologies</p> <p>None received.</p>	
2,	<p>Minutes of previous meetings</p> <p>Note to be added to minutes of meeting on 3 September 2008: Discussion was held regarding use of bus lanes by taxis; RJS had looked into this issue, and this is something that could be revisited as part of town centre redevelopment.</p>	
3.	<p>NVQ Road Passenger Transport</p> <p>BLTF feel there is not much benefit to existing drivers but maybe something that could be of benefit to operators as a selling point for their firm, or for new drivers. MH believes that Brighton use this as part of their 'knowledge' for new drivers. RJS explained that the training providers would be happy to do a presentation and this would be arranged at some point in the coming months.</p>	
4.	<p>Plying for hire</p> <p>BLTF say that there is a minority of the private hire trade who frequently ply for hire. This often happens at Après at night, including dispensation vehicles with advertising on the sides.</p> <p>BLTF also not happy with private hire vehicles using parking spaces next to the bus station rank. Some private hire vehicles bear the word 'taxi' in their door signs which could be misleading to members of the public. BLTF members are hesitant to make complaints as concerned</p>	

	<p>about maintaining anonymity but RJS explained Licensing need details of who and when to investigate as cannot be at the ranks 24/7, and cannot investigate anonymous complaints as cannot be sure that they are malicious complaints.</p> <p>TF feels that Council are failing in their duty of care to drivers and the new licensing officer must do their duty.</p> <p>BLTF says that main concern is with private hire vehicles moving up the parking spaces next to the rank as they become available, which makes it appear as though they are a taxi, which happens at all times of day, but more likely in quieter times and not rush hour.</p> <p>RJS will prioritise monitoring of rank areas, may be possible to obtain support from PCSOs (LD to check with TVP). Also problem with Après as on private land, so cannot enforce if they have contract with Wokingham firm for example. New licensing officer will hopefully be in post mid to late December.</p>	LD
5.	<p>First Aid Training RJS explained that report went to Committee on 2 October and they requested further details to be considered in February, prior to implementation in April to implement for all existing drivers who have not yet done the course. At present, all new drivers since August 2001 have to do the course then refresher every five years.</p> <p>TF requested copy of risk assessment including hackney carriage trade relating to first aid training. Also enquired about the historical necessity and asked that Council meet with the GMB PDB health and safety officer. TF mentioned Colchester case where a driver stopped to help a hit and run victim but was beaten up by some jobs.</p> <p>RJS clarified that just because a driver has been trained, does not have to use it if they do not feel it is a safe situation. Council are happy to meet with health and safety officer and suggested may be useful for first aid trainer to attend also. TF to supply contact details.</p> <p>TF also concerned that drivers may fail on literacy/numeracy in first aid training but RJS confirmed that this not an issue as persons on course do practical examples, not written exam.</p> <p>BLTF asked whether drivers would be given any compensation for loss of time doing course. RJS explained that there are no funds for this but if drivers undertook as part of NVQ then possibility as Learning Skills Council do offer financial incentives.</p>	RJS TF
6.	<p>Crime Prevention Leaflets TVP have asked whether drivers can hand out crime prevention leaflets to passengers, BLTF have confirmed they are happy to do this. LD to confirm to TVP.</p>	LD
7.	<p>Unmet demand survey As BLTF aware, issue was discussed at Committee on 2 Oct. Committee asked for details to be provided on options, costs etc for survey and decision to be made in February.</p>	

	<p>RJS confirmed that unable to put any temporary limit/stop on issuing hackney carriage plates without recent unmet demand survey in place. There is also a need for the survey to demonstrate that any restriction is in the interests of consumers.</p> <p>BLTF acknowledged there have been complaints about drivers, sometimes due to frustration as so difficult to earn a decent living at present and working very long hours, so this is not benefiting consumers as standards are slipping. BLTF will address issues with overranking and use of vehicle horns on ranks with their members.</p> <p>BLTF enquired re timescales for this issue, RJS confirmed report with full details to go to Committee in February and deadline would be mid January. RJS requested details of BLTF members to ensure that all drivers are consulted, BLTF cover approx 95% of vehicle owners but unable to provide list of members so Council will consult all drivers on the issue.</p> <p>TF said that the Committee's decision was ambiguous and it was not an appropriate response to a critical situation as new plates would be issued in the interim. Things need to be speeded up so the union will raise this directly with the Committee.</p> <p>MH stated that the DfT Best Practice Guidance was just that. BLTF wanted to get the message across that drivers are not greedy, but seriously struggling.</p> <p>GMB PDB will supply details of potential firms to carry out survey.</p>	<p>AW</p> <p>MH</p>
8.	<p>Any other business</p> <p>LD requested further details of private vehicles parking on ranks for passing to parking attendants for action – BLTF confirmed that targets could be Legion rank on Sundays, Point rank evenings and weekends and Red Lion rank on Fridays/Saturdays. LD to liaise with Parking Services.</p> <p>LD to email details to BLTF re options for Heathrow parking for vehicles which cannot fit under the height barriers.</p> <p>LD to email details to BLTF of website link to information about the town centre regeneration.</p> <p>BLTF raised issue of lack of public toilet provision in town centre at night, RJS to investigate and discuss at next meeting.</p>	<p>LD</p> <p>LD</p> <p>LD</p> <p>RJS</p>
8.	<p>Date of Next Meeting</p> <p>To be confirmed, mid to late November.</p>	

MINUTES



MEETING NAME: Bracknell Licensed Taxi Forum

MEETING DATE AND TIME: 11.00 hours Thursday 18 December 2008

PRESENT: Robert Sexton (RJS)
Laura Driscoll (LD)
Mick Hildreth (MH)
Andy Watson (AW)
John Yexley (JY)

1.	<p>Minutes of last meeting No amendments required. Outstanding actions as follows:</p> <p>RJS and MH to look into the issue of private hire vehicles displaying the word 'Taxi' in their door adverts.</p> <p>Monitoring of ranks by PCSOs to be requested.</p> <p>Details of GMB Health and Safety Rep to be provided.</p> <p>Re issue of over-ranking, RJS to look into whether a feeder rank at bus station is viable. BLTF will be campaigning to be able to use bus lanes, especially Bagshot Road to Crowthorne Road North.</p> <p>LD to check that Parking Services are monitoring ranks for private vehicles, especially evenings and weekends.</p> <p>RJS to investigate provision of public toilets in Borough.</p>	<p>RJS/MH</p> <p>LD</p> <p>MH</p> <p>RJS</p> <p>LD</p> <p>RJS</p>
2.	<p>Crime Prevention Leaflets Leaflets with crime prevention advice given to BLTF to be passed out to public by the drivers. TVP are grateful to BLTF for their support.</p>	
3.	<p>Illegal Plying for Hire LD explained that the bus station in particular is being monitored, no evidence of any offences yet. AW said it was only a tiny minority, but also reports of unlicensed vehicles from BLTF members. Any further information should be passed through to Licensing for action.</p>	

<p>4.</p>	<p>Complaints about drivers BLTF are concerned about the way a recent complaint was dealt with, as it was a trivial matter in their opinion but the driver was called into the office to see a Licensing Officer. BLTF feel all complainants should make their complaints in writing.</p> <p>RJS explained that the Council has a policy of taking all details at the first point of contact (at the Customer Service Centre) and avoiding the need for people to re-contact the Council wherever possible, so asking all complainants to put their complaint in writing would be contrary to this policy. Sometimes it will be necessary to obtain statements etc, and this would continue for the more serious cases.</p> <p>RJS apologised if the complaint was not dealt with in a satisfactory manner, and noted that the preference is not to summon drivers to the office immediately. Drivers are entitled to have a union rep present if they are required to attend. The main aim is to ensure that there is respect from both sides.</p>	
<p>5.</p>	<p>Extensions for existing saloon vehicles AW raised query re age of vehicle for plate S95, LD confirmed that vehicle must be replaced by end February 2009.</p> <p>AW mentioned an incident where a lady was injured while entering or exiting a wheelchair accessible vehicle (Euro 7), approx 4 weeks ago. It was raining and the lady fell and slipped on the step. No complaint had been received by Licensing and not aware of any issues with any particular model of vehicle.</p> <p>AW requested extension for existing saloon vehicles. RJS explained that there are currently 12 swivel seat vehicles (all due to be replaced by end of 2009) and approx 70 WAVs. RJS asked whether all BLTF members would be happy with extensions being provided, as a large number of drivers had invested significant sums of money in WAVs and there is a fairness issue.</p> <p>RJS explained that extensions are issued when a vehicle has an abnormally low mileage AND is in exceptional condition. Newer vehicles also have better safety features etc. The swivel seat vehicles have already had dispensation from the norm to help with the transition, including when these vehicles have been written off. BLTF will consider the argument for extension.</p>	<p>AW/JY</p>
<p>6.</p>	<p>Survey tenders Mouchel, Halcrow and TPI have all provided rough quotes so far of at least 14k. MH mentioned that it is best practice for local councillors to dictate their own terms, and is concerned that the Committee do not lose sight of the legislation which allows them to limit numbers. RJS asked whether any authorities who have not previously had a limit have introduced a limit, MH is not sure it is of relevance but will look into this. MH asked whether RJS supports the drivers, RJS explained that he has a neutral position but wishes to make sure the BLTF are aware of the issues e.g. OFT report so they can address them before the Committee makes a decision.</p>	<p>MH</p>

	LD to chase DfT response to OFT report.	LD
	RJS asked LD to organise sessions involving the BLTF and proposed survey firms.	LD
	RJS to investigate whether BLTF will be able to speak at next Committee or whether comments will need to be received in writing.	RJS
7.	Safety Guidance LD drew attention to the safety guidance for taxi drivers released by the DfT available at http://www.dft.gov.uk/pgr/crime/taxiphv/ .	
8.	Wheelchair Users A complaint was received that a number of hackney carriages at the Legion rank had refused to take a wheelchair user. JY is happy to provide support to any drivers who are not sure how to use their ramps etc. LD will be looking into the issue that meters are being switched on before the driver begins to assist the wheelchair user and will be seeking legal advice to ascertain whether this is an offence under Disability Discrimination Act, as the law says reasonable assistance should be provided at no extra charge.	LD
9.	Review of Guidance The Guidance notes will be reviewed at the next Committee. Some minor changes are being recommended, and also a review of vehicle specifications with regard to size of vehicles, which should not really affect hackney carriages.	
10.	Any other business The proposed licence fees for 2009/2010 are on display in reception and have been advertised in local press.	
11.	Date of Next Meeting To be confirmed.	

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LICENSING AND SAFETY COMMITTEE
5 February 2009

**REQUEST FROM BRACKNELL LICENSED TAXI FORUM FOR
BRACKNELL FOREST TO INTRODUCE A LIMITING POLICY ON
HACKNEY CARRIAGE LICENCES**
(Chief Officer: Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1 This report will update the Committee with respect to the Council's response to the Hackney Carriage trade request for a limit to be set on the number of Hackney Carriage Licences issued.
- 1.2 Members were informed at the meeting on 2 October 2008 that a prerequisite of the introduction of a limiting policy was an unmet demand survey that provides evidence to support a limiting policy. It was agreed that officers would bring a progress report on the discussions with the trade and companies interested in conducting the unmet demand survey.
- 1.3 This report also highlights the present legal basis required for the restriction of Hackney Carriage Licences within Bracknell Forest.

2 RECOMMENDATIONS

- 2.1 That the Committee agrees that subject to the verbal update on the evening:**

Officers bring to the Committee meeting on 23 April 2009 a report on the options for an unmet demand survey. The report to include an evaluation of the proposals by interested companies, the legal implications of such an action, and proposals for financing a survey.

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are contained within the report.

Borough Treasurer

- 3.2 Financial implications arising from a survey will be addressed within a subsequent report.

Equalities Impact Assessment

- 3.3 The introduction of a Limiting Policy would have an impact for those residents seeking entry into the Hackney Carriage Trade, in that they may have to pay an existing licence holder to transfer a licence to them.

Strategic Risk Management Issue

- 3.4 A person who is refused a hackney Carriage licence due to a Limiting Policy has a right of appeal to the Courts to challenge the legal status of that policy.

4 SUPPORTING INFORMATION

- 4.1 Five companies known to have the relevant expertise and knowledge to carry out a survey were contacted. Three agreed to meet with officers and members of the trade to discuss possible options. These meetings took place on 27 January and Members will receive a verbal update on those discussions at the meeting on 5 February.

- 4.2 The legal basis for quantity restrictions on taxi numbers outside of London lies within Section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis, if, but only if the local licensing authority is satisfied that there is no significant demand for the services of hackney carriages which is unmet.

- 4.3 This was the position until 2003 when the Office of Fair Trading published its report which recommended, amongst other things, that Local Authorities which had limiting policies for taxi licences should lift those restrictions. The Office of Fair Trading identified that the lifting of such restrictions would provide a number of benefits to consumers, including reduced waiting times.

- 4.4 Whilst the Government did not remove the power of Local Authorities to restrict numbers it did agree that consumers should enjoy the benefits of competition in the taxi market and considered that restriction is detrimental to those seeking entry to the taxi trade. The Department of Transport in a letter to all Chief Executives in 2004 stated:

“The Government is therefore strongly encouraging all those local authorities who still maintain quantity restrictions to remove restrictions as soon as possible. Restrictions should only be retained if there is a strong justification that removal of the restrictions would lead to significant consumer detriment as a result of local conditions.”

- 4.5 The Government decided that rather than move to a legislative solution it would leave it to Local Authority determination based on local need. The Government does however require all Local Authorities to review their policy every three years and make their conclusions available to the public. This is to ensure that decisions on restrictions are based upon strong up-to-date evidence of benefits to consumers locally for their retention and that the decision making process is both transparent and consultative. If restrictions are not shown to be delivering clear benefits to consumers, it is the view of the Government that local authorities should remove them.

- 4.6 In October 2006 the Department of Transport issued Best Practice Guidance for Local Authorities in the field of Taxi and Private Hire Vehicle Licensing. This included quantity restrictions on Taxi Licences outside of London. Attached to the report as Annex 1 is a copy of the relevant Guidance. This guidance reflects much of the information contained in the 2004 letter and I would draw Members’ attention to the following.

31. Most local authorities do not impose quantity restrictions: The Department regard that as best practice – It is suggested that the matter should be approached in terms of the interests of the travelling public.

32. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.
34. Financing of Surveys – It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.
- 4.7 In 2007 the Office of Fair Trading Commissioned a report into the impacts in the taxi sector since the original 2003 report which had resulted in the above guidance being issued by the Department of Transport. The report found that since 2003 one third of local authorities (48) that had limiting policies in place have removed them. A number of benefits for consumers outlined in 2003 have been realised in those local authorities including reduced waiting times and increased journeys by taxis. The report estimated that annual consumer benefits in the street and rank hiring segment ranged from £2-5million within those 48 authorities.
- 4.8 The Department of Transport has considered the 2007 Office of Fair Trading report and has decided at this time not to change its present position on limiting policies, which are referred to earlier in this report.
- 4.9 Best Practice Guidance and comments issued by the Department of Transport can be summarised as follows:
- Best practice for a Local Authority is not to restrict numbers.
 - Consumers should enjoy the benefits of competition in the taxi market.
 - A restriction policy is detrimental to those seeking entry to a market.
 - Those Authorities who have policies are strongly encouraged to remove restrictions as soon as possible.
 - Restrictions should only remain if there is a strong justification that removal would lead to significant consumer detriment as a result of local conditions.
- 4.10 Officers are not aware of any Local Authority that has introduced a limiting policy since the Office of Fair Trading report in 2003. In fact as stated earlier 48 authorities had removed those policies by 2007. A survey by the Department of Transport of Local Authorities in 2008 is due to be released shortly and will update the position since the 2007 Office of Fair Trading report.
- 4.11 If the Council is to introduce a limiting policy, it must carry out an unmet demand survey which must address the guidance from Government and clearly demonstrate that the policy would deliver benefits for consumers, and restriction to those wishing to enter the trade is justified.
- 4.12 The meetings on 27 January with the possible suppliers of a survey will have a focus upon how they would seek to satisfy the “consumer benefit” requirement and comments will be fed back to Members at the meeting.
- 4.13 The information gained from the meeting will influence future thinking on the viability of conducting an unmet survey and the introduction of a limiting policy. It is essential that officers have the opportunity to discuss the outcomes with the Taxi trade so that all alternatives can be considered and clear conclusions drawn. The recommendation therefore seeks to provide sufficient time for this process to take place before members are asked to decide on this matter.

4.14 Attached to this report are the following documents received from the Bracknell Licensed Taxi Forum on Monday 26 January 2009:

- i) Letter dated 21 January 2009 from John Yexley and Andrew Watson (Annex 2).
- ii) Letter dated 21 January 2009 from Mick Hildreth, branch secretary of GMB Professional Drivers branch (Annex 3).
- iii) Response from City of Oxford Licensed Taxicab Association (Annex 4).

This correspondence addresses some of the issues raised within the report and puts forward a case for an unmet demand survey and the introduction of a limiting policy.

Background Papers

- 1. The Regulation of Licensed Taxi and PHV Services in the UK – Office of Fair Trading, November 2003.
- 2. Government response to Office of Fair Trading Response – Department of Transport, June 2004.
- 3. Taxi and Private Vehicle Licensing – Best Practice Guidance - Department of Transport October 2006.
- 4. Evaluating the Impact of the Taxis Market Study – OFT, October 2007

Contact for further information

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

robert.sexton@bracknell-forest.gov.uk

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OCT 2006

Department for
Transport

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Quantity Restrictions of Taxi Licences outside London

29. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

30. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

31. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

32. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

33. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

34. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...
- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand**, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of

the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

35. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

Taxi Fares

36. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

37. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

38. There is a case for allowing any taxi operators who wish to do so to make it clear - perhaps by advertising on the vehicle - that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Annex A: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

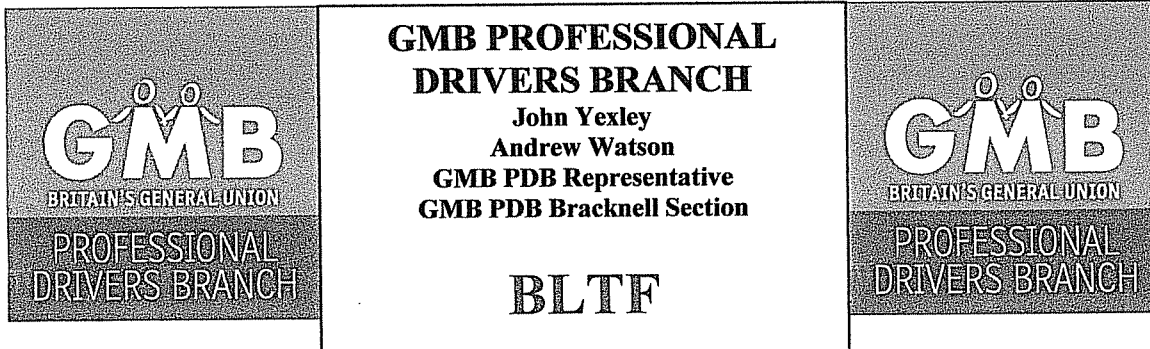
Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

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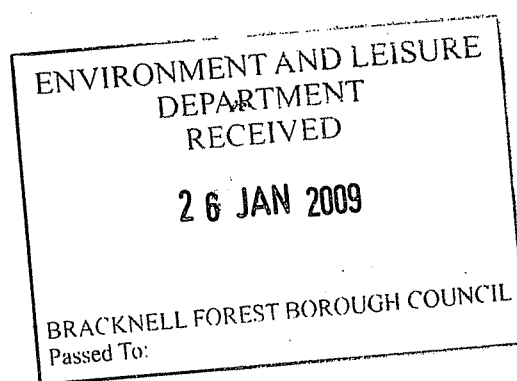


REPORT TO LICENSING AND SAFETY COMMITTEE

REPORT OF: BLTF

SUBJECT: UNMET DEMAND SURVEY

DATE: 21st January 2009



Introduction

Since April 2008 the newly formed BLTF affiliated to the GMB PDB Union, has endeavored to re-establish a good working relationship between hackney carriage drivers / proprietors and the council.

This relationship broke down at the beginning of the new millennia. Bridges had to be built to restore the trust between drivers and the council. The BLTF / GMB have worked closely with head of licensing Rob Sexton and licensing team leader Laura Driscoll to achieve this. After having had several meetings with Rob and Laura we now believe the foundations are firmly in place.

The BLTF has and will continue to act in a responsible and professional manner. Our objective is to work with the council on all hackney carriage issues for the good of the trade and customer / consumers that depend on it.

Current Situation

Since June 2008, the date the original petition was delivered to Councilor Paul Bettison at Time Square, the situation for taxi drivers in Bracknell has unfortunately worsened. We stated back then that waiting times for a fare were anything up to one hour. That has now increased from anywhere between 45mins to 1 ¼ hours and on a bad day can stretch to 1½ hours. Although there was a sharp decrease in demand for hackney carriages in 2008/2009 we believe that the number of taxi's working the ranks have slightly increased

This puts a large question mark against the argument that if quantity controls are lifted the market would find its own level. This is what we feared.

The recession that was looming is now upon us, and the drivers are really struggling. Mini bus and coach services have taken much of the work from the train station and chauffeur and exec cars have capitalized on the wheelchair accessible policy and have taken much of the airport work as predicted. Our customer base is continuing to be depleted. The regeneration has been postponed yet again. Although this has come as no surprise it's still another major blow to the hackney carriage trade.

OFT Report

Having studied the OFT report in great detail it seems to be inconclusive. The OFT report having put the hackney carriage trade under the microscope did not find the evidence they were looking for to prove the benefits of deregulation to the consumer. In fact once read carefully it could be perceived that it proved the opposite. We are sure that once you have studied the report in full you will make the same observations that we have, in that there are more benefits to the consumer by having quantity controls.

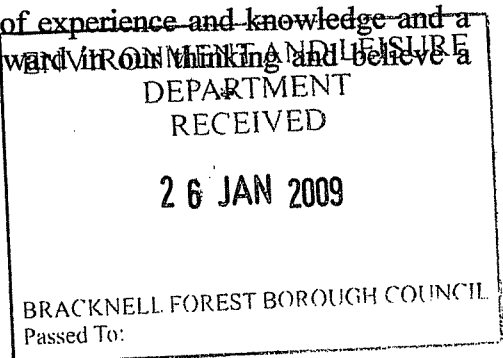
It would seem the only benefit to the consumer in having an unlimited number of taxis is that there are sufficient numbers on the rank at all times of the day, resulting in customers not having to wait on the rank for a taxi. This is obviously beneficial to the consumer but the problems of this policy begin when the taxi's start to exceed the numbers needed. This is when the deregulation policy has the opposite effect and then can become detrimental to the trade. Many areas that have deregulated have experienced a decline in standards of service and have gone back to a regulative policy. We also stated in our original petition that this would lead to higher fares. This has been backed up by an unmet demand survey carried out in Chelmsford by Halcrow. In their report that we have read it stated that lifting quantity controls can lead to significant increases in fares. This report can be made available if requested.

There are many other examples indicating that the best policy would be limiting. These are listed in the transport committee report in the response to the OFT report.

The Government decided that licensing authorities were best placed to determine local needs and therefore came to the conclusion that if an authority carried out an unmet demand survey which proved there was no significant unmet demand, they could legally refuse to issue any more licenses. This would be sufficient to ward off any legal challenge.

The substance of the OFT report seems to be based mainly on ideology. In the ideal world all of their recommendations would work perfectly well and everybody would be happy. But we don't live in an ideal world and the current situation is far from ideal. With the recession, credit crunch and dysfunctional town centre we have all the ingredients for disaster. Drastic action needs to be taken and taken soon to stop the trade spiraling into total meltdown.

The BLTF drivers unfortunately do have to live and work in the real world, we have done so for many years and in doing so have built up a wealth of experience and knowledge and a true understanding of how the trade works. We are forward thinking and believe a more pragmatic approach to this problem is needed.



It is imperative that the council take heed of the warning signs and appreciate the seriousness of this situation. If ignored it could be perceived as a gross dereliction of duty on the part of the committee. I refer back to the report from Chelmsford, Essex quoting Lord Hanningfield's call to arms November 26th 2008 calling for unprecedented action to be taken within Essex to protect the people and their businesses in these difficult financial times. In the words of Lord Hanningfield "This could be Armageddon"

Environmental Impact

It is now becoming clear that the lifting of quantity controls is resulting in an oversupply of taxis in many areas. Not only does this cause unnecessary congestion it also causes over ranking. We have a serious problem at the bus station where taxis have to over-rank. This is mainly due to a lack of work. This leads to more important issues of unnecessary pollution. It is a fact that the larger wheelchair accessible vehicles emit higher carbon emissions. We have stated before that there is only so much work to go round. Increasing taxis numbers will only result in more cars clogging up the already congested ranks and surrounding areas. This will result in longer wait times for a job which will mean engines running for even longer periods of time. We must not be fooled into believing that a taxi that is not working is not polluting. Taxi engines are idling for hours every day, in the summer for keeping the cars cool and in the winter to keep the cars warm in their quest to reach the front of the rank.

We have submitted to you a report from the Oxford Taxi Association which was presented to Oxford City Council. In this report you will find detailed calculations on the emissions emitted by each taxi. This report was apparently very influential in the decision making process that led Oxford City Council to adopt a regulative policy.

ENVIRONMENTAL
RECEIVED
26 JAN 2009
BRACKNELL FOREST BOROUGH COUNCIL
Passed to:

Summary / Conclusion

There is no doubt that the next year or two will be a challenging time for the taxi trade. Driver's takings are already down considerably and will probably continue to fall as the recession bites. With most drivers now operating the wheelchair accessible vehicles the running costs have generally increased. This has resulted in drivers already working 60-70 hours per week having to work even longer. Having tired, miserable, resentful drivers will be of no benefit to consumers.

We would like the committee to take great consideration on the relationship between good working conditions and job satisfaction and the standards of service delivered to the consumer. We all know that people working in jobs that they enjoy and feel they are respected deliver a better standard of service to the customer. This is the case in all trades and professions and is no different in the taxi trade. This is what the OFT report seems to have overlooked. Most of the BLTF drivers have been in the trade for several years and would like to continue doing the job they love to do. We believe that the residents of Bracknell would also prefer to keep the experienced drivers of the BLTF. This is what they have been telling us.

BFBC's current licensing policy allows any number of plates to be issued. There is no limit. If there is an influx of new plate applications this year which we feel is very likely in the current economic climate, it will probably result in many experienced drivers having to leave

the trade altogether due to lack of revenue. This would be detrimental to the trade and consumers alike. As we all know there is no substitute for experience.

The BLTF has worked closely with the GMB PDB to try and find an appropriate solution to this problem. We believe the only logical solution is to carry out an unmet demand survey.

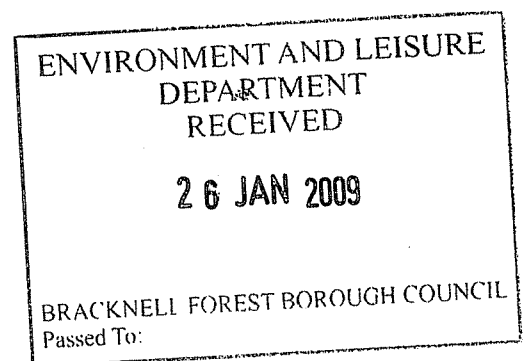
The BLTF have agreed that the cost of this survey is to be incorporated in the annual licensing fees. We would like to remind the committee that the original petition stated for an unmet demand survey to be carried out. The council are in receipt of 70+ copies of the petition which contains the signatures of the drivers confirming this.

We will be carrying out an official GMB ballot so that every driver has the opportunity to state whether they are prepared to meet these costs or not. This will show transparency in our decision making and we will be willing to submit the results of the ballot to the committee.

This report has been compiled by the BLTF. It is to the best of our knowledge that all information is factual and correct.

John Yexley BLTF / GMB PDB

Andrew Watson BLTF / GMB PDB





**SOUTHERN REGION
P39
GMB PROFESSIONAL DRIVER'S
BRANCH
Mick Hildreth
Branch Secretary
07814 032002
Suite 5A, Fifth Floor, Vantage Point,
New England Road, Brighton,
BN1 4GW**



REPORT TO: LICENSING AND SAFETY COMMITTEE

**REPORT OF: SOUTHERN REGION P39 GMB PROFESSIONAL DRIVERS
BRANCH**

SUBJECT: UNMET DEMAND SURVEY

DATE: 21ST JANUARY 2009

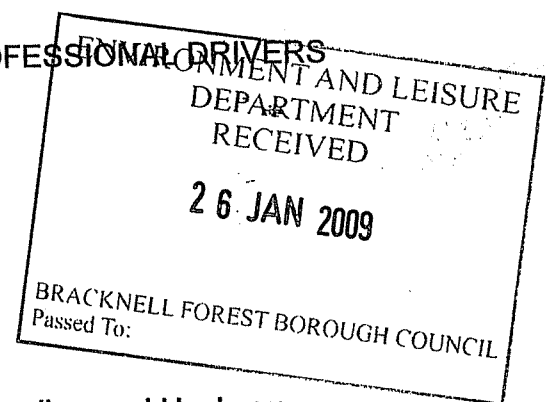
Dear Councillors,

**I write to you on behalf of our many members who are licensed Hackney
Carriage Proprietors in Bracknell-Forest licensing Authority.**

**On the 9th February 2009 you will be asked to make a decision, whether or not,
to allow an un-met demand survey to proceed, which would ascertain whether or
not there is any un-met demand in Bracknell-Forest licensing Authority area. This
request was made by both the GMB PDB and BLTF at a previous meeting, at
which the committee requested a report from the licensing officer. I will try and
keep my report short and to the point.**

Introduction

**The GMB PDB and the BLTF are asking Bracknell-Forest Licensing and Safety
Committee to agree to Bracknell-Forest Licensing Authority conducting a Taxi
un-met demand survey funded by an increase in license fee's of Bracknell-Forest
Hackney Carriage Vehicle's. This request is made, not out of greed, but out of
concern for the Taxi service provision to the electorate of Bracknell-Forest and to
give our members the ability to both provide a quality service and sustain an
average income within the Taxi industry working in Bracknell Forest licensing
Authority. The GMB PDB have always advocated a managed growth system
within the Taxi Industry, where Taxi numbers should be set at the correct number
for the levels of work within an Authority and increased when the need be so.**



Current Legal Situation

A Licensing Authority did, until 1985, have unfettered power to limit the number of taxi licenses that it chose to issue. Following changes introduced in the Transport Act 1985 a Licensing Authority could continue to limit taxi numbers but "if, and only if" it was satisfied that there is no significant unmet demand for taxi services in that area.

Office of Fair Trading

In August 2002 the Office of Fair Trading (OFT) commenced the investigation into the practice of some Authorities of limiting taxi numbers. The scope of the investigation was subsequently extended to include other areas and as a result the investigation was delayed and the OFT findings not published until November 2003.

The report "The regulation of licensed taxi and PHV services in the UK" runs to 91 pages and the conclusion regarding taxi limitation that it reached was "We therefore recommend that the legislative provisions allowing licensing authorities to impose quantity controls should be repealed. In the meantime, we recommend that LAs with quantity controls remove them."

The Transport Select Committee's Response to the OFT

"The OFT report manifestly does not contain the evidence required to support its only proposal for legislative change: the abolition of quantity regulation. Its figures only support its case with considerable "adjustment" (which is never explained), its statistical and survey evidence are flawed, and it fails to consider the relationship between the taxi and PHV markets. Also the OFT does not explain why the taxi and PHV market has been the fastest growing form of transport over the last 25 years, and has grown by more than 40 per cent in real terms since 1994, if quantity restrictions have been so detrimental. Its recommendations on quantity control should be rejected."

We should make it clear that, unlike the OFT, we have no view as to whether entry restriction or derestriction is better for a particular authority. We do not believe that restriction will be appropriate for every authority; some authorities which are currently restricted might even provide a better service to their

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inhabitants if they lifted those restrictions. However, we believe that local authorities' powers to set policy for their area should only be overridden on the basis of compelling evidence which the OFT has failed to provide.

Government Response

After consideration of the OFT report the Government announced in a written statement to Parliament on 18/March/2004:

"The Government agrees that consumers should enjoy the benefits of competition in the taxi market and considers that it is detrimental to those seeking entry to a market if it is restricted. The Government is therefore strongly encouraging all those local authorities who still maintain quantity restrictions to remove restrictions as soon as possible. Restrictions should only be retained if there is a strong justification that removal of the restrictions would lead to a significant consumer detriment as a result of local conditions."

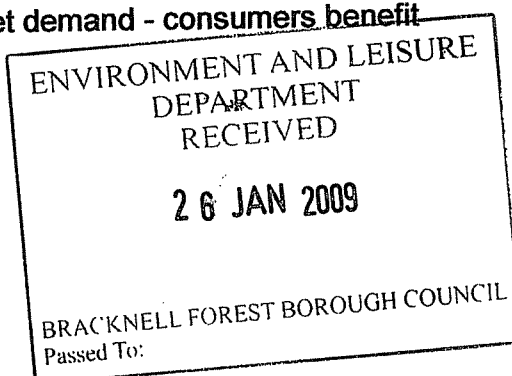
The Government elected not to remove a local authority's ability to impose numerical limits on taxi licenses but did make it very clear that the interests of consumers of taxi services were paramount; that numerical restrictions should only be imposed where those restrictions "deliver clear benefits to consumers".

Consumer Benefits

I have listed below areas where consumers will benefit from having a Taxi fleet which has a limited number of vehicles.

Limitation of Taxi numbers allow for multi-shifting (i.e. those drivers who cannot acquire a license must rent a vehicle; the vehicle owner will tend to work through the day and the driver who rents is forced to work at less attractive times - evenings and nights); it is this system which ensures adequate coverage throughout the day and night. Increased numbers of cabs - allowing renting drivers to acquire their own vehicle - could undermine the current structure of taxicab provision and could lead to under provision at night time and weekends.

Where the limit is deliberately fixed above the level of demand identified - issuing more licenses than identified by survey of unmet demand - consumers benefit



from an excess in supply. More than enough cabs - evidenced by very small passenger delay and long driver wait at ranks.

Wider public benefits to be gained from a good relationship between the trade and the licensing authority.

Quantity controls mean that PHV drivers remain in the PHV trade (rather than shifting to the taxi trade) so consumers benefit from having an adequate supply of PHVs for pre-booked work.

Quantity controls enable the trade to earn enough to afford a high quality and safe vehicle fleet which is beneficial to consumers.

Deregulation leads to a high turnover of proprietors and drivers and may have an adverse effect on the quality of vehicles and drivers.

Quantity control policy helps to develop accessibility policy by supporting substantial investment.

Quantity controls enable the quality of the fleet to be maintained whilst also recognising the substantial investment in such vehicles by the trade.

Quantity controls enable the carbon foot print to be kept to a minimum, within town and city centre's without affecting the quality of service.

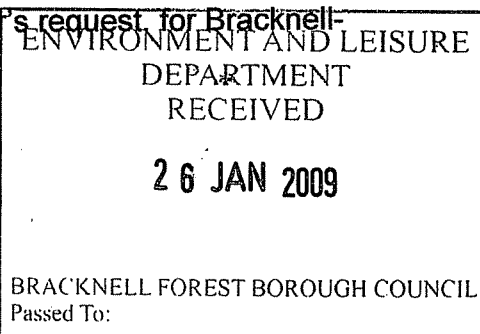
Area's which are deregulated usually have higher fares, due to there being more Taxis available and less fares for each individual Taxi.

National Situation

Currently there are 94 Licensing Authorities in England and Wales which limit the number of Hackney Carriage licenses, and are obviously confident of being able to defend themselves in court should they be challenged regarding having a limited numbers policy. However, I should state that I know of no Licensing Authority that has been challenged in court.

Conclusion

In conclusion, I formally request that the members of the Bracknell-Forest Licensing and Safety Committee agree to our member's request for Bracknell-



Forest Licensing Authority to undertake a Taxi un-met demand survey. Agreement to this request would ascertain the condition of the Taxi industry within Bracknell-Forest; our members feel that due to the current economic climate the industry within Bracknell-Forest is saturated to the point that our members sometimes have to choose between paying the rent and maintaining their Taxis. Market forces, a Blairite policy which have plighted our industry for too many years is unacceptable to both consumers and the indigenous Taxi workers within Bracknell-Forest, due to its inability to examine the pitfalls to both consumers and Taxi Drivers, and relies on the having excessive amounts of Taxis to service the consumer, but does not consider the quality of the fleet or the resulting increased costs to the consumer.

Finally, I would like to re-iterate that Local Authorities can under current legislation limit the number of Taxi licences, subject to them having had an un-met demand survey, the government has issued a Best Practice Guidance, confirming this fact, encouraging Local Authorities to consider the consumer, I hope you agree with our memberships beliefs, that the consumers of Bracknell Forest would be better served with a Limited Fleet of Taxis set at the correct number for the consumers needs, reviewed regularly and numbers increased if need be.

If any councilor would like to discuss any of these issues please do not hesitate to contact me.

Kind regards

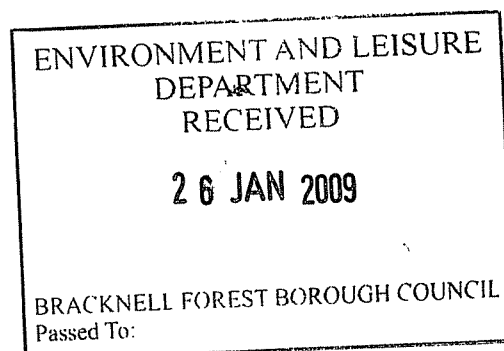
Mick Hildreth

Branch Secretary

Southern Region

P39 GMB Professional Drivers Branch

GMB PDB National (Provincial) Hackney Carriage Secretary



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Environmental Scrutiny Committee Rickshaw / Taxi Licensing Review Group

A Response

From the City of Oxford Licensed Taxicab Association (COLTA)

Introduction

The taxi association have presented this report setting out its responses to debates on rickshaw regulation & delimitation of hackney carriage licenses in Oxford.

We believe initially that the Environmental Scrutiny Committee Review intended to look at ways in which 'Pedicabs' or Rickshaws could be licensed to operate a taxi style service within the city, along the way, numerical control of hackney carriages became embroiled in the debate.

Under present day legislation there are two types of hire and reward services.

Hackney Carriages

Hackney Carriages (Public Hire) legally referred to as taxis, have been licensed in this country since the 15th Century, the vast majority of this type of vehicle are *not* affiliated to radio circuits, their revenue is generated almost entirely from rank & street hirings, late in the 1600s the Government restricted the number of such carriages due to concerns over congestion within the capital.

The fare charged by a hackney carriage is heavily regulated, any adjustment to the fare structure has to be by way of licensing authority authorisation following an application being lodged by the trade, Hackney Carriages are the only form of passenger carrying transport service who's fares are controlled in this manner.

Prior to obtaining a badge to drive a hackney carriage a complex 'Oxford Knowledge' exam has to be passed together with a driving assessment, the 'knowledge' test ensures that members of the public have confidence that they can hail a cab knowing that its driver has a sound knowledge of the city and can normally take them directly to their destination.

A recent Government study in response to an office of fair trading report into of taxi services, found that hackney carriage services primarily concentrated on serving central area ranks and streets of its licensing district, street & rank hirings in the suburbs are few and far between.

Since 1999, following an agreement set up ten years earlier between the City of Oxford Licensed Taxicab Association & Oxford City Council, only wheelchair accessible vehicles can be licensed in Oxford to operate this 'public hire' service, experience has shown that the most popular purpose built 'compliant' vehicle will cost around £35,000, in order to finance such a vehicle, the proprietor would normally be required to secure the repayments of around £560 per month against the family home.

Private Hire Vehicles

(Non Public Hire) when compared with the taxi, private hire vehicles provide a very different type of service, they have been around in Oxford since the 1950's and initially operated without any form of regulation, in the early 1970's the Government Oxford City Council Environmental Scrutiny Committee report A Response P2

became concerned at the number of private hire operations being set up around the country without any element of legislated control, in 1976, HM Government introduced the Local Government (Miscellaneous Provisions) Act, Oxford city adopted the act in 1981, the primary role of the Phv was clearly defined within the 1976 act as a service which would

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compliment that of the non-radio hackney carriage by use of two way radios, there is a legal requirement for every journey to be pre-booked & a complete log of all journeys to be kept by both driver and operator.

A recent report by HM Government, in response to an Office of Fair Trading paper, found that the Phv service generally did serve the suburban areas of a city, where telephone/radio bookings were found to be the normal method of hiring taxi type services, such as from housing estates, business parks & shopping centres, .

The entrance exam for a private hire badge applicant, has very little comparison with that of the hackney carriage driver qualification, this is due continued requests from Phv operators to lower the requirements due to a severe shortage of drivers, their argument points out that when taking a booked job over their radio, a private hire driver has prior knowledge of his/her pick up drop & off points prior to attending the job and is able to use an AtoZ map and has no need therefore to pass such a rigorous exam, this point seems to have been accepted by Oxford city council where those standards have been reduced substantially over the years.

There are no requirements for Phv's to provide wheelchair or disabled facilities for their passengers, a new vehicle to operate this type of service can be purchased from around £10,000, however, a substantial number of Phv's operated in Oxford appear to be second hand vehicles traded between individuals within that trade for as little as two to three thousand pounds, there is no legal requirement for Phv's to be fitted with taximeters, their fares can be adjusted at will by the proprietor or operator and as often as they see fit.

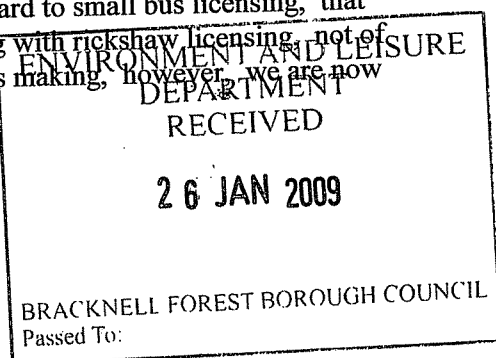
The Pedicab (Rickshaw)

Have until recently been considered by many as nothing more than a gimmick or backdoor, cheap entrance into the taxi market, a certain section of the community have even commented that "this type of service was operated 'back home' decades ago & is degrading to the those making an income from it", (this is not reflective of the taxi associations opinion).

The type of outlay required to operate rickshaw would support that opinion, at the present time there is no legislation supporting such operations. There is certainly no requirement for disabled access, for metering of a fare in order to achieve consistency in charges & no requirement to display any form of recognition for reference in the event of a public complaint.

In the past, there have been attempts at operating rickshaw type services in Oxford, at that time, small bus license legislation was available and used to give an element of control to that service, unfortunately, in the late 1990's, due to substantial abuse of these type of licenses by the private hire trade around the country. In Oxford, no less than 75 saloon type vehicles were operated by both of the largest existing private hire companies, those operators took us back to pre 1976 era and operated the vast majority of their fleets outside of any control by Oxford city council with no drivers badges or individual vehicle license, small bus license options were withdrawn by HM Government following investigations into such abuse.

The government subsequently changed legislation in regard to small bus licensing, that change now leads us into today's difficulties when dealing with rickshaw licensing, not of local authority making, not of the hackney carriage trades making, however, we are now left to deal with it.



Local authorities only have two options if they wish to regulate the operation of rickshaws under the banner of them becoming hackney carriages, one, to reduce, substantially, conditions of fitness for all hackney carriages and then issue rickshaws with hackney carriage licenses, or 2, enter into a 'local agreement' with rickshaw operators as to conditions of operation.

It has to be said, that with today's heavily polluted environment, particularly as found in Oxford city, any form of transport which has a zero 'footprint' such as the cycle driven rickshaw, has to be given serious consideration, the City of Oxford Licensed Taxicab Association fully accept the reality of this situation, unfortunately, any observer reading 'Hansard' reports from the house of commons soon realise that the only body not really paying attention to the problem is the Government.

Licensing Issues

It has to be said, that H.M Governments continued failure to adopt an alternative licensing regime which would easily accommodate the operation of rickshaws from within existing legislation, plays a large part of the problem facing local authorities, today, we appear no further forward than when the debate started, unfortunately, as in this case, it appears that the hackney carriage trade is the one most at risk over the rickshaw issue.

Colta do *not* see the rickshaw as presenting serious competition to hackney carriage services, in fact, despite detrimental comments having been received by the taxi association, we see little room for objection to a formal 'operating agreement' being put in place and feel that such a service may well only operate during the tourist season & may actually have a part to play in complimenting the hackney carriage & private hire services, however.

The taxi association do consider that any proposal to delimit the number of hackney carriage licenses in order to accommodate such a service, to be extremely detrimental to its members in so far as issues such as bus lane congestion and, in particular, taxi rank access to rickshaws, members of the hackney carriage trade feel that delimitation would be a penalty imposed against a trade that has invested vast sums of money in the provision of wheelchair accessibility under guidelines agreed between the trade & Oxford City Council back in 1989.

Operation Costs

I have already touched upon some of the costs implications of operating a wheelchair accessible hackney carriage in this report, such as regular upgrading of the purpose built wheelchair accessible fleet. If, Oxford city council are realistic in its known intentions for the hackney carriage fleet to be regularly upgraded with newer technologically advanced vehicles, then a delimited fleet would be detrimental to that policy, proprietors would simply not be able or prepared to regularly enter into vehicle replacement programs where they could not guarantee meeting their commitment & were to be faced with the possibility of having to claim housing & other benefits & the possible loss of the family home where revenues were severely reduced.

The most up to date figures calculated by Colta show that a monthly budget of around £2400 is needed to operate a hackney carriage in Oxford, this is purely cost attributed to operating the cab and does *not* include earnings for the proprietor & other badge holders operating his cab, these calculations are derived from a vehicle that is under five years old and where a loan repayment scheme is in progress.

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Delimitation of numbers would have an immediate detrimental effect upon non-proprietors, members of the taxi community who have driven a licensed cab for 20 years or more, who have never perceived any barrier of entry into the trade & have never been interested in running their own cab, these people would be the very first to feel the effects of delimitation & would quickly find themselves searching for work outside of the cab trade where they have made their living for decades, these people, including the author of this report who happens to be an non-proprietor, far outnumber those who claim to see such a barrier of entry.

Pollution

Oxford city already exceeds prescribed levels of CO2. A recent City Council report into pollution levels in the city attributed just 6% of CO2 to the taxi fleet, another report highlighted at least three areas in Oxford where the pollution levels had to be notified to those purchasing property, surely any policy which we know would result in any increase in CO2 levels, hardly supports the impression of a local authority's commitment to reduce toxic fumes within their city.

The most up to date purpose built hackney carriage vehicle (TX4) built since the latter end of 2007, has a CO2 'footprint' of around 203g/km, the previous model (TX2) has a CO2 level of 243g/km, the overall footprint of the hackney carriage fleet licensed by Oxford city council is estimated at around 1710 tons of CO2 per year, it is a fact, that delimitation & the introduction of any significant increase in the numbers of cabs in the city would also significantly increase harmful pollutants by similar proportions.

Oxford city council's Scrutiny Committee review itself has shown substantial increases in overall vehicles licensed in areas where delimitation has taken place, of the 13 authorities listed within the report one shows an increase of 181% another of 108%, Oxford could not sustain such an increase, particularly where we only have rank space to accommodate around 40 cabs, the overflows would be forced to drive around the city centre in circles looking for work, increasing, even further, the pollution levels.

Lottery Style Draw

Since 1989, legislation has required that where a local authority has a policy of numerical control of hackney carriages, they must be satisfied that no unmet demand exists, since 1989, following an agreement over wheelchair accessibility between the Oxford City council & Colta, regular (3 yearly) professional 'unmet demand' surveys have taken place, these studies are funded by the taxi association, the associations membership is made up of both proprietors & non-proprietors, its management committee is made up from both sections of the hackney carriage trade, from time to time various case law and/or government requirements are added to the criteria of such studies, Colta have always supported the additional criteria in order that these surveys meet government guidelines, the two recent surveys have resulted in eight additional license plates being issued.

Colta are of the opinion that the transfer of any first time issued hackney carriage license issued as a result of these studies, be restricted so as to be placed back into the hands of the city council when the proprietor decided to exit the trade.

Justification for Numerical Control

We have to be mindful of the fact that in a delimited environment, revenues will decrease, cutbacks will be made, one of those elements would probably be cutbacks in maintenance schedules & ultimately, the safety of the consumer.

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Survey Driven Regulation, as practiced in Oxford since 1989, matches the level of service to demand & retains sufficient levels of revenue to ensure properly maintained fleets.

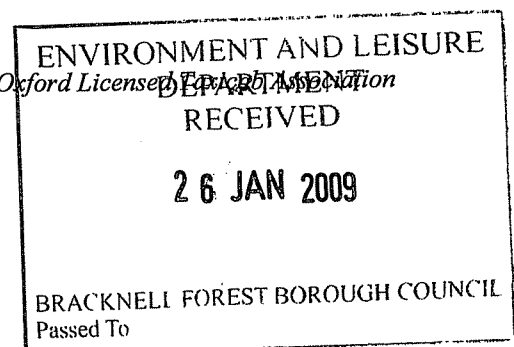
There are a number of issues questioned by the Department of Transport when a local authority operate numerical control of hackney carriages by survey driven regulation.

Colta's response to some of those issues are..

- ❑ HM GOV "Unmet Demand Surveys **may** be manipulated if the chosen consultant carries out the study in full view of the trade", *COLTA, the most recent study in Oxford was successfully carried out whereby the vast majority of its work was undertaken without members of the trade being aware, in fact members were asking "when is the survey", in fact it had been completed.*
- ❑ HM GOV "De-restriction **would** allow those who wish to drive their own cab rather than rent one from an existing licensed holder", *COLTA, what of the very many more who, having made the choice over 20 or more years NOT to become a proprietor, but instead drive someone else's because they did not want the responsibility required of a proprietor? It is those badge holders who would be most effected and who's income would drop to a level where they could no longer remain in the trade, after decades in the profession they would find it extremely difficult to find a new job, professionalism comes with experience, the loss of experience would be extremely detrimental to the end user.*
- ❑ COLTA .. *The city **WOULD** become flooded with empty cabs, there are around 40 full time spaces on cab ranks around the city, a restriction in revenues **WOULD** result in those working in the trade working longer hours & spilling over off the end of cab ranks, others would simply drive round in circles around the city centre looking for work, such a situation would without doubt increase CO2 & congestion levels and present additional hidden dangers of longer driving hours.*

The taxi & hire car services in Oxford is not broken, why fix it, the consequences of delimitation upon members of the public where suburban private hire services would see a reduction, where many more hackney carriages remained stationary on central area cab ranks trade & the effects of substantial increases in CO2 levels would be irreversible, once plates are issued, they cannot be taken away once the mistake has been realised.

Compiled by Alan Woodward on behalf of the City of Oxford Licensers' Association



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LICENSING AND SAFETY COMMITTEE 5 FEBRUARY 2009

REVIEW OF PENALTY POINTS SCHEME (Chief Officer: Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1 At present, the Council has a system where contraventions of the law or licence conditions can be recorded and the licence holder given 'penalty points' by authorised officers. The aim of this system is to provide an effective and consistent enforcement approach and to ensure compliance with the law and conditions for the benefit of public comfort and safety.
- 1.2 The purpose of this report is for the Committee to review the current system and to consider whether the points given in respect of contraventions are necessary and proportionate. A table has been attached at Appendix A to detail the current contraventions and points allocated, alongside a proposed new system.

2 RECOMMENDATION

- 2.1 That the Committee approves the proposed new penalty points system at Appendix A for use from 1 April 2009.

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

- 3.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

4 SUPPORTING INFORMATION

- 4.1 Where a contravention of the law or licence conditions by the holder of a hackney carriage or private hire licence is recorded, the licence holder is issued with a notice. The issue of a notice is written advice to the licence holder and is an integral part of

the Council's Enforcement Policy. This policy seeks to ensure compliance through actions which are fair, proportionate and consistent. 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.

- 4.2 The licence-holder has a right of appeal in writing to the Director of Environment, Culture & Communities 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.
- 4.3 The aim of the proposed new system at Appendix A is to be more similar to the DVLA penalty points system. In essence, where 12 penalty points are acquired within a 12-month rolling period, a report will be submitted to a meeting of the Licensing Panel for a decision to be made on whether the licence should be suspended or revoked. The Panel will receive the report from officers and invite representations from the licence holder. This would replace the current 20 or 30 point trigger which is in operation at present.
- 4.4 In reviewing the penalty points scheme, officers have liaised with other local authorities to ensure consistency of approach wherever possible.

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (April 2008)

Contact for further information

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

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APPENDIX A

Existing wording	Existing points	Proposed wording	Proposed points
Unlicensed driver	10	Unlicensed driver	12
Unlicensed vehicle	10	Unlicensed vehicle	12
Private Hire plying for hire	10	Private hire plying for hire	12
Contravening Stop Notice	10	Contravention of Stop Notice	12
No valid insurance	10	No valid insurance	10
No valid MOT	10	No valid MOT/inspection	10
Illegal tyres	10	Illegal tyres or other C&U regulations	6
Overcharging	5	Overcharging	6
Use of hand held phone	5	Use of hand held phone or similar while driving	6
Failure to display badge	5	Failure to display driver badge	6
Private hire parked on rank	5	Private hire parked on rank	6
Failure to display plate	3	Failure to display plate or stickers	6
Smoking in vehicle	5	Smoking in vehicle	6
No smokefree signage	5	No smokefree signage	4
Failure to notify change of details	5	Failure to notify change of details	4
Vehicle cleanliness	3	Vehicle unclean condition	4
Using bus lane	3	Illegal use of bus lane	4
Horn misuse	2	Horn misuse	4
Unattended on rank	2	Hackney left unattended on rank	4
Civil orderly manner	2-4	Behaving in a disorderly manner	4-12
Failure to report accident	2	Failure to report accident	4
		Failure to notify conviction, caution or fixed penalty notice	6
Too many passengers	8	Merged with illegal tyres or other C&U regulations	
C&U regulations	2-4		
Failure to display windscreen stickers	3	Merged with failure to display plate	

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LICENSING AND SAFETY COMMITTEE 5 FEBRUARY 2009

REVIEW OF GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE OWNERS, OPERATORS AND DRIVERS (Chief Officer: Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1 The Council issues 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.
- 1.2 The guidance notes are updated on an annual basis to reflect changes in law and Council policy and to clarify matters where there may have been confusion.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) notes the changes made to the Guidance Notes,
- ii) provides comment on the proposed changes to the Licensing Team Leader by 27 February 2009 and
- iii) agrees that the Guidance Notes may be amended and re-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 legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

- 3.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

4 SUPPORTING INFORMATION

- 4.1 Attached to this document at Appendix A are the proposed new Guidance Notes. The material changes have been italicised but are summarised as follows:
- a) The Council will no longer accept any CRB Disclosures received from other authorities or agencies as a result of a change in guidance from the CRB
 - b) New driver licence applicants with non-DVLA driving licences will be required to obtain a DVLA counterpart to their licence to enable them to sit the DSA practical test
 - c) Drivers must notify the Licensing Section in writing within 7 days of any medical condition which may impact on their fitness to drive a vehicle
 - d) Drivers are not permitted to have sexual contact with passengers whilst on duty or in a licensed vehicle
 - e) Vehicles should be maintained in a clean comfortable condition at all times
 - f) Changes to the minimum size specification for licensed vehicles detailed in section 11.3
 - g) Changes to hackney carriage advertising procedure in section 18.6
 - h) Changes to the records and documentation required to be kept by operators as detailed in section 31.7
 - i) Changes to the penalty points system in Appendix D.
- 4.2 In respect of the changes to the minimum size specification for licensed vehicles, this will not be applied retrospectively and will apply only to vehicles which obtain new licences from 1 April 2009. An assessment has been carried out of existing licensed vehicles and there are approximately ten private hire vehicles currently licensed which would not meet the new size specification. It is not thought that the new provisions will impact on hackney carriages at all. The proposed amendments will bring Bracknell into line with other local authorities in the area, such as Reading and Wokingham.
- 4.3 The aim is to publish the new guidance by 1 April 2009. Any comments in respect of content or layout should be submitted to Laura Driscoll prior to 27 February 2009 so that the comments can be considered and, where appropriate, included.

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (April 2008)

Contact for further information

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

April 2009

www.bracknell-forest.gov.uk

licence.all@bracknell-forest.gov.uk

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Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators, Drivers

1 April 2009

1. 1. General

1.1 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.

1.2 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

1.3 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

1.4 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
- Proprietor's name and address
- Offences committed by proprietor
- Offences committed by driver

Private Hire Drivers:

- Name to whom granted (but no address)
- The date and period for which it is granted
- The licence number

Enforcement Policy

1.5 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.

1.6 A copy of the Enforcement Policy is available from the Environment Reception at Time Square or at www.bracknell-forest.gov.uk.

2. Types of Licence

Hackney Carriage Vehicle

Private Hire Vehicle

Home-to-School Vehicle

Dual Driver - licensed to drive both Hackney Carriages and Private Hire Vehicles

Private Hire Driver

Home-to-School Driver

Private Hire Operator

2.1 Please note that although reminders are sent, it is the responsibility of the licence holder to ensure that a renewal application is submitted at least one month prior to the expiry of the licence.

2.2 Please note that if a driver's licence has lapsed for a period exceeding 6 months then a full new application will be required.

3. Fees

3.1 Alterations to vehicle and operator fees are required to be advertised by notice in a local newspaper.

LG(MP)A s70 (3)

3.2 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)

3.3 The Council reviews all fees periodically and the current scale of fees is available on request or at www.bracknell-forest.gov.uk/environment/env-licensing.htm. Fees can be paid by cash, cheque, or credit/debit card at Reception

or by ringing 01344 352000 for credit/debit card payment only. Online payments can be made at www.bracknell-forest.gov.uk/do-it-online.htm.

BF(G)

4. How to Apply

4.1 Details are available from the Environment Reception at Time Square. Information and application forms are also available at www.bracknell-forest.gov.uk/environment/env-licensing.htm.

BF(G)

4.2 Faxed copies and photocopies of documentation such as DVLA licences will not be accepted.

BF(G)

5. Driver Licence - Requirements

5.1 All new applicants will be required to complete an application form for an enhanced Criminal Records Bureau Disclosure.

LG(MP)A s59

5.2 Existing drivers will be required to submit a new CRB application every 3 years or as required by the Licensing Section. There is a fee to be paid for checks made by the Criminal Records Bureau.

BF(LC)

5.3 Any CRB Disclosure presented at time of application which is more than 12 months from date of issue will not be accepted. 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(LC)

5.4 Only CRB Disclosures with Bracknell Forest Council as the registered body will be accepted.

BF(G)

5.5 All licensed drivers are required to report details of **any** convictions, cautions or fixed penalty fines imposed, to the Licensing Section in writing within 28 days of the conviction, caution or fixed penalty.

BF(LC)

5.6 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)

5.7 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. **Drivers with non-DVLA licences will be required to obtain a paper counterpart driving licence from the DVLA in order to take the DSA practical test.**

BF(LC)

5.8 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)

5.9 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)

5.10 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. The DVLA Group II Medical Standards apply. Further details are available on request from the Licensing Section. In the case of insulin-treated diabetics, the DVLA Group 2 Standards for drivers of category C1 vehicles apply.

BF(LC)

5.11 A medical will only be valid 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)

5.12 All licensed drivers are required to notify the Licensing Section in writing within 7 days of any medical condition which may impact on their fitness to drive a vehicle. The Council may require the driver to undergo a medical to ensure that they are medically fit to drive.

BF(LC)

5.13 All new applicants for dual and private hire driver's licences must take and pass the Driving Standards Agency practical test specifically designed for Hackney Carriage and Private Hire Drivers. Applicants for private hire driver licences must take and pass the 'Private Hire Saloon' test; and applicants for dual driver licences must take and pass **both** the 'Hackney Saloon' and 'Wheelchair Exercise' tests.

BF(LC)

5.14 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)

5.15 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)

5.16 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. Failure to attend a booked course will mean a further fee is required to be paid to make a new booking.

BF(LC)

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

LG(MP)A s54

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

TPCA s44

5.19 Licensed drivers are not permitted to have sexual contact with passengers whilst on duty or in a licensed vehicle.

BF(LC)

6. Knowledge Test

6.1 All new drivers, except Home to School drivers, will be required to take and pass a written knowledge test.

LG(MP)A s51

6.2 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 locations in the area. In addition, Hackney Carriage drivers will be given an oral test of specific routes to destinations in the Borough. If the applicant fails the test, they may re-take it but will be charged for any subsequent test. A pass mark of 80% applies to all sections.

BF(LC)

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

BF(G)

7. Driving Disqualifications

7.1 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)

7.2 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)

7.3 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)

7.4 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)

8. Unauthorised Drivers

8.1 It is an offence to allow an unlicensed driver to drive a Hackney Carriage or a Private Hire vehicle. A licensed vehicle is licensed for 365 days a year and can only be driven by licensed drivers at all times.

LG(MP)A s46

9. Vehicle Licence - Requirements

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

LG(MP)A s68

9.2 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 section 14 for more details on vehicle inspections.

BF(LC)

9.3 *The vehicle should be maintained in a clean and comfortable condition at all times.*

BF(LC)

9.4 Licensed vehicles are smokefree at all times.

Smoke-free Regulations 2007

10. Age of Vehicle

10.1 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 vehicles, and 10 years for a purpose-built Hackney Carriage.

LG(MP)A s47 and 48

BF(LC)

10.2 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)

10.3 Any such application must be received in writing by the Licensing Section at least 3 months prior to the date upon which the vehicle becomes 8 years old.

BF(G)

10.4 The vehicle shall be subjected to a visual inspection by the Licensing Section. It is the responsibility of the owner to submit the vehicle on the date at the place as arranged.

BF(LC)

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

BF(G)

11. Type of Vehicle

11.1 All replacement Hackney Carriages must be wheelchair accessible. 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.

LG(MP)A s47
BF(LC)

11.2 Private Hire Vehicles shall be of the four-door saloon or five-door estate type and must be capable of carrying not less than 4 passengers.

LG(MP)A s48
BF(LC)

11.3 From 1 April 2009, all vehicles issued with a new licence must comply with the following minimum requirements:

- (i) Engine capacity 1550cc**
- (ii) Seat width 16" (41cm)**
- (iii) Rear height (seat to roof from point of contact between cushion and back of seat) 30" (76cm)**
- (iv) Depth of seat 17.5" (45cm)**
- (v) Knee space (from front edge of seat to the back of the seat in front) 21.5" (55cm)**

BF(LC)

11.4 All Wheelchair Accessible Vehicles must have a national or single type approval certificate incorporating the modification.

BF(LC)

11.5 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 section 15 regarding the use of trailers.

BF(LC)

11.6 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

11.7 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

11.8 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

11.9 A stretched limousine 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.

BF(G)

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

(RTA)

11.11 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 dark tinted windows which prevent clear vision into the vehicle are not permitted. Vehicles which have been granted a dispensation licence may be granted an exemption from this requirement.

BF(LC)

12. Carriage of Goods or Packages

12.1 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 and drivers at risk of injury if the items are not properly secured. Ideally they should be located in an area outside the passenger compartment, e.g. the boot, or in vehicles with a separate driver area, in the footwell 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 with their insurance company, to avoid carrying any loose goods in the passenger

compartment, and to explain clearly to passengers the risk they face in having such goods in the compartment.

BF(G)

13. Insurance and MOT Certificate

13.1 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

13.2 Insurance cover must be for a minimum period of 4 weeks. On the expiry of the insurance, a cover note or certificate of insurance must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate.

BF(LC)

13.3 Faxed copies will not be accepted; original certificates must be produced. Photocopies of documentation can only be made by Bracknell Forest Council staff.

BF(G)

13.4 A valid MOT certificate must be submitted with each application for a vehicle licence, if the vehicle age requires. The MOT certificate must be made available for inspection upon request by an authorised officer.

BF(LC)

13.5 Please note that the vehicle inspections carried out by the authorised garages include an MOT. See section 14 for more information on vehicle inspections.

BF(G)

14. Vehicle Inspection

14.1 Vehicles up to 5 years old from the date of first registration at DVLA will be subject to an annual inspection. Once a licensed vehicle reaches 5 years old from date of first registration, it will require an inspection within the next 6 months, and will be subject to 6-monthly inspections thereafter.

BF(LC)

14.2 For a vehicle solely engaged in home/school transport, once the vehicle reaches 5 years old from date of first registration, it will require an inspection within the next 6 months and will be subject to 6-monthly inspections thereafter, unless it is demonstrated that the vehicle is covering less than 8000 miles per year.

BF(LC)

14.3 The owner of the vehicle is responsible for ensuring that inspections are carried out as and when required. Details of the authorised garages are available from the Environment Reception or at www.bracknell-forest.gov.uk/environment/env-licensing.htm.

LG(MP)A s68

BF(LC)

14.4 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 directly with one of the authorised garages 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)

14.5 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)

14.6 It is a requirement that a spare wheel/wheel-changing equipment 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)

15. Trailers

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

LG(MP)A s48

BF(LC)

15.2 Trailers must comply with the following standards:

- Unbraked trailers shall be less than 750kg gross weight.
- Trailers over 750kg 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 5.540metres.
- 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)

16. Equipment

16.1 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 and must be marked

in permanent ink with the vehicle licence plate number. The 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 authorised officers.

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

16.2 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. 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.

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

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

BF(G)

17. Use of Mobile Phones and Radios

17.1 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)

17.2 A hand-held mobile phone or radio handset must not be used whilst the vehicle is in motion. It is a criminal offence to use a hand-held mobile phone whilst driving. 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
BF(LC)

18. Signs

18.1 All licensed vehicles must display 'No Smoking' signs in each compartment.

Smoke-free (Signs) Regulations 2007

18.2 Private hire vehicles must not display a roof sign.

BF(LC)

18.3 Private hire vehicles may display signs on the front doors, provided the sign does not exceed 50cm length and 25cm height, and contains the operator name and telephone number and the words 'Advance Bookings Only'. No other words, devices or logos are permitted.

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

18.4 The sign may be attached by means of adhesive transfer or magnetic catches, and must be submitted for approval by the Licensing Section before being used.

BF(LC)

18.5 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.

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

18.6 All hackney carriages which display liveried advertising on the vehicle must apply for approval to ensure the advertisement meets the criteria detailed in Appendix F. A fee is payable for this application, and an inspection of the vehicle will be required.

BF(LC)

19. Identification Plates/Screen Stickers/Badges

19.1 Licence backing plates 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 sticker must be displayed in the lower nearside corner of the front windscreen. It is an offence not to exhibit the licence plate and screen sticker.

TPCA s41
BF(LC)

19.2 A vehicle may only be licensed by one local authority at any given time.

BF(G)

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

BF(LC)

20. Private Hire Vehicle Dispensation

20.1 The Council may grant a dispensation to certain private hire vehicles which are engaged **solely** in chauffeur/corporate/executive work.

BF(LC)

20.2 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)

20.3 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(1a)

20.4 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)

21. Home to School Transport Provisions

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

LG(MP)A s46(1a)

21.2 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)

21.3 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)

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

BF(LC)

22. Transfer of Vehicles to New Owners

22.1 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)

22.2 Any owner transferring a licensed vehicle to a new owner must inform the Licensing Section in writing within 14 days of the transfer.

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

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

LG(MP)A s49(2)

22.4 It is the responsibility of the vehicle licence holder to ensure the vehicle is only sold to a licensed driver, or for the plate and licence to be returned to the Licensing Section.

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

23. Accidents

23.1 If a licensed vehicle is involved in an accident, even if there is only minor damage to the vehicle, the proprietor must inform the Licensing Section in writing within **72 hours** to allow the vehicle to be inspected and the damage assessed.

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

23.2 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

23.3 With regard to minor damage, repairs should be effected within a period of 28 days of the incident otherwise the vehicle licence will be suspended until repairs have been completed to the satisfaction of the Licensing Officer.

BF(LC)

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

BF(G)

23.5 A temporary replacement vehicle will only be licensed under the original vehicle licence for a maximum of 2 months, to allow for repairs to be carried out on the original vehicle as mentioned previously in this section. The usual application process applies.

BF(LC)

24. Taximeter

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

BF(LC)

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

BF(G)

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

BF(G)

24.4 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)

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

BF(LC)

25. Authorised Table of Fares

25.1 Under Section 65(1) ‘a district council may fix the rates or fares within the district as well as for time and 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)

25.2 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

25.3 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

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

LG(MP)A s67

25.5 Any proposed variation to Hackney Carriage fares will be advertised by a notice 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)

25.6 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)

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

LG(MP)A s65(3)

25.8 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)

26. Plying for Hire – Hackney Carriages

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

TPCA s45

26.2 “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

27. Guide and Assistance Dogs

27.1 It is an offence for a driver to refuse to carry guide and assistance dogs unless the driver has a medical exemption certificate.

DDA s37(4)

27.2 These certificates are issued by the Council and details upon how to apply are available on request from the Licensing Section. A fee is payable for the application.

BF(G)

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

DDA s37 (5)

27.4 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)

27.5 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

28. Carrying Disabled Passengers

28.1 Under Section 36 of the Disability Discrimination Act 1995, a wheelchair accessible Hackney Carriage must carry a wheelchair user 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

28.2 All rear access wheelchair-accessible vehicles are to only pick up and set down wheelchair users in a location where it is safe to do so.

BF(G)

29. Supervision

29.1 An authorised Officer of the Council has the power at all reasonable times to inspect and test for fitness any vehicle licensed by the Council or any taximeter fitted in a licensed vehicle. If the officer is not satisfied as to the fitness of the vehicle or as to the accuracy of the taximeter, the proprietor or driver will be required to make the vehicle or taximeter available for further inspection and testing and the vehicle licence may be suspended until such time as the officer is satisfied as to its fitness.

LG(MP)A s68

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

LG(MP)A s68

29.3 Vehicles and drivers may be subject to spot checks carried out by authorised Officers.

LG(MP)A s68

29.4 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)

30. Operator Licences

30.1 An Operator 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

30.2 An operator can only use vehicles and drivers licensed by the same authority as the operator.

LG(MP)A s46

30.3 All bookings must be made through an operator with a fixed base holding the required operator licence (not through a mobile phone number).

LG(MP)A s55

BF(LC)

30.4 Under health and safety legislation, employer's liability insurance is required. Any premises that provide access to members of the public should also 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. The operator is responsible for ensuring that adequate liability insurance is in place. Insurance documentation should be available for inspection at any reasonable time by an authorised officer.

*LG(MP)A s55
BF(LC)*

31. Responsibility of Proprietor or Operator

31.1 The Council will hold the owner or proprietor of a Hackney Carriage or the owner or operator of a Private Hire vehicle responsible for the general condition and roadworthiness of the vehicle(s), and for ensuring that drivers are familiar with all conditions, legislation and byelaws regulating the operation of vehicles.

BF(G)

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

LG(MP)A s50

31.3 The Council will take into account the circumstances of each offence and how far the proprietor has carried out their obligations in deciding whether to take any action against the proprietor.

BF(G)

31.4 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:

- a) Time and date of booking
- b) Name of the hirer
- c) How the booking was made (e.g. telephone)
- d) Price quoted for booking
- e) Time of pick-up
- f) Point of pick-up
- g) Destination
- h) 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)*

31.5 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)

31.6 If the operator uses a computerised record system, at the end of each daily working period, hard copies of all records as required above must be printed and kept in accordance with the above.

BF(LC)

31.7 The operator shall also keep the following records of the drivers and vehicles operated by him, which should be kept available at the base for inspection by an authorised officer upon reasonable request:

- a) List of owner and all drivers of each licensed vehicle**
- b) Copy of vehicle licence for all vehicles operated**
- c) Copy of driver licence for all drivers operated**
- d) Copy of insurance certificate/cover note**
- e) Copy of vehicle inspection report/MOT**
- f) List of all radio call signs used with names of drivers.**

BF(LC)

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

LG(MP)A s56 (3)
BF(LC)

31.9 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, the operator should contact the customer and inform them of any delay.
- 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, and ensure that any waiting area provided by the operator has adequate seating facilities.
- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- The use of Citizen Band Radio transmitter/ receiver will not be permitted in a licensed vehicle.

LG(MP)A s55(3)
BF(G)

32. Suspension, Revocation or Refusal of Licences

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

BF(G)

Vehicle Licences

32.2 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

32.3 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

32.4 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

33. Appeals Procedure

33.1 Where a new or renewal licence application is refused, the applicant has a right of appeal to the Magistrates' Court, or to the Crown Court for Hackney Carriage vehicle licence applications. Where an existing licence is suspended or revoked, the

licence holder has a right of appeal to the 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

33.2 The applicant/licence holder may also within 21 days make an application to appeal to the Council's Licensing Appeals and Representations 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)

34. Return of Licences

Vehicle Licence

34.1 On the suspension, revocation or expiry of a vehicle licence, the proprietor must return the licence plate and screen sticker to the 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

34.2 On the suspension, revocation or expiry of a driver's licence, the driver must return the badge and licence to the 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

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

BF(LC)

35. Offences

35.1 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*

36. Seat Belts and Child Seats

36.1 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.

Motor Vehicles (Wearing of Seat Belts) Regulations 1982

36.2 Notwithstanding the 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)*

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

	Front seat	Rear seat	Who is responsible?
Child up to 3 years old	Correct child restraint MUST be used.	Correct child restraint MUST be used. If a restraint is not available in a licensed taxi/private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135cm in height (approx 4' 5") (or 12th birthday, whichever they reach first)	Correct child restraint MUST be used.	Where seat belts are fitted, the correct child restraint MUST be used. The child must use an adult belt if the correct child restraint is not available as follows: - in a licensed taxi or private hire vehicle; or - for a short distance in an unexpected necessity; or - two occupied child restraints prevent fitment of a third. A child 3 years and over may travel unrestrained in the rear seat if seat belts are not fitted in the rear.	Driver
	Front seat	Rear seat	Who is responsible?
Child over 135cm in height (approx 4' 5") or 12 or 13 years old	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Driver
Passengers aged 14 years old and over	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Passenger

37. Complaints

37.1 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)

38. Service Standards

38.1 Within 2 clear 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
- notify you when documents, badges and plates are ready for collection; or
- advise you of the reason for a delay or, in some cases, the reason for refusal.

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

38.3 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)

38.4 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.

BF(G)

38.5 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 Magistrates' Court within 21 days of that application of the condition.

BF(G)

How to contact the department:

If you have any queries about an application or licensing matter, it is recommended that you contact the Customer Service Centre in person, by phone or by email. In the vast majority of cases they will be able to answer your queries, but if not then they will make arrangements for you to speak to a member of staff best able to deal with your enquiry.

Visit: Environment, Culture & Communities Reception at Time Square, Market Street, Bracknell. The offices are open from 8.30 am to 5.00 pm Monday to Friday.

Telephone: 01344 352000

Email: licence.all@bracknell-forest.gov.uk

Write to:

Licensing Section
Environment, Culture & Communities Department
Time Square
Bracknell
RG12 1JD

**Guidance on the Relevance of Criminal Records
in respect of Applicants for Driver or Operator Licences**

Unless otherwise specified, all applicants must complete a Criminal Records Bureau application form prior to the grant of a licence and then every three years or as requested by the Licensing Section.

All past convictions will be considered against the following guidelines and other relevant guidance. Examples of the relevance of past convictions in relation to the grant, renewal, suspension and revocation of driver and operator licences 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. Where multiple convictions of a similar type have occurred, a minimum period of five years free from conviction may be required.

1. Minor traffic offences

Convictions for minor traffic offences (eg obstruction, waiting in a restricted street or speeding) 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 two years should merit a refusal. No further application should be considered until a period of three years from the last conviction has elapsed.

3. Intoxication through use of alcohol or illegal drugs

Offences related to use of motor vehicle

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

Where there is a recent conviction for this type of offence, the application will be refused. At least three years should elapse (after the restoration of the DVLA driving licence) before the applicant will be considered for a licence. Applicants may also be required to undergo a special medical examination. If an applicant is found to be an alcoholic or dependant on illegal drugs, or where there is more than one conviction of this type, a period of five years from completion of treatment or restoration of the licence should elapse before a further application is considered.

Offences not related to use of motor vehicle

An isolated conviction for drunkenness need not debar an applicant from being granted a licence. However, more than one conviction for drunkenness could indicate a medical problem necessitating a special medical examination. In some cases, a warning may be sufficient.

An applicant with a conviction for a drug-related offence will be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if they were dependant on illegal drugs.

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 five years has elapsed from the expiry of any sentence.

6. Dishonesty

Applicants with a single conviction for a minor incident will be refused until there has been one year free from conviction. Applicants with two convictions for minor incidents will be refused until there has been three years free from conviction. Applicants with more than two convictions for minor incidents or one or more convictions for a significant act of dishonesty will be refused until there has been five 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, when the period commences from the date of release from imprisonment.

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.
- 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.
- Offer the use of a swivel seat (if you have one).
- 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 their 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 them 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 or 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 their 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, such as a 24-hour petrol station.

Recording of 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 an authorised officer has committed an infringement will be issued with a notice as shown on the following page.

The licence-holder has a right of appeal in writing to the Director of Environment, Culture & Communities 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 12 or more points are issued to a licence holder within a 12-month period, a report may be submitted to a meeting of the Licensing Panel for a decision to be made on whether the licence should be suspended or revoked. 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 ongoing basis.

BRACKNELL FOREST COUNCILLicensing Section, Time Square, Market Street,
Bracknell, RG12 1JD 01344 352000

Contraventions	Points	✓	Contraventions	Points	✓
<i>Unlicensed vehicle</i>	12		<i>Unlicensed driver</i>	12	
<i>No valid insurance</i>	10		<i>No valid MOT</i>	10	
<i>Failure to display plate or stickers</i>	6		<i>Failure to display driver badge</i>	6	
<i>Hackney left unattended on rank</i>	4		<i>Contravention of Stop Notice</i>	6	
<i>Private Hire parked on rank</i>	4		<i>Private Hire plying for hire</i>	12	
<i>Failure to notify conviction, caution or fixed penalty notice</i>	6		<i>Failure to notify change of details</i>	4	
<i>Behaving in a disorderly manner</i>	4-12		<i>Use of hand held phone</i>	6	
<i>Illegal tyres or other C&U regulations</i>	6		<i>Overcharging</i>	6	
<i>Vehicle cleanliness</i>	4		<i>Horn misuse</i>	4	
<i>Smoking in vehicle</i>	6		<i>Using bus lane</i>	4	
<i>No Smokefree signage</i>	4		<i>Failure to notify accident</i>	4	
Other:					

Plate no: Vehicle reg no:

Driver's name:

The contravention(s) above mean(s) that you have acquired points.

The vehicle must not be used until the contravention(s) above have been rectified and the vehicle is presented to a Licensing Officer by .../.../....

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.

Date: Officer:

**Enforcement Table
Town Police Clauses Act 1847**

Section	Offence
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**

Section	Offence
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**

Section	Offence
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
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

Section	Offence
	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

**CRITERIA FOR ADVERTISING ON
HACKNEY CARRIAGES**

1. *All advertisements must comply with the British Code of Advertising Practice, Sales Promotion and Direct Marketing and it is the responsibility of the agency or individual seeking the Council's approval to ensure that they do so.*
2. *Each application will be considered on its merits, but advertisements containing the following will not be approved:*
 - a) *Those with political, ethnic, religious, sexual or controversial texts;*
 - b) *Those for escort agencies or massage parlours;*
 - c) *Those displaying nude or semi-nude figures;*
 - d) *Those which seek to involve the driver as an agent of the advertisers;*
 - e) *Those likely to offend public taste (including material depicting bodily functions and the use of obscene or distasteful language);*
 - f) *Those which seek to advertise more than one company.*
3. *All advertisement liveries must be approved by the Council and proposals must be accompanied by full colour, three-view art work.*
4. *The hackney carriage may be required to attend the Council offices for inspection of the finished livery.*
5. *The bodywork of the hackney carriage must be maintained in good condition. If any panels on the vehicle are damaged, they must be replaced within 7 days.*
6. *No secondary advertising of any kind will be permitted, whether in the form of the logo of the company preparing the vehicle or the name of the advertising agency.*
7. *No logos or words will be allowed on the boot lid area.*
8. *If approved, the livery may remain on the vehicle for a period of one year. At the end of that year, the vehicle owner may apply for an extension for a further 12 months which may be granted subject to an inspection of the quality of the livery and bodywork. This would be subject to a renewal application process and fee.*

LICENSING AND SAFETY COMMITTEE 5 FEBRUARY 2009

REVIEW OF STATEMENT OF GAMBLING PRINCIPLES (Chief Officer: Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1 Under the Gambling Act 2005, the Council is required to review and consult upon its 'Statement of Gambling Principles' every three years from the date of adoption. The present Statement of Gambling Principles was published on 31 January 2007 and therefore must undergo a review and be re-published on or before 30 January 2010.
- 1.2 The purpose of this report is to advise the Committee on a proposed timetable to ensure this legal requirement is met.

2 RECOMMENDATION

- 2.1 That the Committee notes the proposed timetable for the review as set out in paragraph 4.6.

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

- 3.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

4 SUPPORTING INFORMATION

- 4.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. The Statement of Principles ('the Statement') will last for a maximum of three years and can be reviewed and revised by the authority at any time.

- 4.2 The statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349. This includes the chief officer of police, persons who represent the interests of persons carrying on gambling businesses in the area and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 4.3 In addition it is recommended that consultation should be in accordance with Government best practice, including allowing 12 weeks for responses to the consultation. Whilst this is not a legal requirement, a failure to consult in an appropriate manner could be grounds for a subsequent legal challenge to the Statement.
- 4.4 Authorities must publish a notice of their intention to publish the Statement specifying the date on which the statement will be published, the date on which it will come into effect, and the address at where it may be inspected. This notice must be placed on the authority's website and on a public noticeboard at the principal office of the authority.
- 4.5 The regulations also stipulate that the Statement must be published at least four weeks before it takes effect.
- 4.6 To enable the Statement to be reviewed and published in accordance with the legislation, the following timetable is recommended:

23 April 2009	Report to Licensing and Safety Committee on proposals for consultation
24 April – 5 June 2009	Internal consultation
15 June – 7 Sept 2009	Public consultation
30 September 2009	Report to CMT on consultation responses received with Draft Statement for comment and approval
1 October 2009	Report to Licensing and Safety Committee on the consultation with Draft Statement for comment and approval
20 October 2009	Report to Executive for approval to take Draft Statement to Full Council
25 November 2009	Draft Statement to Full Council
21 December 2009	New Statement published
30 January 2010	New Statement comes into force

Background Papers

Statement of Gambling Principles (January 2007)

Gambling Commission Guidance to Licensing Authorities (June 2007)

Contact for further information

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INFORMATION ITEM

LICENSING AND SAFETY COMMITTEE 5 FEBRUARY 2009

CHANGES TO LICENSING ACT 2003 (Chief Officer: Environment and Public Protection)

1 INTRODUCTION

- 1.1 There are currently two draft legislative reform orders laid before Parliament which are associated with the Licensing Act 2003. They relate to a proposed new procedure for dealing with applications for minor variations to premises licences and club premises certificates, and the proposed removal of the requirement for a designated premises supervisor for community premises which sell alcohol.
- 1.2 Both proposals have been subject to public consultation and feature in the Department for Culture, Media and Sport's current Simplification Plan.
- 1.3 If the orders are not rejected, they will come into effect on 6 February 2009. Licence holders will be notified of the changes through the annual newsletter, which will be sent out to all licensed premises in April 2009.

2 SUPPORTING INFORMATION

Minor Variations

- 2.1 At present, even minor variations (such as removal of a redundant condition where all parties are in agreement) require a full variation application entailing the right of statutory agencies and local residents to comment. The proposal is to introduce a new procedure to make minor variations to premises licences and club premises certificates under the Licensing Act 2003.
- 2.2 This new procedure will avoid the need for public notices and copying of applications to responsible authorities. The proposed fee for this type of application is £73.
- 2.3 An example of a minor variation application might be addition of performance of dance as a licensable activity, where a premises is already authorised to have live and recorded music.
- 2.4 The following types of application would still need to be made under the full variation procedure:
 - extending the period for which a licence has effect
 - varying substantially the premises to which it relates
 - specifying an individual as the premises supervisor
 - adding the sale or supply of alcohol as a licensable activity
 - authorising the sale or supply of alcohol at any time between 11pm and 7am, or an increase in the amount of time on any day during which alcohol may be sold or supplied, or

- including the new alternative licence condition for community premises.
- 2.5 The Licensing Authority will be responsible for consulting those responsible authorities it considers appropriate, and must take their comments into account when determining the application. Licensing officers will have effectively sixteen working days from receipt of the application to make a determination. If the authority fails to determine the application within that time period, the application is deemed to have been rejected and it must be returned together with the fee. The authority and the applicant may agree instead for the application to be treated as a new minor variation application, giving another fifteen working days for determination.
- 2.6 If the authority considers there would be no adverse effect on the promotion of the licensing objectives by the proposed variation(s), it must grant the application. If the view is the proposed variation(s) would have an adverse effect, the application must be rejected and the applicant must either submit a formal, full variation application or a new, amended minor variation application with a further fee.

Removal of requirement for DPS at community buildings

- 2.7 Currently, all premises licences which authorise the sale of alcohol contain mandatory licence conditions which require there to be a designated premises supervisor, who must hold a personal licence. It is believed that these mandatory licence conditions are disproportionate to the risk associated with community premises, and that the legal liabilities associated with being a premises supervisor can deter volunteers from working in management roles at such premises. Community premises are defined in the Act as a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building.
- 2.8 In future, management committees which apply for premises licences for community premises will be able to ask for an alternative licence condition to be included in their licence rather than the existing mandatory conditions in section 19(2) and (3) of the Licensing Act 2003, which requires there to be a designated premises supervisor who holds a personal licence to sell alcohol. The new alternative condition is that every supply of alcohol under the premises licence must be made or authorised by the management committee, which is a committee or board of individuals with responsibility for the management of the premises.
- 2.9 A licensing authority must include the alternative licence condition, unless it feels after a hearing that the crime prevention objective would be undermined and therefore a premises supervisor should be named instead. The licensing authority must be 'satisfied that the arrangements for the management of the premises by the applicant are sufficient to ensure adequate supervision of the supply of alcohol on the premises'.
- 2.10 For existing licences, management committees may apply for the licensing authority to vary their licence to disapply the mandatory conditions, which would lead to automatic inclusion of the alternative licence condition. Only the police may make representations, when they are satisfied that the alternative condition would undermine the crime prevention objective. The fee for a variation application of this type is likely to be in the region of £23.
- 2.11 The mandatory conditions may be re-applied on review of the licence if there are concerns over the promotion of any of the licensing objectives.

3 IMPACT ASSESSMENT

3.1 There are no implications arising from this report.

4 STRATEGIC RISK MANAGEMENT ISSUES

4.1 There are no strategic risk management implications arising from this report.

Background Papers

The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 [Explanatory Document by the Department for Culture, Media and Sport]

The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c) Order 2009 [Explanatory Document by the Department for Culture, Media and Sport]

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