



NOTICE OF MEETING

Licensing and Safety Committee

Monday 8 February 2010, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: Licensing and Safety Committee

Councillor Brunel-Walker (Chairman), Councillor Mrs Ryder (Vice-Chairman), Councillors Mrs Angell, Baily, Mrs Barnard, Beadsley, Brossard, Burrows, Finch, Leake, Osborne, Phillips, Thompson and Virgo

cc: Substitute Members of the Committee

ALISON SANDERS
Director of Corporate Services

EMERGENCY EVACUATION INSTRUCTIONS

- 1 If you hear the alarm, leave the building immediately.
- 2 Follow the green signs.
- 3 Use the stairs not the lifts.
- 4 Do not re-enter the building until told to do so.

If you require further information, please contact: Liz Sanneh
Telephone: (01344) 352233
Email: liz.sanneh@bracknell-forest.gov.uk
Published: 16 February 2010



**Licensing and Safety Committee
Monday 8 February 2010, 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 1 October 2009.	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. Draft Health and Safety Law Enforcement Plan 2010-2011 To receive a report on the draft Health and Safety Law Enforcement Plan	7 - 16
6. Age of Vehicle Policy To receive a report and discuss the proposed clarification of the Age of Vehicle Policy	17 - 32
7. Review of guidance notes To consider the legal requirements, licence conditions and guidance given to the Hackney carriage and private hire trade	33 - 68
8. Recommendations from Taxi Survey To receive a progress report on the recommendations from the taxi survey	69 - 78
9. Fees and Charges To receive a report on fees and charges	79 - 92

10. **Bracknell Licensed Taxi Forum**
To receive updates on the Bracknell Licensed Taxi Forum meetings 93 - 108
11. **Licensing Enforcement Protocol**
To receive and note a report on Licensing Enforcement Protocol 109 - 112
12. **Update of Review of Gambling Policy**
To note an update of the Review of Gambling Policy 113 - 114
13. **Date of next meeting**
The next meeting of the Licensing and Safety Committee is scheduled for Thursday 29 April 2010.

This page is intentionally left blank



LICENSING AND SAFETY COMMITTEE
01 OCTOBER 2009
7.30 - 9.18 PM

Present:

Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman), Mrs Angell, Baily, Mrs Barnard, Brossard, Burrows, Finch, Leake, Osborne, Thompson and Virgo

Apologies for absence were received from:

Councillor Ms Wilson

12. Declarations of Interest

There were no Declarations of Interest.

13. Minutes

RESOLVED that the minutes of the meetings of the Committee held on 2 July 2009 be approved and signed by the Chairman.

14. Urgent Items of Business

There were no urgent items of business.

15. Review of Statement of Gambling Principles

The Chief Officer: Environment and Protection reported on the results of a consultation on gambling principles and made recommendations on a revised Statement of Gambling Principles, which had been circulated with the Agenda papers. He told the Committee that about 300 individuals and organisations had been consulted, but only eight responses had been received. Seven responses had given no comments. The eighth had been from GamCare, and their comments had been noted and taken into account when revising the Statement of Gambling Principles.

The Chairman invited questions, but there was none. The Chairman thanked the Chief Officer and his team for their hard work and moved to the recommendation.

It was unanimously **RESOLVED** that:

the Committee note the result of the consultation and recommend to the Executive that the Council adopt the revised Statement of Gambling Principles with effect from 30 January 2010.

16. Bracknell Forest Taxi Unmet Demand Survey

The Chairman explained to the meeting that the Chief Officer: Environment and Safety would introduce this item, then Paul Beecham from TPI would give a presentation on the survey. After this, Mr John Yexley representing GMB and

Bracknell Licensed Taxi Forum would speak. Questions of clarification would be allowed after each speaker.

The Chief Officer introduced the report, which had been circulated. He indicated that this report had been difficult to write as it was a finely balanced matter. In writing the report, and making the recommendations, he had had regard to Government guidelines and the fact that the result of the survey had been that there appeared to be no unmet hackney carriage demand in Bracknell Forest. The trade position was set out in the papers and drivers had made representations for a limiting policy. Their argument was around protecting the quality of the existing fleet by ensuring that the drivers had a living wage without having to work excessive hours. They believed it would be in the public interest to restrict trade. The Chief Officer's recommendation was not to limit the number of hackney carriage licences.

Councillor Virgo asked whether the current economic recession had been taken into consideration, and agreed that any decision must be in the best interest of the public. The Chief Officer confirmed that the recession had been taken into account.

Paul Beecham from Transport Planning (International) Ltd (TPI) gave a presentation about the key areas of the Unmet Demand survey for Bracknell Forest which his consultancy had undertaken for the Council. The report had full details of the survey, and this had been circulated with Agenda papers. He told the meeting that TPI had undertaken over 100 surveys of this kind in recent years, and always took into account Government guidance. The methodology for the study was taken from Government advice, first taking a background review of Bracknell Forest transport and then surveying stakeholders, conducting on-street interviews, and a total of 307 hours observations of taxi ranks in the Borough. Results from these activities had been taken and analysed, and compared with studies which had been conducted elsewhere. In cases where unmet demand was confirmed, a modelling exercise would be undertaken to make recommendations to meet demand, but this was unnecessary in Bracknell Forest's case.

Mr Beecham highlighted some of the findings of the survey:

- There were three very busy taxi ranks in Bracknell Forest – the train station, the bus station, and the British Legion. Passenger delays at these ranks were insignificant, and cab drivers waiting for fares at ranks was on average about 20 minutes.
- There was one hackney carriage for every 1300 people within Bracknell Forest; the average was one per 1600 people in other boroughs.
- The public attitude to hackney carriages was generally happy, and issues were not raised. Those surveyed were considered a representative sample of the Bracknell Forest population.
- Main deterrent to using taxis was cost, with many preferring to use their own cars or to use buses.
- Suggested improvements included lower fares (the most common response) followed by customer care.

The survey had struggled to find enough respondents in wider consultation. Fifty different organisations had been approached, but fewer than 10 responded. Amongst these had been transport operators, hotels, pubs, disability groups, police, students, and ethnic minority groups in the hope of getting a good mix of views. Follow-up phonecalls, visiting and forum attendance had been unproductive. This lack of response was not typical in his experience nationally. A questionnaire was also sent to over 300 taxi drivers, but only 25 responses were received. The view of most

responding stakeholders was that they were happy with current provision. Hackney drivers felt that there was a reduction in demand. The group engaging most were the disability community, particularly wheelchair users, whose main concerns were around lack of customer care.

From the survey analysis, TPi concluded that the weight of evidence suggested there was no unmet demand for hackney carriages in the borough.

Mr Beecham explained that the aim of TPi is to produce an objective independent report for the client and that based on Government guidance that no limit need be made to the number of licences. Limitation is considered a blunt instrument and does not allow flexibility, but does give the Council control. An alternative way would be to limit through quality standards, which some councils had done very effectively.

The Chairman thanked Mr Beecham for the comprehensive, thorough and detailed report and invited clarification questions.

Councillor Leake commended Mr Beecham for the very good report which was easy to read and understand, and asked for clarification about the observations at the taxi rank. In response, Mr Beecham told the meeting that at the inception meeting his consultancy had taken advice from the licensing officers about the number of hours of observation to be given to each of the tax ranks, and that this was a tried and tested method for surveys.

Councillor Leake then asked for clarification about the groups consulted, and about people who did not want to respond. Mr Beecham informed the meeting that the “no response” category had been made up of those who did not wish to take part in the survey and those who saw no need because they were content with the status quo.

Councillor Thompson observed that there had been a lot of activity around the three main ranks, and wondered what the conclusion of the study might have been without these three. Mr Beecham indicated that his understanding was that drivers at the three main ranks, when not busy, would trawl round all the ranks in town to check that no passengers were waiting there. In all over the period of observation there were 3781 passengers and 4578 taxis departing from the ranks.

Councillor Brossard was surprised by the low taxi driver response, and asked whether the same follow-up process was used. Mr Beecham explained that they had spoken to 25 taxi drivers and six operators to represent the trade view.

Councillor Ryder asked about the phrase on p.133 “collective promotion of services” and Mr Beecham said TPi suggested encouraging joint working between licensing officers and the trade, to promote availability and the role of taxis; this can increase demand for the trade. He gave an example of the Quality Taxi Partnership in Basildon, Essex, and reported that this was a best-practice scheme which included giving customer service training to taxi drivers to improve the service, and it had resulted in increased trade there.

Councillor Finch asked for clarification on latent demand, and was told that this group consisted of those who would in theory choose to use taxis against current alternatives, but were currently choosing to do something else – eg using own car or buses.

The Chairman then introduced Mr John Yexley, representing 66 GMB members and the Bracknell Licensed Taxi Forum. He was the first public speaker to take the floor at a Bracknell Forest Licensing and Safety Committee meeting.

Mr Yexley asked the meeting, on behalf of those he represented, to impose a limit on hackney carriage licences, not from greed or exclusion, but to give a good service to the public and for the taxi drivers to make a living wage. He told the meeting that the Government's decision to impose on hackney carriages the accessibility rules for wheelchairs which private hire vehicles are not subject to had increased significantly the cost of buying and servicing hackney carriages. Added to this increased cost, some other customers had now chosen to use PHV rather than hackneys because the height of vehicle necessary for wheelchair adaptation meant that it was now too high for some elderly and infirm customers to access with ease. There had also been an upsurge in online shopping which meant a further reduction in trade. He had read the TPI report, and drew members' attention to the fact that there was no discernible unmet demand, that the number of hackney carriage licences currently held was adequate, and if a limit were imposed, it would safeguard drivers' livelihoods, and would help operators and customers alike. Currently Bracknell Forest drivers needed to work 12 hours per day and six days per week in order to raise an income of £250 after allowing for buying, running, and servicing costs for their vehicles. A limit for the next three years would secure viability and an excellent service. In response to questions, Mr Yexley indicated that

- Hackney carriages were compulsorily required to be accessible to wheelchairs
- The additional height made it difficult for others to get in and out of the carriages
- Saloon cars used by PVH were much cheaper because they did not need to be purpose-built for wheelchair accessibility, and thus these drivers were able to take more business; hackney carriages which were accessible had to be bought new, generally, whereas previously it was possible to buy a good car with low mileage on the second-hand market
- An estimated 80% of the trade operates out of the three most popular ranks at present

The Chairman ascertained that there were no further questions for Mr Yexley, and thanked him for his speech. He invited officers to add anything necessary before discussing the recommendations in detail.

The Senior Assistant Solicitor told the meeting that there was a discretion open to the Committee and Council to adopt the recommendations contained in the report, and suggested that the purpose of the item on the Agenda was to look at the two distinct recommendations offered by the Chief Officer.

Councillor Virgo asked whether it would be possible to impose a limit now, but at a later date when the economic situation improved, to rescind it to get increased numbers of licence-holders.

The Senior Assistant Solicitor agreed that this was possible and that the trade would need to be consulted about this as opposed to conducting another survey to determine unmet need.

Councillor Virgo felt strongly that we needed a vibrant town and vibrant people, and it is important for the Committee and Council to back the trade when they need help. The members should be mindful of public need and choice, and this included viable taxi trade.

Councillor Brossard felt there was a need to discuss what the limit should be, and Councillor Thompson raised the question of taxi provision to and from Broadmoor

Hospital. Mr Yexley assured the meeting that concerns about taxis to and from Broadmoor Hospital would be addressed as part of the recommendation in the report.

In response to a question from Councillor Leake, discussion followed about the possibility of imposing a limit now which, if the economic situation improved, could be rescinded. This would be possible within the next three years, but after that, a further study of unmet demand would need to be made.

The Chairman summed up the discussion, saying that there was a finely balanced decision to be made, with some unresolved factors, and the possibility of latent demand. If the number of hackney carriage licences were to be capped, for how long should it be done and at what number? He suggested amending recommendation 2.1, to allow time for investigation into other aspects such as quality partnership, and in order to protect the licensed trade balancing this with the needs of community. An amended recommendation would impose an interim limit to allow officers to go away and work with the trade, and report to the next meeting with a set of specific recommendations. The Chairman's proposal would stop the issue of any further licences until at least 4 February 2010 to enable the committee to benefit from more information and time to make a considered decision, and also give the trade some protection.

The Chairman proposed that the committee "introduce an immediate freeze on any new hackney carriage licences to allow the trade and officers to work further together around the issues raised in relation to the trade; and that a further report be brought to the next meeting of this committee. This proposal is considered to be in the best interests of the trade and the public."

The Chairman proposed the motion, seconded by Councillor Leake and was carried unanimously.

It was **RESOLVED** to introduce an immediate interim freeze on any new hackney carriage licences to allow the trade and officers to work further together around the issues raised in relation to the trade; and that a further report be brought to the next meeting of this committee. This proposal was considered to be in the best interests of the trade and the public.

17. **Date of next meeting**

Thursday 4 February 2010 at 7.30 pm.

CHAIRMAN

This page is intentionally left blank

LICENSING AND SAFETY COMMITTEE 8 February 2010

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2010-11 (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 2 July 2009. The purpose of this report is to provide members with an opportunity to comment on the draft Health and Safety Enforcement Plan for 2010-2011 prior to the final version the Committee will receive later in the year. The Work Plan for Health and Safety Law Enforcement 2010-2011 (Appendix A) is in the process of being re-drafted and sets out a framework for the Council's plan for health and safety in line with direction from the HSC and the Health and Safety Executive (HSE).
- 1.2 The plan is required to comply with Section 18 of the Health and Safety at Work etc Act 1974 to ensure that national priorities and standards are delivered effectively and consistently at a local level.

2 RECOMMENDATIONS

2.1 That DMT:

- (a) notes the timescales for the production of the final Health and Safety Law Enforcement Plan 2010-2011 and
- (b) comments on the contents of the draft Enforcement Plan (Appendix A).

3 ADVICE RECEIVED FROM STATUORY AND OTHER OFFICERS

3.1 Borough Solicitor

The Borough Solicitor is satisfied that the relevant legal provisions are contained within the body of the report.

3.2 Borough Treasurer

The Borough Treasurer is satisfied that no significant financial implications arise from this report.

3.3 Impact Assessment

The plan targets premises based on history of risk and identified need where issues of equality may arise, then special provision is made to help as may be necessary. An initial equalities impact assessment is attached in appendix B. The activity is regulatory and the equalities impact assessment was covered by the overarching document entitled Enforcement Policy 2008 which was reported to the Executive on 18 November 2008.

3.4 Strategic Risk Management Issues

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

3.5 Head of Trading Standards and Licensing

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 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 2009 the Borough had 1932 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 2 July 2009 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 2009-2010. 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 261 of these inspections were carried out. Additionally all new 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 2009-10

Contact for further information

David Steeds, Head of Environmental Health - 01344 352530
david.steeds@bracknell-forest.gov.uk

Doc ref

G:\SECS1\LICENSING & SAFETY COMMITTEE\2010\January\H&S Law Enforcement Plan 2010-11.doc

APPENDIX A

HEALTH & SAFETY ENFORCEMENT PLAN 2010/11

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 160 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 2011
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 2011
Respond to and investigate workplace accidents and reports of poor working practices and conditions	To ensure that effective investigations are carried out for 100% of notifications and to take prompt action to improve conditions and reduce likelihood of injury recurring. Examine local trends in accidents reports.	March 2011
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 2011

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 2011
Slips and Trips at leisure centres	5 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 2011
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 20 hairdressing premises and further seminar for those in flower industry followed by 10 flower sales premises. Dermatitis among KP staff in 15 catering premises where main duties involve wet work.	March 2011
Legionella	Identify high risk sources and raise awareness with 15 duty holders at leisure centres, garden sales premises, spa venues, golf clubs. Aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2011
RIDDOR – Under-reporting	Evidence of same organisations reporting. Carry out publicity campaign targeting businesses, health care professionals and injured people on reporting accidents. Incorporate awareness raising at all relevant visits.	March 2011
Construction	A Berkshire-wide project aims at designing out problems in premises such as slip and trip hazards at the design stage by informing designers and architects working in the Borough. To be targeted using the building control and planning lists.	March 2011
Noise at Work in Pubs and Nightclubs	Increase awareness of regulations at clubs and bars playing live and recorded music. Evaluation of impact in 5 . Aim is to improve overall H&S score for 20% premises by ensuring legal compliances and adopting best practice.	March 2011

Task	Outcome	By when
Special Treatments	Continue to provide specialist advice for the Licensing section and for businesses on 100% new applications and renewals. Following underage sales initiative, assess levels of management control in 10 premises offering sun-bed use and implement interventions as appropriate ensuring legal compliance and adoption of best practice.. Assess levels of management control in 10 premises offering nail treatments and implement interventions as appropriate ensuring legal compliance and adoption of best practice.	March 2011
Smokefree	Continue to monitor for compliance at all premise visits and respond to 100% complaints and enquiries.	March 2011
Stress Management	Initial work to identify leaders implementing management standards for work-related stress. Identify and work with 1 local service industry to encourage adoption of methods to manage risk. Aim is to improve overall H&S score by ensuring legal compliance and adopting best practice.	March 2011
Asbestos – Duty to Manage	Raise at all relevant visits. Likely to result in some enforcement to secure improvement.	March 2011
Animal Establishments	To inspect 10 premises for compliance with health and safety legislation and relevant licence conditions as part of licence renewal.	March 2011
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.	March 2011
Taxi Inspections	To conduct at least two joint enforcement agency inspection involving VOSA, Social Security, Customs and Excise and Thames Valley Police to check safety of licensed vehicles.	March 2011
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 2011

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 2011
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 2011
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 2011
To provide training in Risk Assessment (CIEH Accredited course)	One low cost course aimed at small businesses in Risk Assessment (CIEH Accredited)	March 2011

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 2011
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 2011

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 2011
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 2011
Complete Monthly Performance Assessments	Report on quality and consistency of the Commercial Team's work and review as necessary	March 2011
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 2011
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 2011

APPENDIX B Equality Impact Assessment Record

Date of EIA 2 July 2009
Directorate Environment Culture & Communities

Initial Screening Record		Step 1/2
Activity to be assessed	Health and Safety Law Enforcement Plan 2009-10	
What is the activity?	<input type="checkbox"/> Policy/strategy <input checked="" type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
Is it a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	
Aim / objective / purpose of the activity – who is the activity designed to benefit/target?	<p>The Council is required by 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.</p> <p>The plan sets out how the Council intends to comply with those obligations and in so doing mitigate against the risk of an adverse inspection report from the external monitoring body the Health and Safety Executive followed by possible intervention and surcharge.</p> <p>The activity is regulatory and the Equality Impact Assessment in relation to the plan was covered by the overarching document “Enforcement Policy, 2008 which was reported to the Executive on 18 November 2008. The purpose of the enforcement policy is to set a framework for enforcement action in the Environment and Public Protection Division which includes the Health and Safety Law Enforcement Plan.</p>	
Who is responsible for the activity?	The person/section/team responsible for this policy/function is: Overwrite with name of individual, section or team	
Did Step 1: Initial Screening indicates that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed therefore record ends here.	

LICENSING AND SAFETY COMMITTEE 08 FEBRUARY 2010

AGE OF VEHICLE LICENCE CONDITION (Chief Officer: Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1. The Council has an Age of Vehicle licence condition with discretion to continue to license a vehicle beyond the age limit where the vehicle is in “exceptional condition” **and** has travelled an” abnormally low mileage.”
- 1.2 In November a Hackney Carriage owner appealed to the Magistrates’ Court against the Council decision to revoke a licence upon our Age of Vehicle condition. The Magistrates’ Court, in upholding the appeal, commented that there was a lack of clarity of the terms “exceptional condition” and “abnormally low mileage” within the relevant licence condition. Taking these comments into account officers have sought to give greater clarity on these terms so that there is more transparency for the taxi trade, officers and members when such decisions are called upon to be made in the future.

2 RECOMMENDATIONS

That the Committee

- (i) **formally authorise the consultation process to define the terms “exceptional condition” and “abnormally low mileage” which are included within the Age of Vehicle licence condition for hackney carriages and private hire vehicles.**
- (ii) **adopt annex 4 to this report as the initial consultation document**
- (ii) **Following completion of the consultation to end on the 5 April a report to be brought to the next Licensing and Safety Committee on the 29 April summarising the results of the consultation together with a recommendation to consider.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The Borough Solicitor is satisfied that the relevant legal provisions are contained within the body of the report.

Borough Treasurer

- 3.2 The Borough Treasurer is satisfied that no significant financial implications arise from this report.

Equalities Impact Assessment

- 3.3 There are no equalities impacts identified within this report.

Strategic Risk Management Issues

- 3.4 The Council has an age condition which, according to a bench of Magistrates, lacks clarity on the terms “exceptional condition” and “abnormally low mileage”. There is a risk that another court will reach the same conclusion and uphold an appeal by a taxi owner. This will incur costs awarded against the Council, and leave the Council with an age condition introduced to protect the interests of consumers that is no longer viable or enforceable.

4 SUPPORTING INFORMATION

- 4.1. The Council has had an age of vehicle condition for hackney carriages and private hire vehicles for a number of years. This condition was introduced to ensure that customers travel in vehicles that provide a high standard of safety, reliability, comfort and appearance. In recent years a further important factor has been CO₂ emissions from vehicles and taxis which given their high mileage are a major contributor. Regular replacement helps to reduce these emissions due to frequent advances in emission technology.
- 4.2. The current Age of Vehicle condition was agreed by the Hackney Carriage Sub Committee at its meeting on 2 December 1998. The condition is contained within the Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers as follows

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 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.

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.

- 4.3 A vehicle owner may apply for an extension to officers who have delegated authority to grant such an extension where they are of the view that the vehicle meets the “exceptional condition” and “abnormally low mileage” criteria. An officer would examine the vehicle and make a decision based upon their knowledge and experience of the condition and use of licensed vehicles within Bracknell Forest. If officers reject the application there is an appeal process to the Licensing Panel. The case in question heard by Magistrates had gone through this process.
- 4.4. This condition was the subject of examination by East Berkshire Magistrates on the appeal case. After hearing evidence from the Council and the Applicant, the Court was of the opinion that the terms “exceptional condition” and “abnormally low mileage” within 10.2 were not clear in their meaning and understood by all parties concerned. In view of this the Court decided that they would uphold the appeal in favour of the taxi owner.
- 4.5. It is therefore essential that the term “exceptional condition” and “abnormally low mileage” are clearly defined when applied to hackney carriages and private hire vehicles when working within Bracknell Forest. Officers have drawn up a document (Annex 4) defining these terms as they could be used by officers, members and

vehicle owners in judging whether a vehicle is suitable to be granted an extension upon the age limit condition.

- 4.6. Annex 1 comprising of an accompanying letter and draft criteria was sent to all private hire operators and representatives of the Bracknell Licensed Taxi Forum on the 17 December to seek their views on the content and use of such a document. Responses were required to be received at this office by 15 January 2010 to be included within this report. Written responses to this letter are attached as Annex 2 and 3. After consideration of those responses and discussions with the Chairman a further document was drafted, Annex 4, which is the subject of the recommendation.
- 4.7. It is recommended by officers that the document attached as annex 4 is adopted by the Committee to initiate a formal consultation process with all owners of hackney carriages and private hire vehicles licensed within Bracknell Forest. Initial views and comments have been sought within the present process with the original document altered and officers are in continuing discussions with members of the BLTF on clarification of the content of the document. It is proposed that the formal consultation process shall start prior to the 22 February and close on the 5 April to enable sufficient time for full views to be sought with all possible persons that maybe affected and a report prepared to be brought back to this committee on the results at its meeting on the 29 April.

Background Papers

Limitation on Vehicle Age – Hackney Carriage Sub-Committee 2 December 1998.

Contact for further information

Robert Sexton, Heading of Trading Standards and Licensing, 01344-352000

Robert.sexon@bracknell-forest.gov.uk

Doc Ref

G:\SECS1\LICENSING & SAFETY COMMITTEE\2010\February 2010\Age of Vehicle Condition Recommendation.doc

This page is intentionally left blank

Our ref: LN/199800270

17th December 2009

Mr John Patrick Yexley
Lympstone
Broad Lane
Bracknell
RG12 9BX



Dear Mr John Patrick Yexley

Age Limitation on Vehicles

As you may be aware, the Council has an age limitation on vehicles to be used for Private Hire or Hackney Carriage purposes. This policy has been introduced to ensure that the vehicle provides safety, comfort, reliability and is of an appearance that is satisfactory to passengers. Additionally the environmental impact of car emissions is of growing concern to society and licensed vehicles travelling a high mileage have an increased impact. Regular replacement of vehicles incorporating reduced emission technology improves air quality for all.

At present the Council will consider licensing a vehicle beyond the age limit where the vehicle has done an abnormally low mileage and is in exceptional condition. Additional conditions may be applied to a licence where an extension is granted.

The terms "exceptional condition" and "abnormally low mileage" are not defined within our guidance notes and therefore have been the subject of much discussion between officers of the Council and the trade.

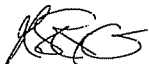
To ensure transparency, the Council would like to develop a set of standards for the terms "exceptional condition" and "abnormally low mileage". To start the process I have drawn up a document which is attached to this letter. I would invite your comments on the following:

1. Is the document comprehensive?
2. Are there any areas within the document which need further clarification?
3. Are the criteria for rejection reasonable and sufficiently robust?

Following the consultation your comments will be considered and, if appropriate, the document amended. A report will then be taken to the Licensing and Safety Committee with a recommendation that the document be included within the Guidance Notes and Conditions booklet and used as the basis for any future requests for an extension of the age limit. The next Licensing and Safety Committee meeting is set for 4 February 2010. I would therefore request that your response be received at this office by 15 January 2010.

I look forward to hearing from you.

Yours sincerely



R J Sexton
Head of Trading Standards and Licensing
enc

ENVIRONMENT, CULTURE AND COMMUNITIES

Bracknell Forest Borough Council, Time Square, Market Street, Bracknell, Berkshire RG12 1JD
T: 01344 352000 F: 01344 352555 Minicom: 01344 352045 www.bracknell-forest.gov.uk

Our ref: LN/199800253

17th December 2009

Mr Andrew Watson
38 Sylvanus
Great Hollands
Bracknell
RG12 8XX



Dear Mr Andrew Watson

Age Limitation on Vehicles

As you may be aware, the Council has an age limitation on vehicles to be used for Private Hire or Hackney Carriage purposes. This policy has been introduced to ensure that the vehicle provides safety, comfort, reliability and is of an appearance that is satisfactory to passengers. Additionally the environmental impact of car emissions is of growing concern to society and licensed vehicles travelling a high mileage have an increased impact. Regular replacement of vehicles incorporating reduced emission technology improves air quality for all.

At present the Council will consider licensing a vehicle beyond the age limit where the vehicle has done an abnormally low mileage and is in exceptional condition. Additional conditions may be applied to a licence where an extension is granted.

The terms "exceptional condition" and "abnormally low mileage" are not defined within our guidance notes and therefore have been the subject of much discussion between officers of the Council and the trade.

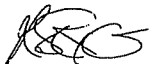
To ensure transparency, the Council would like to develop a set of standards for the terms "exceptional condition" and "abnormally low mileage". To start the process I have drawn up a document which is attached to this letter. I would invite your comments on the following:

1. Is the document comprehensive?
2. Are there any areas within the document which need further clarification?
3. Are the criteria for rejection reasonable and sufficiently robust?

Following the consultation your comments will be considered and, if appropriate, the document amended. A report will then be taken to the Licensing and Safety Committee with a recommendation that the document be included within the Guidance Notes and Conditions booklet and used as the basis for any future requests for an extension of the age limit. The next Licensing and Safety Committee meeting is set for 4 February 2010. I would therefore request that your response be received at this office by 15 January 2010.

I look forward to hearing from you.

Yours sincerely



R J Sexton
Head of Trading Standards and Licensing

enc

ENVIRONMENT, CULTURE AND COMMUNITIES

Bracknell Forest Borough Council, Time Square, Market Street, Bracknell, Berkshire RG12 1JD
T: 01344 352000 F: 01344 352555 Minicom: 01344 352045 www.bracknell-forest.gov.uk

“Exceptional Condition”

A vehicle will not be regarded as in “exceptional condition” where:

1. Evidence is not presented to the Council that the vehicle has been regularly serviced and maintained in line with the manufacturer's servicing schedule.
2. The exterior paintwork on the vehicle:
 - (a) shows signs of rusting
 - (b) is faded or shows signs of mismatched paint repairs
 - (c) has 5 or more stone chips greater than 2mm in length in any direction
 - (d) has 8 or more stone chips of any size
 - (e) has any scratches, cracks or abrasions where the top layer of paint has been removed.
3. The exterior bodywork of the vehicle:
 - (a) has 2 or more dents greater than 10mm in length in any direction
 - (b) has 4 or more dents less than 10mm in length in any direction
 - (c) has fittings that are missing, broken or damaged.
4. The seating and carpet areas of the vehicle show signs of:
 - (a) staining
 - (b) damp
 - (c) fraying or ripping of the material
 - (d) seat covers that are loose or badly fitted.
5. The seats are found to offer insufficient support for comfortable travel due to over compression or wear within the support mechanism.
6. Interior panels and fittings within the vehicle are damaged, show excessive wear, or are stained.
7. Wheels and wheel trims have significant damage which detracts from the overall excellent condition of the vehicle.
8. The engine compartment is in a dirty condition or there is evidence of leaks including water, oil or hydraulic fluids.
9. The vehicle is submitted for inspection in an unclean state such that an effective inspection is not possible.
10. The interior of the vehicle has damp or other obnoxious smells.

“Abnormally Low Mileage”

The Council will not be regarded as a vehicle as having travelled an abnormally low mileage in the following circumstances:

1. A vehicle intended for normal private use – a mileage in excess of 200,000 miles
or
2. a vehicle purposely built for use as a licensed vehicle with a mileage in excess of 300,000 miles.
or
3. A “prestige car” with a mileage in excess of 300,000 miles.

A “prestige car” is to be defined as an executive style vehicle with the following minimum requirements:

- a) Be a four door saloon motor car and not a hatchback
- b) Be not less than 14.9 ft (4470mm) in length
- c) The vehicle interior and exterior shall be of the very highest quality in design and use of materials available.
- d) Must have sufficient space for passengers and equipment in so much as:
 - (i) rear height (seat to roof, measured from point of contact between seat cushion and back of seat) - 36” (91cm)
 - (ii) depth of seat – 20” (51cm)
 - (iii) knee space – (back of seat squab) with front seats fully back – 29” (73.5cm)
- e) The vehicle should carry no more than:
 - (i) one passenger in the front;
 - (ii) three passengers in the rear, unless it is specifically designed or adapted to do so;
 - (iii) each rear seat passenger should have a minimum clear seat width for each passenger of at least 19” (48.2cm).
- f) The engine capacity must exceed 2 litres.
- g) The vehicle must not be designed or adapted for off road purposes.
- h) The vehicle must not be designed or adapted as a personnel carrier, mini bus, people mover or other like vehicle.

Examples of vehicles that might be regarded as “prestige” would include:

Mercedes E and S Class
BMW 7 Series
Lexus 400
Audi A8

Those vehicles likely to be excluded:

Mercedes C Class
Audi A4
BMW 5 Series
Volvo S40

04 JAN 2010

100A Fernbank Rd

Ascot

Berks

SL5 8J5

28/12/09

Dear Sir

I have a couple of Questions About Prestige Car

Section:

I drive a Saab 95 1.9 Diesel on Corporate work ^{and} have never had any problem with my customers does this mean I will not be able to use my car when it needs servicing in May 10

also you say a) "Be a four door saloon motor car and not a hatchback". Well I beg to differ as the Skoda Superbe is a new model which is ideal for my work I think this car should be allowed as it is a clever car which incorporates a hatch + boot please look before you set your list

P. Allen

Pauls²⁵ airport Cars.

Ascot.

This page is intentionally left blank

From: "Mick Hildreth" <mick.hildreth@gmbpdb.org.uk>
To: <robert.sexton@bracknell-forest.gov.uk>, "Laura Driscoll" <Laura.Drisc...>
Date: 18 January 2010 21:21
Subject: FW: Age Limitation on Vehicles

CC: <Johnjyexley@aol.com>, "Andy Watson" <zuluwatson@ntlworld.com>, <brend...>
Dear Rob,

Further to the communication between yourself and the GMB PDB Bracknell Section Representative John Yexley, I would like to ask that as this issue is not highly important that it is not included in the next committee report. This would enable our union to discuss this issue with you and your officers and allow consultation to take place between the council and our Union. We will have to object to this issue at this time as we do not believe that the full and proper consultation has taken place on this issue and also the current document is not reasonable in our Unions opinion.

I look forward to your reply.

Kind regards

Mick Hildreth
Branch Secretary
GMB P39 Southern Region Professional Taxi Drivers Branch

Email: mick.hildreth@gmbpdb.org.uk

Mob: 07814032002

-----Original Message-----

From: Robert Sexton [mailto:Robert.Sexton@Bracknell-Forest.gov.uk]
Sent: 15 January 2010 16:07
To: johnjyexley@aol.com
Cc: Laura Driscoll
Subject: Re: Age Limitation on Vehicles

John

Thank you for your e mail. I have to have a completed report for the Committee which has now been set for the 8 February available by the 26 January and do not have time available to meet and discuss this before the 26th. If you can set out in writing the areas of concern and those that you require clarification upon by the close of play 19 January I will ensure that they are included within the report and commented upon. You can then access the report when it is released and if you feel it necessary you can request the right to speak at the committee meeting in line with the Committees arrangements for public speaking.

Thanks
Rob

>>> <johnjyexley@aol.com> 15 January 2010 14:53 >>>
Rob

Although we feel the document is genrally O K we do not agree with all of it and some parts need further clarification.To that end we would like a meeting to discuss this with Mick Hildreth present.

Regards John

This e-mail may be read by employees of the Council and is therefore not to be considered private by the recipient. The views expressed in this e-mail are those of the individual and not necessarily the views or opinions of Bracknell Forest Borough Council.

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this e-mail in error please notify the system manager. Email: mail.administrator@bracknell-forest.gov.uk

This footnote also confirms that this e-mail has been scanned for the presence of computer viruses. Although the Council has taken steps to ensure that this e-mail and any attachments are virus free we advise that in keeping with good ICT practice the recipients should confirm this for themselves.

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4784 (20100118) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4784 (20100118) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

“Exceptional Condition”

A vehicle will not be regarded as in “exceptional condition” except where:

Evidence has been presented to the Council that the vehicle has been regularly serviced and maintained in line with the manufacturer’s servicing schedule.

When considering the exterior and interior of the vehicle the following matters will be taken into consideration in judging if the condition is exceptional. A single item dependant upon the extent of damage or cosmetic appearance will not necessarily result in refusal to extend the use of the vehicle but 2 or more items in all areas will require correction, replacement or repair for an extension to be granted.

Exterior of vehicle

1. The exterior paintwork on the vehicle should not:
 - (a) shows signs of rusting
 - (b) be faded or show signs of mismatched paint repairs
 - (c) have 5 or more stone chips greater than 2mm in length in any direction
 - (d) have 8 or more stone chips of any size
 - (e) have any scratches, cracks or abrasions where the top layer of paint has been removed.
2. The exterior bodywork of the vehicle should not:
 - (a) have 2 or more dents greater than 10mm in length in any direction
 - (b) have 4 or more dents less than 10mm in length in any direction
 - (c) have fittings that are missing, broken or damaged.
3. Have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.
4. The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused.
5. The engine compartment must not be in a dirty condition nor evidence of leaks including water, oil or hydraulic fluids.

Interior of vehicle

4. The seating and carpet areas of the vehicle shall not show signs of:
 - (a) staining
 - (b) damp
 - (c) fraying or ripping of the material
 - (d) seat covers that are loose or badly fitted.
5. The seats should provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.

6. Interior panels and fittings within the vehicle should not be damaged nor show excessive wear, or staining.
7. The interior of the vehicle should not have damp or other obnoxious smells.

“Abnormally Low Mileage”

The Council will not regard a vehicle as having travelled an abnormally low mileage in the following circumstances:

1. A vehicle intended for normal private use – a mileage in excess of 200,000 miles
or
2. a vehicle purposely built for use as a licensed vehicle with a mileage in excess of 300,000 miles.
or
3. A “prestige car” with a mileage in excess of 300,000 miles.

PRESTIGE CAR

A “prestige car” is to be defined as an executive style vehicle with the following minimum requirements:

- a) Be a four door saloon motor car and would not normally be a hatchback
- b) Be not less than 14.9 ft (4470mm) in length
- c) The vehicle interior and exterior shall be of the very highest quality in design and use of materials available.
- d) Must have sufficient space for passengers and equipment in so much as:
 - (i) rear height (seat to roof, measured from point of contact between seat cushion and back of seat) - 36” (91cm)
 - (ii) depth of seat – 20” (51cm)
 - (iii) knee space – (back of seat squab) with front seats fully back – 29” (73.5cm)
- e) The vehicle should carry no more than:
 - (i) one passenger in the front;
 - (ii) three passengers in the rear, unless it is specifically designed or adapted to do so;
 - (iii) each rear seat passenger should have a minimum clear seat width for each passenger of at least 19” (48.2cm).
- f) The engine capacity must exceed 2 litres.
- g) The vehicle must not be designed or adapted for off road purposes.
- h) The vehicle must not be designed or adapted as a personnel carrier, mini bus, people mover or other like vehicle.

Equality Impact Assessment Record

Date of EIA	26 January 2010	EIA Guidance Page Ref.
Directorate	Environment Culture and Communities	
Part One - Initial Screening Record		
1. Activity to be assessed	Age of vehicle licence condition	See Pages 9 - 10
2. What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
3. Is it a new or existing activity?	New <input checked="" type="checkbox"/> Existing	
4. Who are the members of the EIA team?	Robert Sexton	
5. Initial screening assessment. If the answer to either of these questions is 'yes' then it is necessary to go ahead with a full Equality Impact Assessment.	1. Does the activity have the potential to cause adverse impact or discriminate against different groups in the Councils workforce or the community? No. A change in the existing condition would not impact upon specific groups and any effects would be consistent across the community.	
	2. Does the activity make a positive contribution to equalities? No. The policy in its present form is neutral and any revised form will not change that.	
6. Did Part 1: Initial Screening indicate that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed record ends here, please ensure this record is signed by the Chief Officer in box 19 overleaf and then email to abby.thomas@bracknell-forest.gov.uk	

This page is intentionally left blank

**LICENSING AND SAFETY COMMITTEE
8 FEBRUARY 2010**

**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 19 February 2010 and**
- iii) agrees that the Guidance Notes may be amended and re-issued following consultation with and agreement of the Chairman 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 only material changes are to clarify

a) that all licensed drivers, including Home to School drivers, are required to undertake the Council's first aid course and

b) that for the purposes of Appendix A within the guidance book the word "conviction" includes a caution issued under the provisions of Home Office circular 016/2008 . This is known as a simple caution and is used for the disposal of lower level crime where the offender admits the offence in writing. This process removes the need for the matter to be heard and determined by a court. A simple caution is not a criminal conviction however it is an admission of guilt, forms part of an offender's criminal record, will be disclosed upon any CRB check and maybe used by a court within sentencing should further offences be committed within a 5 year period. It may also be used within licensing to determine the fitness of a person to hold a licence. The change to Appendix A removes any ambiguity that may have existed in the minds of applicants or licence holders.

4.2 The aim is to publish the new guidance by 1 April 2010. Any comments in respect of content or layout should be submitted to Laura Driscoll prior to 19 February 2010 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 2009)

Contact for further information

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

Doc Ref

G:\SECS1\LICENSING & SAFETY COMMITTEE\2010\January\Review of Guidance Notes and Conditions.doc

Equality Impact Assessment Record

EIA Guidance

Please ensure that you have read the Council's EIA Guidance booklet, available on Boris, before starting work on your EIA, it should be read in conjunction with this form. If anything is unclear please contact your departmental equality representative listed below. This form is designed to summarise the findings of your EIA. **Please also keep a record of your other discussions in producing the impact assessment.**

Drafting your EIA

The boxes in this form are designed to expand please ensure that you add data, consultation results and other information to back up any assertions that you make. A draft of this record form must be sent to the Councils Equality Officer Abby Thomas and your departmental equality representative(s) (listed below) who will send you comments on it before it is finalised and signed off by your Chief Officer. This step is important to check the quality and consistency of EIAs across the Council.

Departmental Equality Representatives

ECC Jane Eaton
CS Abby Thomas

SCL Graham Symonds and Ilona Cowe
CXO Stephanie Boodhna

Publishing

The Council is legally required to publish this EIA record form on the Councils website. Please send a copy of the final version of the EIA record form to the Councils Equality Officer Abby Thomas to publish.

Date of EIA	4 January 2010	EIA Guidance
Directorate	Environment, Culture and Communities	
		Page Ref.
Part One - Initial Screening Record		
1. Activity to be assessed	Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers	
2. What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
3. Is it a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	
4. Who are the members of the EIA team?	Laura Driscoll, Licensing Team Leader	
5. Initial screening assessment. If the answer to either of these questions is 'yes' then it is necessary to go ahead with a full Equality Impact Assessment.	1. Does the activity have the potential to cause adverse impact or discriminate against different groups in the Councils workforce or the community? The guidance notes and conditions in respect of the operating of taxis are reviewed and revised (if necessary) annually. The document has been in place for some years now and there is only one material change this year to clarify understanding of a particular condition, which does not impact on a particular community group.	
	2. Does the activity make a positive contribution to equalities? The Guidance Notes and Conditions document provides advice and guidance to taxi drivers and operators in respect of assisting disabled persons to use taxis.	
6. Did Part 1: Initial Screening indicate that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed record ends here, please ensure this record is signed by the Chief Officer in box 19 overleaf and then email to abby.thomas@bracknell-forest.gov.uk	
		See Pages 9 - 10

Part Two - Full EIA Record		
7. Why is a full EIA being completed on the activity? Double click on boxes to check all that apply.	<p>The activity has the potential to have an adverse impact/discriminate against different groups in the community. <input type="checkbox"/></p> <p>The activity makes a positive contribution to equalities <input type="checkbox"/></p>	See Pages 9 - 10
8. Who is the activity designed to benefit/target?	<p>The purpose of the activity is to: Overwrite with details</p> <p>The activity is designed for: Overwrite with details</p>	See Page 11
9. Summarise the information gathered for this EIA including research and consultation to establish what impact the activity has on different equality groups.	<p>Overwrite with the data, information, consultation results or research that was gathered as part of the EIA to establish what impact the activity has on different equality groups.</p> <p>Where relevant include data such as take up, profile of users and satisfaction levels with the service/function, size of consultation responses and any issues raised by equality groups/equality issues in consultations.</p>	See Pages 12-13
10. A) With regard to the equalities themes, which groups does the activity impact upon? B) Might any of these groups be adversely impacted? <i>If you have not got sufficient information to make a judgement, go to box 17 and list the actions that you will take to collect further information.</i>	A) Groups Impacted <ul style="list-style-type: none"> <input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify 	B) Groups impacted adversely <ul style="list-style-type: none"> <input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify
	See Pages 14 -15 <i>Double click on the boxes to check all that apply.</i>	

<p>11. What evidence is there to suggest an impact/adverse impact?</p>	<p>A) Evidence of Impact. Overwrite with the data, information or research that was used in the EIA. Include any evidence if relevant of a positive impact on equalities.</p> <p>B) Evidence of adverse impact. Overwrite with the data, information or research that was used in the EIA</p>	
<p>12. On what grounds can impact or adverse impact be justified?</p>		<p>See Pages 14 -15</p>
<p>13. Have any examples of good practice been identified as part of the EIA?</p>		
<p>14. What actions are you currently undertaking to address issues for any of the groups impacted/adversely impacted?</p>		<p>See Pages 14 -15</p>
<p>15. What actions will you take to reduce or remove any differential/adverse impact?</p> <p>Please also list any other actions you will take to maximise positive impacts.</p>	<p>List the actions that you have planned as a result of the EIA.</p> <p>The action plan should include references to any additional monitoring or research that was identified in the information-gathering part of the process. It should also include references to any information that is still required or was not retrievable at the point of assessment.</p>	<p>See page 16</p>
<p>16. Into which action plan/s will these actions be incorporated?</p>		
<p>17. Who is responsible for the action plan?</p>		
<p>18. Chief Officers signature.</p>	<p>Name: Steve Loudoun</p> <p>Signature.....</p>	
<p>19. Which PMR will this EIA be reported in?</p>	<p>Environment and Public Protection 4th Quarter 2009/2010</p>	

This page is intentionally left blank



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

April 2010

www.bracknell-forest.gov.uk

licence.all@bracknell-forest.gov.uk

Contents

1. General
2. Types of Licence
3. Fees
4. How to Apply
5. Driver Licence - Requirements
6. Knowledge Test
7. Driving Disqualifications
8. Unauthorised Drivers
9. Vehicle Licence - Requirements
10. Age of Vehicle
11. Type of Vehicle
12. Carriage of Goods or Packages
13. Insurance and MOT Certificate
14. Vehicle Inspection
15. Trailers
16. Equipment
17. Use of Mobile Phones and Radios
18. Signs
19. Identification Plates/Screen Stickers/Badges
20. Private Hire Vehicle Dispensation
21. Home to School Transport Provisions
22. Transfer of Vehicles to New Owners
23. Accidents
24. Taximeter
25. Authorised Table of Fares
26. Plying for Hire – Hackney Carriages
27. Guide and Assistance Dogs
28. Carrying Disabled Passengers
29. Supervision
30. Operator Licences
31. Responsibility of Proprietor or Operator
32. Suspension, Revocation or Refusal of Licences
33. Appeals Procedure
34. Return of Licences
35. Offences
36. Seat Belts and Child Seats
37. Complaints
38. Service Standards

APPENDIX A
Guidance on the Relevance of Criminal Records

APPENDIX B
Advice for Drivers when dealing with People with Disabilities

APPENDIX C
Advice for Drivers and Operators when dealing with
Difficult Passengers

APPENDIX D
Recording of Contraventions

APPENDIX E
Enforcement Tables

APPENDIX F
Criteria for Advertising on Hackney Carriages

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

1. General

1.1 The legislation relating to Hackney Carriage 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 on request from the 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 within 28 days of the conviction, caution or fixed penalty. Details should be entered on the relevant form 'Notification of Convictions etc', which is available from Reception. *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 2 Medical Standards apply. In the case of insulin-treated diabetics, the DVLA Group 2 Standards for drivers of category C1 vehicles apply. Further details are available on request from the Licensing Section. *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 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, Private Hire and Home to School drivers are required to attend a First Aid Course run by the Council, unless they can provide proof that they have passed a recognised First Aid course within the last five years. *BF(LC)*

5.15 All Dual, Private Hire and Home to School drivers first licensed prior to August 2001 who have not attended a First Aid Course run by the Council must do so by April 2011, , unless they can provide proof that they have passed a recognised First Aid course within the last 5 years. *BF(LC)*

5.16 All Dual, Private Hire and Home to School drivers are required to attend a First Aid course five years after the date of their initial course, or when their current certificate expires. *BF(LC)*

5.17 Where a driver fails to attend a First Aid course without reasonable excuse, their licence will be suspended until the course is attended. Failure to attend a booked course will mean a further fee is required to be paid to make a new booking. *BF(LC)*

5.18 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*

5.19 Any change of details (name or address) must be notified to the Licensing Section using the appropriate form, which is available from Reception. *TPCA s44*

5.20 Licensed drivers may not initiate any dialogue of a sexual nature with a passenger. Licensed drivers are not permitted to become involved sexually or have sexual contact, even with consent, with a passenger 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

Where any applicant for a **new** licence has been disqualified from driving (whether for a single offence or under "totting up"), 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 “totting up”, 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*

9.5 A vehicle may only be licensed by one local authority at any given time. *BF(G)*

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" (43cm)
- (v) Knee space (from point of contact between cushion and back of seat to the back of the seat in front) 26" (66cm) *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. *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 four weeks. 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. Please note that the vehicle inspections carried out by the authorised garages include an MOT. *BF(LC)*

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 on request from 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 5.54 metres.
- The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- The vehicle insurance must reflect cover for towing a trailer.
- Trailers must not be left unattended anywhere on the highway.
- The speed restrictions applicable to trailers must be observed at all times.

LG(MP)A s48 BF(LC)

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
- 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. Drivers must not stop on the hard shoulder of a motorway to answer or make a call unless it is to dial 999. *RTA*

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 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 rear seat. All other conditions shall apply. *BF(LC) LG(MP)A s48(1ai)*
- 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)*
- 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)*

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 A temporary replacement vehicle 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. 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. *DDA s37(4)*

27.2 Drivers, in making an application for an exemption, will need to provide medical evidence to support it. *DDA s37 (5)*

27.3 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)*

27.4 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 or supplied to 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
- 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
- Any other reasonable cause.
LG(MP)A s60

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 Chief Officer: Environment and Public Protection 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 passenger seat 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 and 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:

- issue all the necessary documents, badges or plates, and notify you that they are ready for collection; or
- advise you of the reason for a delay or, in some cases, the reason for refusal. *BF(G)*

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

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: Reception at Time Square, Market Street, Bracknell. The offices are open from 8.30am to 5.00pm 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. For the purposes of this document “convictions” include a caution where the offender has formally admitted the offence in writing as required within Home Office circular 016/2008. 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 (e.g. 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 the passenger is going.

Maintenance of Vehicles

Keep door handles, locks and hinges well lubricated. 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 COUNCIL					
Licensing Section, Time Square, Market Street, Bracknell, RG12 1JD 01344 352000 licence.all@bracknell-forest.gov.uk					
Contraventions	Points	✓	Contraventions	Points	✓
Unlicensed vehicle	12		Unlicensed driver	12	
Driving with no valid insurance	12		Driving with no valid MOT/inspection	12	
Failure to display plate or stickers	6		Failure to display driver badge	6	
Hackney left unattended on rank	4		Contravention of Stop Notice	12	
Private Hire parked on rank	6		Private Hire plying for hire	12	
Failure to notify conviction, caution or fixed penalty notice	6		Failure to notify change of details	4	
Vehicle unclean condition	4		Failure to notify accident	4	
Behaving in a disorderly manner	4-12		Use of hand held phone while driving	6	
Illegal tyres (per tyre)	3		Overcharging	6	
C&U regulations	2-4		Too many passengers	8	
Smoking in vehicle	6		Horn misuse	4	
No Smokefree signage	4		Illegal use of bus lane	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 a 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 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 08 FEBRUARY 2010

RECOMMENDATIONS FROM UNMET DEMAND SURVEY (Chief Officer: Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1 The purpose of this report is to update members on progress against recommendations made within the TPI report on the unmet demand survey received by the Committee at the October meeting.
- 1.2 At the last meeting of the Committee consideration was given to the TPI report. That report concluded that there was no unmet demand. Having heard this the Committee accepted an argument broadly along the lines that in order to protect the quality of what we had locally that a restriction should be introduced so that the trade and officers could work together on the detailed recommendations within that report. The objective being to see whether a continued restriction could be justified in the ongoing interests of the consumer taking due account of the more detailed consideration of those recommendations. The Committee were informed that the restriction could be lifted at any time provided it is within the 3 years of the original survey.

2 RECOMMENDATIONS

- 2.1. **That the Committee**
- (i) **notes the progress made**
 - (ii) **request officers to bring a further report to the next meeting and**
 - (iii) **continues with the restriction on the issue of Hackney Carriage licences whilst issues arising from the TPI recommendations are being actively pursued**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The Borough Solicitor is satisfied that the relevant legal provisions are contained within the body of the report.

Borough Treasurer

- 3.2 The Borough Treasurer is satisfied that no significant financial implications arise from this report.

Equalities Impact Assessment

- 3.3 Recommendations from within the TPI report may, if implemented, impact upon equalities and present policy. At this time exploratory work is being carried out and therefore no equalities impact has been identified.

Strategic Risk Management Issues

3.4 No strategic risks have been identified at this time.

4 SUPPORTING INFORMATION

4.1. The recommendations contained within the TPI report are listed below with a comment from officers on progress made to date. Whilst some progress has been made it is still too early to say if real improvements can be agreed and implemented. Officers are of the view that a further period of consultation and work with the BLTF on a number of areas will be required before any conclusive progress can be reported.

Recommendation 1:

It is recommended that if any change to the current licensing policy is proposed this should be reviewed in the light of any new DfT guidance to licensing authorities, expected to be published towards the end of 2009.

Comment

There has not been any guidance issued by the DfT on Taxi Licensing since the Committee meeting in October. The Local Authority Coordinators on Regulatory Services (LACORS) have announced that they will have a new responsibility for Taxi and Private Hire activities. LACORS presently coordinates a range of Regulatory services such as Trading Standards and Environmental Health and release guidance and best practice for Local Authorities within those work activities. It is anticipated that LACORS will influence the content of the new taxi guidance and this may be part of the reason for the delay in release of the DfT guidance.

Recommendation 2:

It is recommended that opportunities to provide new ranks at the Angels Nightclub and in Sandhurst and improvements to facilities at existing ranks (improved information or contact numbers to use if there is no Hackney present, shelter for passengers and improved access for wheelchair users) as highlighted by the rank audit (see 3.40) are explored.

Comment

It is felt by officers and the trade that a rank at Angels Nightclub and further ranks within the Sandhurst area are not required at this time. Improvements to facilities at other ranks will be consulted upon with the trade, and works will be dependent upon available funding and need.

Recommendation 3:

It is recommended that efforts should be made to encourage operators and drivers to address areas of potential latent demand by operating at peak times, serving more of the existing ranks, serving areas outside of Bracknell town centre and being more responsive to the demands of wheelchair users.

Comment

This recommendation links with other recommendations particularly **4(i), 5 and 6**. Officers have consulted with trade representatives with respect to training needs and options. Officers favour a training programme that covers disability awareness and the physical elements of safe transportation, whilst the BLTF are of the view that only training in the physical loading and unloading of passengers is required to improve

driver confidence and passenger satisfaction. These discussions are ongoing and costings of training are being investigated. A mystery shopper exercise using disabled persons is being conducted by TPI and we are awaiting the results and comments of the person involved which will inform further discussions.

Recommendation 4:

To address service accessibility, service quality and standards of customer care issues identified, consideration should be given to:

in the short term:

- 4(i) Encouraging drivers to seek training in understanding the market opportunities offered by disabled people, passenger handling, disability awareness, customer care, knowledge and where appropriate language skills.**
- 4(ii) providing information on the difference between Hackneys and PHVs and promoting the use of legitimate vehicles.**
- 4(iii) ongoing monitoring of the outcomes of the above through customer surveys and random use of mystery passengers.**

in the longer term:

- 4(iv) consideration of a more comprehensive quality taxi partnership (QTP) approach to increase liaison between licensing authority, police, other stakeholders and operators, provide a framework for bringing about mutually beneficial improvements across the taxi sector and a quality mark to participating operators, as has been found to be effective in other authorities.**
- 4(v) the framework provided by a QTP could also be useful for facilitating discussion on how best to optimise supply to address peaks in demand, delays, congestion issues at ranks, environmental issues, markets available and the formation of standard frameworks for taxi commissioning, etc.**

Comment

- 4(ii)** Information cards are presently being drawn up for distribution to users of taxi services. A common practice in many local authorities is to have a condition of the licence requiring notices on the doors of private hire vehicles which have wording similar to "Private Hire Vehicle. No booking, no ride".

Members may wish to consider if this is a condition that they would consider being added to private hire vehicle licences and request officers to consult with the trade and bring back a report and recommendation to the Committee.

- 4(iii) and 10** The use of surveys and mystery passengers will be considered dependent upon implementation of other recommendations.

- 4(iv)(v) An approach has been made to the Berkshire Licensing Forum which consists of all Licensing Authorities within Berkshire to see if there would be any interest in a joint Quality Taxi Partnership. Such an arrangement should provide a more effective and efficient partnership.

Recommendation 5

The licensing authority should encourage operators and drivers to promote their services on a collective basis.

Comment

Please note comment under Recommendations 3 and 8.

Recommendation 6

The licensing authority should seek to collate information in which operators and drivers operate wheelchair accessible vehicle/s, using drivers trained in the care of disabled people and are responsive to their needs and publish this as part of a guide to accessible taxis.

Comment

Please note comment under Recommendation 3.

Recommendation 7:

The licensing authority should consider how it might assist those put off using taxis by the cost, perhaps by improving opportunities for taxi sharing or encouraging users to negotiate over the fare proposed.

Comment

Please note the comment made under recommendation 8 which particularly relates to journeys from the rail station to the Southern industrial estate for employees and visitors to businesses in that area.

Recommendation 8:

The licensing authority should consider the request of Hackney operators and drivers for access to bus gates, especially the Great Hollands bus gate.

Comment

Officers have spoken to colleagues within Transport Development to discuss opportunities for, and factors against, the opening of bus gates to Taxis. The discussions are in an early stage and no real progress can be reported at this time. With regard to the bus gate across the A322 from Coopers Hill to Wildridings which has been identified as a priority by the taxi trade it has been suggested by the trade that a trial period be permitted to judge impact upon other road users. Officers from the Transportation section have considered this using existing data and a model to estimate impact and have said it would adversely affect traffic flow through that corridor and they would therefore not recommend a trial period or full opening of the gate to taxis. It has been suggested to the trade and agreed by transportation officers that if the trade worked together to provide a Taxi bus service, which operates in a similar way to a normal bus service, use of this bus gate this would have a reduced impact on traffic flow and still deliver the anticipated benefits for customers, quicker journey times and reduced costs. The BLTF have stated that it would not be in the overall interests of their members to operate a Taxi Bus service.

Recommendation: 9

Future transport strategies and policy documents should take account of this report.

Comment

A Transport Strategy for 2011 onwards is presently being worked and consulted upon. Officers have ensured that the Taxi trade will be fully involved in the process.

Recommendation 10

Extra charges by Broadmoor.

Comment

Please see comment under Recommendation 4.

- 4.2 Attached to the report as Annex 1 is a letter from the BLTF dated 13 January 2010 setting out their views upon the TPI recommendations and the retention of the Taxi Limitation Policy.

Background Papers

- 1 TPI Taxi Unmet Demand Survey August 2009
- 2 Unmet Demand Survey – Licensing and Safety Committee 1 October 2009.

Contact for further information

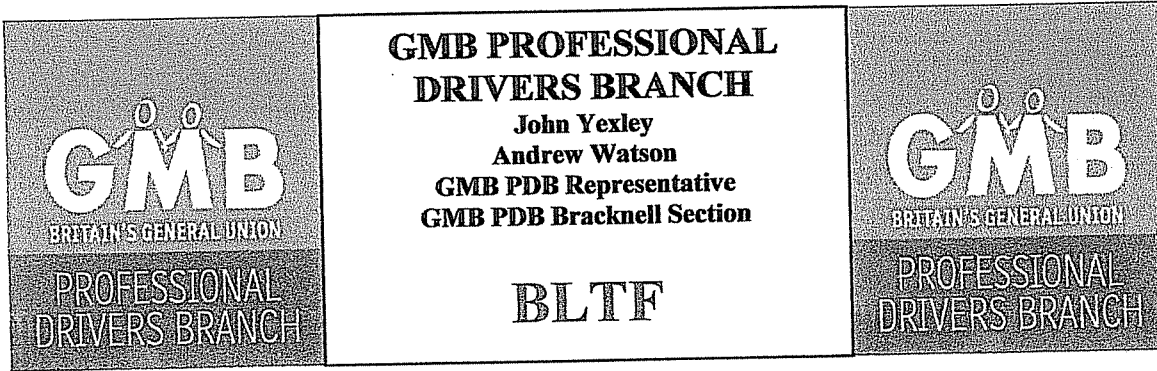
Robert Sexton, Head of Trading Standards and Licensing, 01344-352000

Robert.sexon@bracknell-forest.gov.uk

Doc Ref

G:\SECS1\LICENSING & SAFETY COMMITTEE\2010\January\Recommendations from Unmet Survey 04-02-10.doc

This page is intentionally left blank



REPORT TO LICENSING & SAFETY COMMITTEE

REPORT OF BLTF

SUBJECT : TAXI LIMITATION

DATE ; 13.01.2010

Dear members,

Since the last committee meeting in early October 09 when you decided to implement a limiting policy on hackney carriage licenses within the Borough of Bracknell, we are pleased to inform you that although this policy is still in its infancy it has had a stabilizing effect on the trade.

In the subsequent meeting we attended with Licensing Officers and Steve Loudoun, we were delighted to hear Mr Loudoun announce that he was now fully in support of the new limiting policy, and would be committed to helping the trade in any way he could through the difficult times ahead.

One area that has been identified within the TPI survey for improvement is in the wheelchair sector. The BLTF has been aware of some problems in this area and intend to work with licensing officers to improve the service we deliver to our wheelchair bound customers and optimize maximum market potential.

Although the TPI survey produced a very technical panoramic view of the taxi trade within the Borough, it clearly concluded that one of the major factors for people not to use taxis was cost. We are therefore very pleased to inform the committee that after consulting the membership the BLTF GMB members have requested **NO** increase in the metered fare for 2010.

It is the BLTF's intension this year to work closely with the council / licensing officers to address all the recommendations set out in the TPI report. We felt that overall the residents of Bracknell and paying public were pleased with the level of service currently being delivered by the hackney carriage trade but we believe there is always room for improvement.

We hope the committee has now had a chance to examine the TPI report in greater detail and understand how important the limiting policy will be to maintain the exiting high quality taxi fleet that the residents of Bracknell and visitors alike enjoy. The committee will be aware that most of the hackney carriage trade is generated within the town centre. This is consistent with most other towns and cities. The problems facing the trade within Bracknell started long before the recession and we would like the committee to note that even if the country came out of recession at some point this year it is likely not to have a great impact on the trade. Hackney carriages thrive in vibrant towns and cities, and we feel until the completion of the regeneration that this is unlikely to be the case in Bracknell. The TPI stated in its report that Bracknell Forest Borough had more than an adequate number of taxis to meet the demand for the next 3 years. We therefore request that the committee vote to keep the limiting policy in place.

John Yexley BLTF Chairman
Andrew Watson BLTF Secretary

Equality Impact Assessment Record

Date of EIA	26 January 2010	EIA Guidance Page Ref.
Directorate	Environment Culture and Communities	
Part One - Initial Screening Record		
1. Activity to be assessed	Unmet Demand Survey	
2. What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
3. Is it a new or existing activity?	New <input checked="" type="checkbox"/> Existing	
4. Who are the members of the EIA team?	Robert Sexton	
5. Initial screening assessment. If the answer to either of these questions is 'yes' then it is necessary to go ahead with a full Equality Impact Assessment.	<p>1. Does the activity have the potential to cause adverse impact or discriminate against different groups in the Councils workforce or the community?</p> <p>No. At this time this work is exploratory and no equalities impact has been identified. Should matters progress further, details will be brought forward for consideration by members together with a further EIA</p> <p>2. Does the activity make a positive contribution to equalities?</p> <p>No.</p>	
6. Did Part 1: Initial Screening indicate that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed record ends here	

This page is intentionally left blank

LICENSING AND SAFETY COMMITTEE 08 FEBRUARY 2010

FEES AND CHARGES (Chief Officer : Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1. Fees and charges are agreed annually by the Council. The Committee gave guidance in October 2008 to officers on how they wished to see the structure of fees and charges developed over the next few years. Officers have taken into account that guidance in drawing up proposed fees and charges for the Licensing Section and these were included within the Council fees and charges for 2010/11 which were agreed by the Executive for public consultation. See Annex 1.
- 1.2. The fees charged for the Licensing of Hackney Carriages, Private Hire vehicles and operators are required by legislation to be advertised in a local paper with any comments received and considered by the Committee.
- 1.3. An objection to the rise in Hackney Carriage fees was received from the Bracknell Licensed Taxi Forum on 14 January and is attached to the report as Annex 2. The Committee is therefore required to consider the objection and set the fee.

2 RECOMMENDATIONS

That the Committee:

- (i) considers the objection raised by the Bracknell Licensed Taxi Forum in relation to the increase of £7 per annum for the Hackney Carriage fee and
- (ii) sets the fee as proposed by the Executive.

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The Borough Solicitor is satisfied that the relevant legal provisions are contained within the body of the report.

Borough Treasurer

- 3.2 The Borough Treasurer is satisfied that no significant financial implications arise from this report.

Equalities Impact Assessment

- 3.3 There are no equalities impacts identified within this report..

Strategic Risk Management Issues

3.4 There are no strategic risk management issues identified within this report

4 SUPPORTING INFORMATION

- 4.1. A number of fees such as those for licences under the Licensing Act 2003 are statutory fees set by legislation and the Council cannot increase those. The Council is presently charging the statutory maximum fees. For the Gambling Act 2005 statutory maximum fees are set within legislation and the Committee agreed 1 April 2007 to set the fees at 75% of that maximum, taking into account guidance from DCMS. It is not suggested that there should be any increase in these fees at this time.
- 4.2. The Committee requested in October 2008 that officers should take into account fees charged by other authorities for similar licences when making recommendations for fees. In particular officers should look to ensure that fees within Bracknell Forest reflect recovery of the costs incurred by the Council within the licensing process and should not be an unnecessary burden upon local businesses.
- 4.3. Where fees are found to reflect the costs incurred and other local authority fee structures, the proposal is to raise the fee by around 2.5% in line with Council guidance. Where fees may be viewed as significantly above other local authority fees the proposal is to either reduce the fee, recommend no increase or a smaller increase than 2.5%. Where the Council fee is seen to be significantly below other local authority fees these fees have been increased by a sum in excess of 2.5%, but it has not been the intention to raise the fee to a comparable one in a single step and therefore place a burden upon local businesses. In arriving at these proposals officers have been mindful that the purpose of charging is to contribute to the costs of the service and not to make a profit. Projected Income levels for 2010/11 based upon the proposed fees will result in licence holders still making a contribution and not meeting the full costs of the Licensing Service.
- 4.4. It has been identified that within some areas we do not have in place a fee structure. This would apply to the Home Boarding of Dogs, Zoos and Hairdressers. Within the last year we have received a number of enquiries for the Home Boarding of Dogs. From the work required to process, inspect and approve premises it is deemed that £120 as an initial fee and £100 for renewal would be sufficient to recover costs incurred by the Council. Similarly Hairdressers are required to register with the Council. A £35 fee is deemed appropriate for receipt and processing of these registrations. There is no Zoo present within the Borough and no fee set for an application. A fee of £400 is proposed to cover the expected costs should an application be received.
- 4.5. The fees for Hackney Carriage and Private Hire vehicles are set with a view to recovering costs in the administration, monitoring and maintaining taxi ranks and ensuring that licensed vehicles are safe and suitable for purpose. The fee also includes an additional sum of £50 to recover, over a 3 year period, the Council costs incurred in conducting the Unmet Demand Survey by TPI in 2009 at the request of the Bracknell Licensed Taxi Forum. The fee proposed is comparable with other local authority charges and is therefore equitable for those wishing to operate a Hackney Carriage business within Bracknell Forest. The increase of £7 equates to 2.6%.
- 4.6. The BLTF (see Annex 2) have stated in their objection that they have not requested nor received an increase in the fare rate since July 2008.

Background Papers

None.

Contact for further information

Robert Sexton, Heading of Trading Standards and Licensing, 01344-352000

Robert.sexon@bracknell-forest.gov.uk

Doc Ref

G:\SECS1\LICENSING & SAFETY COMMITTEE\2010\February 2010\Fees and Charges recommendation.doc

This page is intentionally left blank

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2010/11 PROPOSED FEES & CHARGES**

Service : Licensing

Purpose of the Charge: To recover the cost of processing applications and monitoring compliance with conditions

	2009/10 Budget £'000	Proposed 2010/11 Budget £'000
Income the proposed fees will generate:	206	211

Are concessions available? No

Link to the Council's Medium Term Objectives: To improve health and well being within the Borough

Description	Current Fee (Inc VAT) £.p	Current Fee (Exc VAT) £.p	Proposed Fee (Inc VAT) £.p	Proposed Fee (Exc VAT) £.p	Increase %
LICENSING ACT 2003					
The fees for all Licensing Act 2003 permissions are statutory fees set by central government					
Fees for new and variation applications for premises licences and club premises certificates are based on the rateable value of the premises and are as set out below:					
Rateable value band					
A		100.00		100.00	
B		190.00		190.00	
C		315.00		315.00	
D		450.00		450.00	
E		635.00		635.00	
The fees for new or variation applications for premises licences and club premises certificates where (a) the premises are in Band D or Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on the premises are as set out below:					
Rateable value band					
D		900.00		900.00	
E		1,905.00		1,905.00	
Also, new or variation applications for premises licences and club premises where capacity will exceed 5000, are subject to an additional fee as set out below:					
Number of people in attendance at any one time					
5,000 - 9,999		1,000.00		1,000.00	
10,000 - 14,999		2,000.00		2,000.00	
15,000 - 19,999		4,000.00		4,000.00	
20,000 - 29,999		8,000.00		8,000.00	
30,000 - 39,999		16,000.00		16,000.00	
40,000 - 49,999		24,000.00		24,000.00	
50,000 - 59,999		32,000.00		32,000.00	
60,000 - 69,999		40,000.00		40,000.00	
70,000 - 79,999		48,000.00		48,000.00	
80,000 - 89,999		56,000.00		56,000.00	
90,000 and over		62,000.00		62,000.00	
Premises licences sought for community centres and some schools that permit regulated entertainment but which do not permit the supply of alcohol and/or the provision of late night refreshment will not incur a fee					

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2010/11 PROPOSED FEES & CHARGES**

Service : Licensing

Purpose of the Charge: To recover the cost of processing applications and monitoring compliance with conditions

	2009/10 Budget £'000	Proposed 2010/11 Budget £'000
Income the proposed fees will generate:	206	211

Are concessions available? No

Link to the Council's Medium Term Objectives: To improve health and well being within the Borough

Description	Current Fee (Inc VAT) £.p	Current Fee (Exc VAT) £.p	Proposed Fee (Inc VAT) £.p	Proposed Fee (Exc VAT) £.p	Increase %
OTHER FEES					
There are other occasions that fees and charges must be paid to the Licensing Authority, as set out below:					
Personal Licence Application		37.00		37.00	
Supply of copies of information contained in register		10.50		10.50	
Application for copy of licence or summary on theft, loss etc. of premises licence or summary		10.50		10.50	
Notification of change of name or address (holder of premises licence)		10.50		10.50	
Application to vary licence to specify an individual as designated premises supervisor		23.00		23.00	
Interim Authority Notice		23.00		23.00	
Application to transfer premises licence		23.00		23.00	
Application for making a provisional statement		315.00		315.00	
Application for copy of certificate or summary on theft, loss etc. of certificate summary		10.50		10.50	
Notification of change of name or alteration of club rules		10.50		10.50	
Change of relevant registered address of club		10.50		10.50	
Temporary Event Notices		21.00		21.00	
Application for copy of notice on theft, loss etc. of temporary event notice		10.50		10.50	
Application for copy of licence on theft, loss etc. of personal licence		10.50		10.50	
Notification of change of name or address (personal licence)		10.50		10.50	
Notice of interest in any premises		21.00		21.00	

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2010/11 PROPOSED FEES & CHARGES**

Service : Licensing

Purpose of the Charge: To recover the cost of processing applications and monitoring compliance with conditions

	2009/10 Budget £'000	Proposed 2010/11 Budget £'000
Income the proposed fees will generate:	206	211

Are concessions available? No

Link to the Council's Medium Term Objectives: To improve health and well being within the Borough

Description	Current Fee (Inc VAT) £.p	Current Fee (Exc VAT) £.p	Proposed Fee (Inc VAT) £.p	Proposed Fee (Exc VAT) £.p	Increase %
ANNUAL FEES					
Where premises licences and club premises certificates are issued, the holder shall pay an annual fee as set out below:					
Rateable value band					
A		70.00		70.00	
B		180.00		180.00	
C		295.00		295.00	
D		320.00		320.00	
E		350.00		350.00	
Where (a) the premises are in Band D or in Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on those premises, the holder of the licence/certificate shall pay an annual fee as set out below:					
Rateable value band					
D		640.00		640.00	
E		1,050.00		1,050.00	
Also where the capacity of the premises exceeds 5,000, the holder of the licence/certificate shall pay an additional fee as set out below:					
Number of people in attendance at any one time					
5,000 - 9,999		500.00		500.00	
10,000 - 14,999		1,000.00		1,000.00	
15,000 - 19,999		2,000.00		2,000.00	
20,000 - 29,999		4,000.00		4,000.00	
30,000 - 39,999		8,000.00		8,000.00	
40,000 - 49,999		12,000.00		12,000.00	
50,000 - 59,999		16,000.00		16,000.00	
60,000 - 69,999		20,000.00		20,000.00	
70,000 - 79,999		24,000.00		24,000.00	
80,000 - 89,999		28,000.00		28,000.00	
90,000 and over		32,000.00		32,000.00	

ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2010/11 PROPOSED FEES & CHARGES

Service : Licensing

Purpose of the Charge: To recover the cost of processing applications and monitoring compliance with conditions

	2009/10 Budget £'000	Proposed 2010/11 Budget £'000
Income the proposed fees will generate:	206	211

Are concessions available? No

Link to the Council's Medium Term Objectives: To improve health and well being within the Borough

Description	Current Fee (Inc VAT) £.p	Current Fee (Exc VAT) £.p	Proposed Fee (Inc VAT) £.p	Proposed Fee (Exc VAT) £.p	Increase %
OTHER PREMISES LICENSING					
Sex Establishment: Annual Licence					
Premises - Initial		2,140.00		2,194.00	2.5
Premises - Renewal		1,135.00		1,164.00	2.6
Dangerous Wild Animal: Annual Licence					
Premises - Initial		380.00		390.00	2.6
Premises - Renewal		220.00		226.00	2.7
Riding Establishment: Annual Licence					
Premises - Initial		412.00		422.00	2.4
Premises - Renewal		214.00		220.00	2.8
Provisional - Initial		240.00		246.00	2.5
Provisional - Renewal		121.00		124.00	2.5
Animal Boarding Establishment: Annual Licence					
1 - 30 animals	Initial		324.00	332.00	2.5
	Renewal		189.00	194.00	2.6
31 - 60 animals	Initial		382.00	392.00	2.6
	Renewal		206.00	211.00	2.4
61 (or more) animals	Initial		465.00	477.00	2.6
	Renewal		251.00	258.00	2.8
Home Boarding of Dogs: Annual Licence					
	Initial		0.00	120.00	
	Renewal		0.00	100.00	
Dog Breeders: Annual Licence					
	Initial		400.00	400.00	0.0
	Renewal		177.00	180.00	1.7
Pet Shops: Annual Licence					
	Initial		400.00	400.00	0.0
	Renewal		177.00	180.00	1.7
Performing Animals: Single Payment					
	Registration		80.00	80.00	0.0
Zoo: Annual Licence					
	Initial/Renewal		0.00	400.00	
Special Treatments: Single Payment					
	Premises		190.00	195.00	2.6
	Person		36.00	36.00	0.0
Hairdresser: Single Payment					
	Premises		0.00	35.00	

ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2010/11 PROPOSED FEES & CHARGES

Service : **Licensing**

Purpose of the Charge: **To recover the cost of processing applications and monitoring compliance with conditions**

	2009/10 Budget £'000	Proposed 2010/11 Budget £'000
Income the proposed fees will generate:	206	211

Are concessions available? **No**

Link to the Council's Medium Term Objectives: **To improve health and well being within the Borough**

Description	Current Fee (Inc VAT) £.p	Current Fee (Exc VAT) £.p	Proposed Fee (Inc VAT) £.p	Proposed Fee (Exc VAT) £.p	Increase %
Street Trading Consents					
Week (minimum charge) (including 1 assistant)		100.00		103.00	3.0
1 month (including 1 assistant)		280.00		287.00	2.5
3 months (including 1 assistant)		640.00		656.00	2.5
6 months (including 1 assistant)		1,050.00		1,077.00	2.6
Additional Trading Assistant		36.00		36.00	0.0
Motor Salvage Operator and Scrap Metal Dealer: Three-year Licence					
Motor salvage operator and scrap metal dealer licence		88.00		110.00	25.0

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2010/11 PROPOSED FEES & CHARGES**

Service : Licensing

Purpose of the Charge: To recover the cost of processing applications and monitoring compliance with conditions

	2009/10 Budget £'000	Proposed 2010/11 Budget £'000
Income the proposed fees will generate:	206	211

Are concessions available? No

Link to the Council's Medium Term Objectives: To improve health and well being within the Borough

Description	Current Fee (Inc VAT) £.p	Current Fee (Exc VAT) £.p	Proposed Fee (Inc VAT) £.p	Proposed Fee (Exc VAT) £.p	Increase %
HACKNEY CARRIAGES					
PURPOSE OF CHARGE: Contribution towards costs					
Hackney Carriages Vehicle: Annual Fee					
Licensing (annual fee)		270.00		277.00	2.6
Licence plate (annual fee)		22.00		0.00	
Private Hire Vehicle: Annual Fee					
Licensing (annual fee)		220.00		226.00	2.7
Licence plate (annual fee)		22.00		0.00	
Home to School (annual fee)		94.00		97.00	3.2
Operator Licence: Annual Fee					
1 vehicle		140.00		150.00	7.1
2 - 5 vehicles		245.00		260.00	6.1
6 - 10 vehicles		390.00		430.00	10.3
11 - 15 vehicles		540.00		600.00	11.1
16 - 20 vehicles		750.00		810.00	8.0
more than 20 vehicles		910.00		980.00	7.7
Driver Licences					
Initial		116.00		118.00	1.7
Renewal		86.00		88.00	2.3
Renewal (3 years)		162.00		166.00	2.5
Home to school		61.00		72.00	18.0
Other Charges					
Transfer of vehicle to new owner		78.00		40.00	-48.7
Change of vehicle		60.00		60.00	0.0
Meter Test - Retest after failure		25.00		25.00	0.0
Knowledge Test Retest after failure		25.00		25.00	0.0
First Aid Training for drivers		22.00		22.00	0.0
CRB Criminal Records check		At Cost + £11.00 Admin Fee		At Cost + £11 Admin Fee	
Replacement documents		20.00		20.00	0.0
Advertising on Hackney Carriages (Initial)		30.00		31.00	3.3
Advertising on Hackney Carriages (Renewal)		20.00		21.00	5.0
Replacement Badge		18.00		18.00	0.0
Replacement plate		22.00		22.00	0.0
Replacement backing plate		18.00		18.00	0.0

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2010/11 PROPOSED FEES & CHARGES**

Service : **Licensing**

Purpose of the Charge: **To recover the cost of processing applications and monitoring compliance with conditions**

	2009/10 Budget £'000	Proposed 2010/11 Budget £'000
Income the proposed fees will generate:	206	211

Are concessions available? **No**

Link to the Council's Medium Term Objectives: **To improve health and well being within the Borough**

Description	Current Fee (Inc VAT)	Current Fee (Exc VAT)	Proposed Fee (Inc VAT)	Proposed Fee (Exc VAT)	Increase
	£.p	£.p	£.p	£.p	%
GAMBLING ACT 2005					
Bingo Club	New Application		2,625.00		2,625.00
	Variation		1,312.50		1,312.50
	Transfer/Reinstatement		900.00		900.00
	Application with Prov Statement		900.00		900.00
	Prov Statement		2,625.00		2,625.00
	Notification of Change		37.50		37.50
	Annual Fee		750.00		750.00
	Copy Licence		18.75		18.75
Adult Gaming Centre	New Application		1,500.00		1,500.00
	Variation		750.00		750.00
	Transfer/Reinstatement		900.00		900.00
	Application with Prov Statement		900.00		900.00
	Prov Statement		1,500.00		1,500.00
	Notification of Change		37.50		37.50
	Annual Fee		750.00		750.00
	Copy Licence		18.75		18.75
Betting (Other)	New Application		2,250.00		2,250.00
	Variation		1,125.00		1,125.00
	Transfer/Reinstatement		900.00		900.00
	Application with Prov Statement		900.00		900.00
	Prov Statement		2,250.00		2,250.00
	Notification of Change		37.50		37.50
	Annual Fee		450.00		450.00
	Copy Licence		18.75		18.75
* Licensed Premises Gaming Machine Permit					
	New		150.00		150.00
	Annual Fee		50.00		50.00
	Variation		100.00		100.00
	Transfer		25.00		25.00
	Copy Permit		15.00		15.00
	Change Name		25.00		25.00
**Club Gaming/Permit/Club Machine Permit					
	New		200.00		200.00
	Annual Fee		50.00		50.00
	Renewal		200.00		200.00
	Variation		100.00		100.00
	Copy Permit		15.00		15.00
Notification of 2 or less gaming machines					
			50.00		50.00
Registration of non-commercial lottery					
	Initial Fee		40.00		40.00
	Annual Fee		20.00		20.00

* Where the applicant for a LPGMP is the holder of a s.34 permit issued under the Gaming Act 1968, the fee for a new permit shall be £100.

** Where the applicant for a club gaming or club machine permit is the holder of a Club Premises Certificate under s.72 of the Licensing Act 2003, or an existing Part II or Part III registration of the Gaming Act 1968, the fee for new permits and renewals is £100.

This page is intentionally left blank

Mr Sexton

We would like to object to the increase by £7 for the Hackney Carriage License Fee on the grounds that we are not increasing our fares this year and have not done since July 2008.

Regards John Yexley

For and on Behalf of the members of the GMB BLTF

14 January 2010 AOL: Johnjyexley

This page is intentionally left blank

Equality Impact Assessment Record

Date of EIA	26 January 2010	EIA Guidance Page Ref.
Directorate	Environment Culture and Communities	
Part One - Initial Screening Record		
1. Activity to be assessed	Fees and charges for Licensing	
2. What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
3. Is it a new or existing activity?	New <input checked="" type="checkbox"/> Existing	
4. Who are the members of the EIA team?	Robert Sexton	
5. Initial screening assessment. If the answer to either of these questions is 'yes' then it is necessary to go ahead with a full Equality Impact Assessment.	<p>1. Does the activity have the potential to cause adverse impact or discriminate against different groups in the Councils workforce or the community?</p> <p style="background-color: #e0e0e0;">No. A change in the existing fees would not impact upon specific groups and any effects would be consistent across the community.</p> <p>2. Does the activity make a positive contribution to equalities?</p> <p style="background-color: #e0e0e0;">No. The policy in its present form is neutral.</p>	
6. Did Part 1: Initial Screening indicate that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed record ends here	

This page is intentionally left blank

LICENSING AND SAFETY COMMITTEE 4 FEBRUARY 2010

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 1 October 2009, there have been three meetings with representatives of the Bracknell Licensed Taxi Forum (BLTF), on 15 October 2009, 25 November 2009 and 14 January 2010.

2 SUPPORTING INFORMATION

- 2.1 The minutes of the meetings held are attached as Appendices A, B and C.
- 2.2 Mr Watson, Mr Yexley and Mr Tagoe currently own and drive hackney carriages in the Bracknell Forest borough, while Mr Hildreth and Mr Kemp represent the GMB Union, Professional Drivers Branch.
- 2.3 The BLTF has recently advised the Council that the trade do not want any increase in the fares charged by hackney carriages at this time. A letter from the BLTF is attached as Appendix D.

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 15 October 2009
Minutes of meeting held 25 November 2009
Minutes of meeting held 14 January 2010

Contact for further information

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

Doc Ref

G:\TSTANDRD\Laura\Committee\2010\Bracknell Licensed Taxi Forum Update.doc 25/01/2010



MINUTES

MEETING NAME: Bracknell Licensed Taxi Forum

MEETING DATE AND TIME: 11.00 hours Thursday 15 October 2009

PRESENT: Steve Loudoun (SL) Brendan Kemp (BK)
 Laura Driscoll (LD) Andy Watson (AW)
 Robert Sexton (RS) John Yexley (JY)
 Niamh Kelly (NK) Cllr Cliff Thompson

1.	<p>Apologies Mick Hildreth</p>	
2.	<p>Minutes of last meeting NK has raised issue of private vehicles parking on Point and Red Lion ranks with Parking Services and there is some extra enforcement planned in these areas.</p> <p>NK has been liaising with the landowner over the possibility of having a rest area behind the Bull. Unfortunately there is a permit parking system in place which is already oversubscribed and would cost more than £500 pa so this seems unlikely. JY mentioned that the trade would like a parking area near the top of the High Street so drivers can do their banking. There used to be a bay outside the Post Office but this was removed some time ago. RS will look into whether this is possible.</p> <p>JY also mentioned that the signage at the Great Hollands rank has been turned around, and the Harmanswater sign has not yet been replaced. LD has ordered a new sign for the Harmanswater rank but this has not yet arrived so LD will chase up and will also look into getting the sign at the Great Hollands rank repaired.</p> <p>Discussion over starting meter while assisting wheelchair users into the vehicle will be carried over to next meeting. LD is awaiting a response from the Institute of Licensing's solicitor on the issue.</p> <p>BLTF requested signage for area next to bus station rank to help the public understand that the vehicles parked there are not taxis. LD has raised with traffic section and permission from the landowner is required, which NK is looking into. JY mentioned that there is a private vehicle, a Mondeo, which is ignoring the restrictions in the bus station area. NK to continue to monitor area for any illegal plying for hire.</p>	<p>RS</p> <p>LD</p> <p>NK</p>

	<p>BLTF believe there are other local authorities with the same extra charge when more than four passengers being carried, BLTF to bring details of these local authorities to next meeting so LD can contact them to ask how their meters are set up.</p> <p>Train Station Redevelopment: BLTF raised concerns about the proposed new feeder rank at the Columbia Centre, and would prefer instead to continue to use bus station as feeder rank, possibly with a screen to show when there is space on the train station rank or a red/green light system. Also raised concern about how they would get out from the left hand side of the rank, and now feel this is impractical. LD passed these comments to the Traffic team but they did not feel the request could be incorporated now the works are well under way. LD to arrange site meeting with Traffic representative (also to consider the issue of toilets for use by drivers).</p>	<p>BLTF</p> <p>LD</p>
<p>3.</p>	<p>TPI Survey: Recommendations</p> <p>SL was asked about his recommendation within the report that went to Committee on 1st October. AW said that Reading had a large influx of hackney carriages when they removed their limit and that this caused damage to the trade. SL explained that the recommendation was based on the content of the survey and current guidance available from sources like DfT. There was an economic argument brought forward from the trade at the Committee and SL supported the changed recommendation based on that argument. JY said that most drivers are earning an average of less than £4 ph and AW also wanted it noted that 90% of hackney carriage drivers are self-employed, so for example drivers do not get any sick pay if they are unable to work. SL advised that the Committee clearly recognises that there is a need to support a quality taxi fleet, hence the decision to maintain the status quo to allow everyone to take stock of the contents of the report.</p> <p>The recommendations made by TPI were discussed as follows:</p> <ul style="list-style-type: none"> It is recommended that if any change to the current licensing policy is proposed this should be reviewed in the light of any new DfT guidance to licensing authorities, expected to be published towards the end of 2009. <p>Agreed: LD to check date this is due, but there were no relevant changes in the updated version received during the consultation process earlier this year so it seems unlikely this will have any impact.</p> It is recommended that opportunities to provide new ranks at the Angels Nightclub and in Sandhurst and improvements to facilities at existing ranks (improved information or contact numbers to use if there is no hackney present, shelter for passengers and improved access for wheelchair users) as highlighted by the rank audit (see 3.40) are explored. <p>Agreed: The Red Lion rank is very close to Angels and there are already ranks in Sandhurst, though these are largely unused. There was no support for additional ranks but the idea of securing improvements to the ranks is supported if funding can one day be made available</p> 	<p>LD</p>

	<p style="text-align: center;">through the redevelopment of the Town Centre.</p> <ul style="list-style-type: none"> • It is recommended that efforts should be made to encourage operators and drivers to address areas of potential latent demand by operating at peak times, serving more of the existing ranks, serving areas outside of Bracknell town centre and being more responsive to the demands of wheelchair users. Agreed: Outlying areas are often served better by the private hire trade, as taxis cannot wait around on a rank on the slight chance they may get a fare. There is potential to improve the service provided to disabled persons and ideas need to be jointly developed. • To address service accessibility, service quality and standards of customer care issues identified, consideration should be given to: <ul style="list-style-type: none"> <i>In the short term</i> <ul style="list-style-type: none"> ○ encouraging drivers to seek training in understanding the market opportunities offered by disabled people, passenger handling, disability awareness, customer care, knowledge and where appropriate language skills ○ providing information on the difference between Hackneys and PHVs and promoting the use of legitimate vehicles ○ ongoing monitoring of the outcomes of the above through customer surveys and random use of mystery passengers Agreed: (1) The possibility of working with TRL re mobility, and other disability awareness training is to be explored and will be reported back. The expectation is that the trade reps will help ensure take up. (2) the possibility of introducing a condition requiring the use of signage on the sides of private hire vehicles stating 'Advance Bookings Only' or 'No Booking – No Ride' to be subject of a report to Committee. LD will bring some mini-leaflets on the safe use of taxis (such as those used in Wokingham and Reading) for discussion at next meeting. <ul style="list-style-type: none"> <i>In the longer term</i> <ul style="list-style-type: none"> ○ consideration of a more comprehensive quality taxi partnership (QTP) approach to increase liaison between licensing authority, police, other stakeholders and operators, provide a framework for bringing about mutually beneficial improvements across the taxi sector and a quality mark to participating operators, as has been found to be effective in other authorities. ○ the framework provided by a QTP could also be useful for facilitating discussion on how best to optimise supply to address peaks in demand, delays, congestion issues at ranks, environmental issues, markets available and the formation of standard frameworks for taxi commissioning, etc. Agreed: (1) There is a need to find ways to promote the service, such as a quality mark for certain vehicles or drivers. 	<p style="text-align: center;">All</p> <p style="text-align: center;">NK BLTF</p> <p style="text-align: center;">LD</p> <p style="text-align: center;">LD</p>
--	---	---

	<p>LD to raise with other authorities to see if there is demand for a Berkshire-wide QTP.</p> <p>(2) Taxiwatch is being launched at the end of the month to provide a forum for better liaison between TVP and drivers, and to help improve driver safety. SL suggested press release about this would be helpful.</p> <p>(3) Work in progress on the new station rank aims to reduce rank congestion, and may help the trade to address peak time demand in that area. The trade want to have an onsite meeting to review intentions and help allay fears.</p> <ul style="list-style-type: none"> The licensing authority should encourage operators and drivers to promote their services on a collective basis. Agreed: The possibility of using Community TV to promote the quality of the hackney carriage trade is to be explored; NK to contact Clare Sharp. The licensing authority should seek to collate information on which operators and drivers operate wheelchair accessible vehicle/s, using drivers trained in the care of disabled people and are responsive to their needs and publish this as part of a guide to accessible taxis. Agreed: (1) A guide to accessible taxis should be produced by the Licensing Section, possibly tying in with the mini-leaflet idea mentioned above. (2) When all vehicles are fully wheelchair accessible, in February, there should be a press release to promote accessibility. The guide could be promoted to older people groups, day centres and the University of the 3rd Age. The licensing authority should consider how it might assist those put off using taxis by the cost, perhaps by improving opportunities for taxi sharing or encouraging users to negotiate over the fare proposed. Agreed: RS to investigate how this might work in practice. Can also include details on fares in any leaflets/guides produced for the public. The licensing authority should consider the request of hackney operators and drivers for access to bus gates, especially the Great Hollands bus gate. Agreed: RS to contact the Traffic Team to pass on the BLTF's request for a month's trial of usage of the bus gate crossing the Downshire Way. Future Transport Strategies and policy documents should take account of this report. Agreed: LD to forward copy of survey report to Traffic Team for their information and consideration. Extra charges by Broadmoor. Agreed: The report is misleading. It refers to different fares charges but these are all valid fares as follows: £7 (the private hire fare), £9.60 (standard hackney fare) and £15 	<p>NK</p> <p>LD</p> <p>NK</p> <p>NK</p> <p>All</p> <p>RS</p> <p>RS</p> <p>LD</p>
--	--	--

	<p>(the night-time hackney fare). BLTF encourage use of return fares with a discount to encourage customer loyalty.</p> <ul style="list-style-type: none"> • Illegal plying for hire (added at meeting). Agreed: Education of the public (such as the stickers identifying private hire vehicles as requiring to be pre-booked) may help, though there will always be people who do not care about the illegality and lack of insurance. Enforcement by licensing officers will continue around the bus station rank area. 	NK
4.	<p>Any other business JY asked whether driver licences are required for vehicle renewals. LD confirmed this is not the case. Drivers should refer to the checklist at the end of the application form which confirms the documents required.</p> <p>AW requested CRB form to be posted to him, NK to arrange.</p>	NK
5.	<p>Date of Next Meeting Wednesday 18 November 1.00pm Time Square Ground Floor South Room 3</p>	



MINUTES

MEETING NAME: Bracknell Licensed Taxi Forum

MEETING DATE AND TIME: 13.00 hours Wednesday 25 November 2009

PRESENT: Laura Driscoll (LD) Andy Watson (AW)
 Robert Sexton (RS) John Yexley (JY)
 Niamh Kelly (NK) Mick Hildreth (MH)
 Jonathon Tagoe (JT)

1.	<p>Apologies Marc Brunel-Walker (MBW) Jan Angell (JA) Steve Loudoun (SL)</p>	
2.	<p>Minutes of last meeting JY mentioned that the trade would like a parking area near the top of the High Street so drivers can do their banking. There used to be a bay outside the Post Office but this was removed some time ago. RS looked into whether this was possible. It was not a taxi rank, therefore not enforceable if a member of the public parked there, so only a parking place open to all cars is provided.</p> <p>JY mentioned the Harmanswater sign has not yet been replaced. LD has ordered a new sign but this has not yet arrived. JY & AW also requested that the bay markings should be inline with the steps leading from the shops. LD has requested the sign at the Great Hollands rank be repaired as it has been twisted around.</p> <p>Discussion over starting meter while assisting wheelchair users into the vehicle will be carried over to next meeting. LD is awaiting a response from the Institute of Licensing's solicitor on the issue.</p> <p>JY mentioned that there is a private hire vehicle (Doblo) which is ignoring the restrictions in the bus station area. NK to continue to monitor area for any illegal plying for hire. RS advised that there is no traffic order in place there so it is not enforceable on parking issues but we are entering into a consultation where there might be a TRO on the area within the coming year. JY put forward that Doblos should not be licensed as private hire vehicles and that they should not park within 10 metres of a rank.</p>	<p>LD</p> <p>NK</p>

	<p>AW requested MH to organise a mystery shopper to approach a Private Hire vehicle parked adjacent to the bus station rank.</p> <p>BLTF believe there are other local authorities with the same extra charge when more than four passengers are carried, MH brought details of Brighton & Hove to the meeting so LD can contact them to ask how their meters are set up.</p> <p>Train Station Redevelopment: BLTF raised concerns even after the site visit about the proposed new feeder rank at the Columbia Centre, and would prefer instead to continue to use the bus station as a feeder rank. BLTF wants Columbia Centre open before new train station rank opens. MH suggested that a red/green light system be supplied and paid for out of licence fees. RS to enquire regarding the possibility of this being obtained.</p> <p>AW & JY agreed best way for new rank to work would be single file of 8 vehicles as passengers & drivers would have difficulty in getting out of cars and vehicle damage will be unavoidable.</p> <p>JY requested all signage and road markings including a sign of a HC vehicle should be in place before the existing rank closes. RS said it was a ring system and would not be easy for private hire vehicles to pick up. JY also raised concerns that the higher kerb was not installed as yet on the new Train Station Rank as is at Legion & Point ranks. RS to raise with SJ.</p> <p>RS to get an opening date for the Train Station Rank from SJ. Officers will monitor new rank for first few weeks to ensure a smooth transition.</p> <p>JY stated that under Health & Safety toilets should be available to drivers. MH said that since the drivers are providing a service to the train station, and BFC pay for the use of the rank, then drivers should have use of the toilets. LD to enquire with SJ/South West Trains and MH to pursue this issue through his contact at South West Trains in Elmbridge.</p>	<p>BLTF</p> <p>LD</p> <p>RS</p> <p>RS</p> <p>RS</p> <p>BLTF</p> <p>LD/MH</p>
<p>3.</p>	<p>TPI Survey: Recommendations</p> <p>The recommendations made by TPI were discussed as follows:</p> <ul style="list-style-type: none"> • It is recommended that if any change to the current licensing policy is proposed this should be reviewed in the light of any new DfT guidance to licensing authorities, expected to be published towards the end of 2009. <ul style="list-style-type: none"> Agreed: No due date available from DfT website. There were no relevant changes in the updated version received during the consultation process earlier this year so it seems unlikely this will have any impact. • To address service accessibility, service quality and standards of customer care issues identified, consideration should be given to: <ul style="list-style-type: none"> <i>In the short term</i> <ul style="list-style-type: none"> ○ encouraging drivers to seek training in understanding the market opportunities offered by disabled people, 	

	<p>passenger handling, disability awareness, customer care, knowledge and where appropriate language skills</p> <ul style="list-style-type: none"> ○ providing information on the difference between Hackneys and PHVs and promoting the use of legitimate vehicles ○ ongoing monitoring of the outcomes of the above through customer surveys and random use of mystery passengers <p>Agreed: (1) The possibility of working with TRL re mobility, and other disability awareness training is to be explored and will be reported back. The expectation is that the trade reps will help ensure take up.</p> <p>(2) the possibility of introducing a condition requiring the use of signage on the sides of private hire vehicles stating 'Advance Bookings Only' or 'No Booking – No Ride' to be subject of a report to Committee. LD brought some mini-leaflets on the safe use of taxis to the meeting and will draft a new version for Bracknell by next meeting.</p> <ul style="list-style-type: none"> • The licensing authority should encourage operators and drivers to promote their services on a collective basis. Agreed: The possibility of using Community TV to promote the quality of the hackney carriage trade is to be explored; NK to contact Clare Sharp. • The licensing authority should seek to collate information on which operators and drivers operate wheelchair accessible vehicle/s, using drivers trained in the care of disabled people and are responsive to their needs and publish this as part of a guide to accessible taxis. Agreed: (1) A guide to accessible taxis should be produced by the Licensing Section, possibly tying in with the mini-leaflet idea mentioned above. MH suggested the directory could contain contact details of drivers who volunteer to provide disabled services. LD suggested that she and NK will write to all operators and hackney vehicle owners to gauge interest. (2) When all vehicles are fully wheelchair accessible, in April, there should be a press release to promote accessibility. The guide could be promoted to older people groups, day centres and the University of the 3rd Age. 	<p>NK</p> <p>LD</p> <p>NK</p> <p>LD</p> <p>LD/NK</p> <p>NK</p>
<p>4.</p>	<p>Any other business</p> <p>LD to check if there are any legal requirements reference having CCTV cameras in vehicles.</p> <p>NK to check the CSC scripting for all taxi licences as some drivers are being asked for irrelevant information.</p> <p>BLTF to suggest a couple of members to attend Time Square to see how a renewal is done from start to finish in order for the trade to understand the procedures and processes that must be followed.</p>	<p>LD</p> <p>NK</p> <p>BLTF</p>

	NK advised the meeting that a current hackney carriage licence holder has notified her that he has moved away and will not be renewing his licence, so his vehicle appears to be available for sale. JY to advise members of this situation in case any would like to purchase the vehicle.	BLTF
5.	Date of Next Meeting TBC	



MINUTES

MEETING NAME: Bracknell Licensed Taxi Forum

MEETING DATE AND TIME: 11.00 hours Thursday 14 January 2010

PRESENT: Laura Driscoll (LD) Andy Watson (AW)
 Robert Sexton (RS) John Yexley (JY)
 Niamh Kelly (NK) Cllr Jan Angell

1.	<p>Apologies Cllr Jacqui Ryder Mick Hildreth (MH)</p>	
2.	<p>Minutes of last meeting</p> <p><i>Correction from last minutes: JY put forward that Doblos should not be licensed as private hire vehicles and that private hire vehicles should not park within 20 metres of a rank.</i></p> <p>JY & AW mentioned that there are private hire vehicles continually plying for hire and ignoring the restrictions in the bus station area. NK to continue to monitor the area. RS advised that the trade need to provide evidence of times, dates, and details of the vehicles/drivers breaching the restrictions so that officers can investigate and enforce where appropriate, as officers cannot monitor the rank 24/7. There must be good evidence of mis-practice if officers are going to be able to go to Members to ask for the changes that the BLTF are requesting.</p> <p>AW requested MH to organise a mystery shopper to approach a Private Hire vehicle parked adjacent to the bus station rank.</p> <p>Discussion over starting meter while assisting wheelchair users into the vehicle to be carried over to next meeting. LD is awaiting a response from the Institute of Licensing's solicitor on the issue.</p> <p>BLTF believe there are other local authorities with the same extra charge when more than four passengers are carried. LD has received contact details from MH and is awaiting a response from Brighton & Hove.</p>	<p>NK BLTF</p> <p>MH</p> <p>LD</p> <p>LD</p>

	<p>AW & JY expressed concerns regarding disabled passengers accessing vehicles on the new Train Station rank as the surface is completely flat with no raised kerb. RS has been advised that the layout meets national guidelines, and if the trade feels it is an issue then they would need to produce evidence of the problem so that RS can request that modifications be made. RS also advised that there would be no funds to provide a red/green light system between the Bus Station Rank and Train Station Rank, so Station Road will be the feeder rank and this will be monitored to see how it proceeds when open. RS will be proposing that a salt bin be in place at the new Train Station Rank but cannot guarantee availability, and it is unlikely that someone would be available to grit the area.</p> <p>LD advised that due to the poor weather the works on the Train Station Rank have been delayed. Works will start again when the weather improves, and should take approximately two weeks. This will hopefully coincide with the opening of the feeder rank on Station Road. Officers will monitor the new rank for first few weeks to ensure a smooth transition.</p> <p>MH said that since the drivers are providing a service to the train station, and BFC pay for the use of the rank, then drivers should have use of the toilets. MH to pursue this issue through his contact at South West Trains in Elmbridge. LD to contact Mark Franklin from South West Trains.</p> <p>LD confirmed that the taxi sign at Great Hollands is now fixed. Also at Harmanswater the bay has been remarked and a timeplate will be in place so that the parking restriction can be enforced by civil enforcement officers.</p> <p>LD awaiting response from Legal about having CCTV in vehicles.</p> <p>NK has checked CSC scripting for vehicle licences and it was correct.</p> <p>BLTF to suggest a couple of members to attend Time Square to see how a renewal is done from start to finish in order for the trade to understand the procedures and processes that must be followed.</p>	<p>RS</p> <p>NK</p> <p>MH LD</p> <p>LD</p> <p>BLTF</p>
<p>3.</p>	<p>TPI Survey: Progress</p> <p><u>Disability Awareness Training</u> NK has looked into arranging disability awareness training with Broomhead Training, a 3 hour session specifically designed for taxi drivers. Course content includes disability issues, barriers faced by disabled people in today's society, language guidelines, specific duties under section 36 & 37 of Part V (Public Transport) of the Disability Discrimination Act 1995, practical tips on folding wheelchairs and how the disability equality approach delivers benefits for all.</p> <p>JY does not feel that this training is necessary and that some training on manual handling would be adequate. LD explained that the survey raised concerns about attitudes and awareness, so the training would address those concerns. JY and AW to consider and discuss and report back at next meeting.</p>	<p>BLTF</p>

	<p><u>Publicity re Safe Taxi Use</u> RS will be reporting to Committee to seek a view on having signage on the sides of private hire vehicles stating 'Advance Bookings Only' or 'No Booking - No Ride'. There would need to be a consultation exercise before any final decision is made. JY said that some Private Hire Companies were flouting the inappropriate use of the word "Taxi" and "Advance Bookings" and even though a small percentage they should be brought to book. NK to check with A1 and JJM wording on door signs.</p> <p>LD to draft a mini-leaflet on the safe use of taxis by next meeting.</p> <p>NK to contact Clare Sharp re using Community TV to promote the hackney carriage trade and the opening of the new Train Station Rank.</p> <p><u>Guide to Accessible Taxis</u> LD has produced letter re guide to accessible taxis to send out to operators and hackney owners to gauge whether interested in their contact details being included in guide. Passed copy to AW and JY for comments. Letter to be sent out by end of January.</p> <p>When all vehicles are wheelchair accessible, by end June, NK will arrange for press release to promote this.</p>	<p>RS</p> <p>NK</p> <p>LD</p> <p>NK</p> <p>LD</p> <p>NK</p>
<p>4.</p>	<p>Complaints Protocol</p> <p>JY was not happy with the way a complaint against him was dealt with. JY requested that LD retract a letter sent to him, and LD explained that this would not be done. JY is not satisfied and will take this matter further. RS advised JY to write to him to raise his concerns.</p> <p>JY and AW stated that unless all complaints in future were put in writing and copies of the complaint letter sent to the driver, then they would advise their members to ignore the letters. RS said that if the BLTF would only consider complaints made in writing, then all communication from the BLTF and complaints would therefore also have to be put in writing in future, but that writing includes email. Officers will continue to contact drivers where a complaint has been made to invite the driver to either respond in writing or come in to discuss.</p>	
<p>5.</p>	<p>Any other business</p> <p>AW & JY enquired re progression of the bus gate issue and reiterated that if they were given a trial period of access through the bus gate between 7.30 - 9.30 and for two hours during evening peak times this would provide a faster and cheaper service and therefore benefit both drivers and customers. RS advised that he had put forward a report to the next DMT meeting in 2 or 3 weeks, and advised the trade to provide evidence to substantiate their claims. RS suggested that drivers promote their services on a collective basis and provide a number of vehicles as a taxi-bus service that would gain access to the bus gate. AW & JY disagreed and said it would not be possible and would not be beneficial for the trade.</p>	

	<p>RS advised that a letter was sent out to all operators and hackney vehicle owners regarding the age of vehicle condition which refers to exceptional condition and abnormally low mileage. The consultation closes on 15 January 2010, and a report will go to Committee in February.</p> <p>The advert for the new vehicle and operator fees went in the local paper on 17 December and consultation closes today. Hackney vehicle fee is proposed to rise by approx £6-£8 per year.</p>	
<p>6.</p>	<p>Date of Next Meeting</p> <p>11.00 hours Thursday 18 February 2010</p>	



REPORT TO LICENSING & SAFETY COMMITTEE

REPORT OF BLTF

SUBJECT : TAXI LIMITATION

DATE ; 13.01.2010

Dear members,

Since the last committee meeting in early October 09 when you decided to implement a limiting policy on hackney carriage licenses within the Borough of Bracknell, we are pleased to inform you that although this policy is still in its infancy it has had a stabilizing effect on the trade.

In the subsequent meeting we attended with Licensing Officers and Steve Loudoun, we were delighted to hear Mr Loudoun announce that he was now fully in support of the new limiting policy, and would be committed to helping the trade in any way he could through the difficult times ahead.

One area that has been identified within the TPI survey for improvement is in the wheelchair sector. The BLTF has been aware of some problems in this area and intend to work with licensing officers to improve the service we deliver to our wheelchair bound customers and optimize maximum market potential.

Although the TPI survey produced a very technical panoramic view of the taxi trade within the Borough, it clearly concluded that one of the major factors for people not to use taxis was cost. We are therefore very pleased to inform the committee that after consulting the membership the BLTF GMB members have requested **NO** increase in the metered fare for 2010.

It is the BLTF's intention this year to work closely with the council / licensing officers to address all the recommendations set out in the TPI report. We felt that overall the residents of Bracknell and paying public were pleased with the level of service currently being delivered by the hackney carriage trade but we believe there is always room for improvement.

We hope the committee has now had a chance to examine the TPI report in greater detail and understand how important the limiting policy will be to maintain the exiting high quality taxi fleet that the residents of Bracknell and visitors alike enjoy. The committee will be aware that most of the hackney carriage trade is generated within the town centre. This is consistent with most other towns and cities. The problems facing the trade within Bracknell started long before the recession and we would like the committee to note that even if the country came out of recession at some point this year it is likely not to have a great impact on the trade. Hackney carriages thrive in vibrant towns and cities, and we feel until the completion of the regeneration that this is unlikely to be the case in Bracknell. The TPI stated in its report that Bracknell Forest Borough had more than an adequate number of taxis to meet the demand for the next 3 years. We therefore request that the committee vote to keep the limiting policy in place.

John Yexley BLTF Chairman
Andrew Watson BLTF Secretary

LICENSING AND SAFETY COMMITTEE 08 FEBRUARY 2010

LICENSING ENFORCEMENT PROTOCOL (Chief Officer: Environment and Public Protection)

1 INTRODUCTION

- 1.1 The Council and Thames Valley Police work in partnership to enforce the Licensing Act 2003 in relation to the sale of alcohol to persons under 18 years old. A Licensing Enforcement Protocol has been produced with Thames Valley Police to outline the approach that will be taken when enforcing the Act, with the aim of providing guidance for officers, businesses, consumers and the public. The Protocol can be found at Appendix A.

2 SUPPORTING INFORMATION

- 2.1 The Licensing Enforcement Protocol takes account of the requirements of the Regulators' Compliance Code and Bracknell Forest Council's Enforcement Policy.
- 2.2 The Council and Thames Valley Police will continue to carry out both routine and intelligence-led test purchases in premises where alcohol is sold to test the robustness of retailers' policies. Where sales to underage persons occur, action will be taken in line with the relevant enforcement policies, which will include educational advice to the business.
- 2.3 This strategy will be reviewed annually or when it is judged appropriate to do so by the Council or Thames Valley Police.

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

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

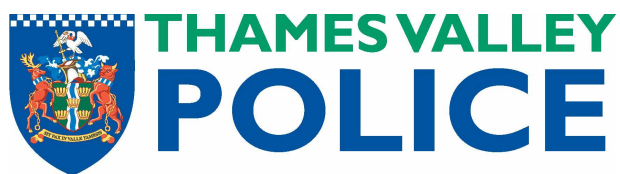
Contact for further information

Laura Driscoll, Licensing Section - 01344 352517

laura.driscoll@bracknell-forest.gov.uk

Doc Ref

G:\SECS1\LICENSING & SAFETY COMMITTEE\2010\January\Licensing Enforcement Protocol.doc



BRACKNELL FOREST COUNCIL AND THAMES VALLEY POLICE (BERKSHIRE EAST BCU)

STRATEGY OF ENFORCING THE LICENSING ACT 2003 IN RELATION TO SALE OF ALCOHOL TO CHILDREN AND YOUNG PEOPLE

1. Introduction

- 1.1 Bracknell Forest Council (BFC) and Thames Valley Police (TVP) work in partnership to enforce the Licensing Act 2003 ('the Act') in relation to the sale of alcohol to persons under 18 years old. This document outlines the approach the Partnership will take when enforcing the Act, which takes account of the requirements of the Regulators' Compliance Code and Bracknell Forest Council's Enforcement Policy.
- 1.2 The purpose of this document is to ensure efficient and effective co-operation within the Partnership through open communication and sharing of intelligence. Where possible, enforcement activities in relation to licensed premises will be coordinated to maximise the effectiveness of any enforcement.
- 1.3 When making a decision on whether to take enforcement action, each case will be considered on its own merits, in accordance with relevant enforcement policies and this strategy.
- 1.4 This strategy is intended to provide guidance for officers, businesses, consumers and the public. It does not fetter the discretion of the parties involved to take other action which they deem to be reasonable and proportionate. Any departure from the strategy should be documented and reasons noted.
- 1.5 This strategy will be reviewed annually or when it is judged appropriate to do so by the Partnership.

2. Licensing Act 2003

- 2.1 The purpose of the Licensing Act 2003 is to promote the following four objectives:
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 2.2 Section 146 of the Act makes it an offence to sell alcohol to an individual under the age of 18, and section 147 makes it an offence to knowingly allow the sale of alcohol to an individual under the age of 18. The person selling the alcohol must take all reasonable steps to establish the individual's age.
- 2.3 Section 149 makes it an offence for a person under the age of 18 to buy or attempt to buy alcohol unless this is at the request of a constable or a weights and measures inspector who is acting in the course of his duty. It also makes it an offence for a person to buy or attempt to buy alcohol on behalf of an individual aged under 18.

- 2.4 The Partnership will take a range of actions to reduce or eliminate the sale of alcohol to underage persons, and take responsibility for reducing the consumption of alcohol by under 18s and to reduce access to alcohol by that group.

3. Preventative Approach

- 3.1 The Partnership will seek to engage the community, whereby both new and existing strategies concerned with young people include a reference to the impact of alcohol on persons under 18 years of age. The Partnership will seek to ensure that coordinated action is taken to address the issue of children and alcohol.

4. Educational Approach

- 4.1 The Partnership will work with retailers to raise awareness of and improve compliance with the law in relation to sales of alcohol. It will promote and support schemes such as Challenge 21 and Challenge 25 and encourage retailers to insist on the production of a valid proof of age identity document.
- 4.2 The Partnership will carry out both routine and intelligence-led test purchases in premises where alcohol is sold to test the robustness of retailers' policies. Where sales to underage persons occur, action will be taken in line with the relevant enforcement policies, which will include educational advice to the business.

5. Enforcement Options: Unauthorised Purchase or Possession of Alcohol by Underage Persons

- 5.1 The Police Officer shall consider all the circumstances involved in the situation. The officer has the option to:
- (a) Take the young person home and deliver him/her to a responsible adult
 - (b) Take appropriate action with a view to a Reprimand or Final Warning
 - (c) Consider if prosecution is appropriate (suggested where a Reprimand or Final Warning has already been issued).

6. Enforcement Options: Sales of Alcohol to Underage Persons

- 6.1 If a test purchase results in the sale of alcohol, the options detailed in 6.4 are available for action against Premises Licence Holders (PLH), Designated Premises Supervisors (DPS) and Sellers.
- 6.2 For second or subsequent offences, consideration may be taken of the time difference between offence dates.
- 6.3 At the outset of any partnership working, the agencies will agree who will take the lead for any enforcement actions arising from the work undertaken. The actions listed below are possible scenarios and for consistency each enforcement agency should agree those actions as appropriate in a particular case.

6.4 **First Offence**

- (i) TVP to issue a Fixed Penalty Notice (FPN) to the Seller.
- (ii) Invite the PLH (or their representative) and DPS to attend a Premises Performance Meeting. Failure to engage will be recorded and may be used in subsequent reviews.
- (iii) Where necessary, issue a written warning to the PLH requiring them to review their procedures, take effective steps to prevent a recurrence and submit their amended procedures to the Partnership with 28 days of receiving the warning.

Second or Subsequent Offence

- (i) If same Seller as on previous occasion, interview Seller under caution in accordance with PACE and consider prosecution. If it is a different Seller at the same premises, TVP to issue a FPN to the Seller.
- (ii) Invite the PLH and/or DPS to an interview under caution in accordance with PACE and consider prosecution.
- (iii) TVP or Trading Standards may seek a review of the premises licence, independent of any other enforcement action. Normal practice would be for the Partnership to jointly agree the need for and proposed outcome before starting a review.

NB: If a FPN is issued then no further action can be taken by TVP as the FPN negates any further action. If a FPN is refused or not paid then the individual concerned may be reported for consideration of prosecution.

7. Reviews of Premises Licences

- 7.1 A Responsible Authority seeking a review will be expected to seek an informal resolution to the matter if possible or appropriate. If the matter proceeds to hearing, it may be useful to demonstrate that alternative approaches to dealing with the situation have been attempted.
- 7.2 The review of a licence should not normally be considered as an action for a first offence
- 7.3 In seeking a review of the premises licence, the Responsible Authority will specify its recommendations which may include one or more of the following:
 - (a) Modification or addition of conditions to the licence
 - (b) Exclusion of a licensable activity from the licence
 - (c) Removal of the DPS
 - (d) Suspension of the licence for a period not exceeding 3 months
 - (e) Revocation of the licence

8. Prosecutions and Cautions

- 8.1 The lead party in respect of the test purchase exercise will normally take the lead in respect of the prosecution of a premises licence holder or designated premises supervisor.
- 8.2 On prosecution for a relevant offence, the Partnership may request the suspension or forfeiture of the Personal Licence.

LICENSING AND SAFETY COMMITTEE 08 FEBRUARY 2010

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

1 INTRODUCTION

- 1.1 Under the Gambling Act 2005, the Council is required to review and consult upon its Statement of Gambling Principles ('the Statement') every three years from the date of adoption. The previous Statement was published on 31 January 2007 and therefore had to undergo a review and be re-published on or before 30 January 2010.

2 SUPPORTING INFORMATION

- 2.1 Consultation took place from 24 April to 7 September 2009 with a range of organisations including current licence holders, trade associations and community groups. The consultation was also publicised on the Council's website. Approximately 300 individuals and organisations were consulted by post or email, and just 8 responses were received, 7 of which were 'no comment'.
- 2.2 The revised Statement was adopted by the Council on 25 November 2009 and was published on 22 December 2009. The document can be found in the Licensing area on the Council's website.
- 2.3 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.

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

Gambling Act 2005

Statement of Gambling Principles (January 2007)

Gambling Commission Guidance to Licensing Authorities (May 2009)

Contact for further information

Laura Driscoll, Licensing Section - 01344 352517

laura.driscoll@bracknell-forest.gov.uk

Doc Ref

G:\SECS1\LICENSING & SAFETY COMMITTEE\2010\January\Update on Review of Statement of Gambling Principles.doc

This page is intentionally left blank