



## **NOTICE OF MEETING**

### **Licensing and Safety Committee**

**Thursday 13 January 2011, 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, Virgo and Ms Wilson

ALISON SANDERS  
Director of Corporate Services

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Published: 4 January 2011



**Licensing and Safety Committee  
Thursday 13 January 2011, 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 14 October 2010.

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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. **Public Speaking**

To note those agenda items for which a request for public speaking has been received.

**Decision Items**

6. **Review of Guidance Notes and Conditions for Hackney Carriages and Private Hire Vehicle Owners, Operators and Drivers**

The Committee is asked to approve the proposed amendments to the Council's Guidance Notes and Conditions for Hackney Carriages and Private Hire Vehicle Owners, Operators and Drivers.

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7. **Signing on Vehicles**

To receive a report updating members on the progress and results of a consultation exercise conducted with the trade arising from the TIP Unmet Demand Survey Report published in 2009.

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**Information Items**

8. **Chauffeur Badges**

The Committee is asked to consider a report outlining proposals to introduce a new license classification.

87 - 88

9. **Equality Act 2010**

The Committee is asked to consider a report highlighting the main provisions in relation to designated vehicles, exemption certificates and duties for drivers as set out in the Equality Act 2010.

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10. **Police Reform and Social Responsibility Bill**

The Committee is asked to consider a report setting out the proposed amendments to the Licensing Act contained within the Police Reform and Social Responsibility Bill.

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**LICENSING AND SAFETY COMMITTEE**  
**14 OCTOBER 2010**  
**7.30 - 9.00 PM**

**Present:**

Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman), Mrs Barnard, Beadsley, Brossard, Finch, Osborne, Phillips, Thompson and Ms Wilson

**Apologies for absence were received from:**

Councillors Mrs Angell, Baily, Burrows, Leake and Virgo

**11. Declarations of Interest**

There were no declarations of interest.

**12. Minutes**

**RESOLVED** that subject to the amendment of Minute 9: Bracknell Forest Licensed Taxi Forum to read:

- i. The Licensing Team Leader presented the minutes of the meeting of the Bracknell Licensed Taxi Forum meeting held on 21 May 2010. Meetings were held monthly and were a forum for BLTF members not private hire operators
- ii. At the request of one of the private hire companies, a special meeting had been arranged to take place within the next few weeks, but this was not a regular arrangement
- iii. Concerns were expressed about lack of communication with private hire companies

The minutes of the meeting of the Committee held on 1 July 2010 be approved as a correct record and signed by the Chairman.

**13. Urgent Items of Business**

There were no urgent items of business.

**14. Review of Statement of Licensing Policy**

The Chief Officer: Environment and Public Protection presented a report setting out the Council's Reviewed Licensing Policy with suggested amendments for comment prior to its approval by Council on 24 November 2010.

The Licensing Act 2003 required licensing authorities to prepare and publish a statement of its licensing policy every three years. Consultation on the revised policy had started on 8 July 2010 and ended on 1 October 2010. Two responses had been received, from Thames Valley Police and Crowthorne Parish Councils, and the comments incorporated into the draft policy.

Arising from Members questions and comments the following points were noted:

- Paragraph 2.6(C) the final sentence would be clarified to make it clear that drugs were the subject in question
- Paragraph 5.18 there was confusion over where people made representations to if there were concerns about the protection of children from harm
- Paragraph 7.3 Temporary Event Notices can currently be submitted at either Bracknell or Crowthorne Police stations. Simplifying this to Bracknell Police Station only would ensure that applications were processed in good time
- Paragraph 8.4 under the law a Personal License holder convicted of a relevant offence only had to inform the licensing authority who had issued the license
- Anyone was living or working in the vicinity of a premises, or a representative of someone living or working in the vicinity, is welcome to comment on a licensing application

**RESOLVED** that:

- i. the Committee note the proposed amendments
- ii. the revised policy be agreed subject to the clarification of Paragraph 5.18
- iii. Delegated authority be given to the Chief Officer: Environment and Public Protection, in consultation with the Chairman and Vice-Chairman, to approve the clarification of paragraph 5.18 prior to the revised policy's submission to Council for approval

**15. Fees and Charges**

The Committee considered the proposals for fees and charges and were asked to agree a set of fees for general licences that would go forward for public consultation and agreement by the Executive as part of the budget review process. The fees for Hackney and Private Hire vehicles and operators would go through a separate prescribed process before being adopted.

It was reported that where the council had discretion to set fees and charges a decision had been taken to increase these by an average of 3.5%. In light of feedback from licence holders it was proposed to introduce two new groups of fees: operator three year licences and limited street trading licences.

**RESOLVED** that:

- i. The proposed Hackney Carriage licence fee increase be held at zero
- ii. Save for the Operator, Hackney Carriage and Private Hire vehicle licence fees the new fees and charges detailed in Appendix A of the report, as amended by the Committee, be recommended to the Executive for public consultation
- iii. That the proposed charges for operator and vehicle licence fees are:
  - a. advertised
  - b. if no objections are received, implemented as from 1 April 2011 or
  - c. if objections are received, that they be considered by the Committee at the meeting on 13 January 2011.

**16. Licensing Policy in Regard to Sex Establishments**

The Licensing Team Leader presented a report containing a draft Sex Establishment Policy.

At the meeting of full Council, on 21 July 2010, the Council had adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. The adoption of Schedule 3 gave the local authority the ability to grant, refuse and apply licence conditions to premises that

wished to operate as either a sexual entertainments venue, a sex shop or a sex cinema, commonly known collectively as sex establishments.

Arising from Members' questions and comments the following points were noted:

- The adoption of a Sex Establishment Policy would give the authority greater control over venues; it was not anticipated that it would encourage applications
- If an application was received before the policy was adopted then legal advice would be sought and the application treated on its own merits
- Grounds for refusal of an application were contained within the Act
- Paragraph 5.1: The law relating to publication of applications referred to an advertisement. This would take the form of one advertisement placed in the local press and a public notice on display in the relevant area for 21 days. The advert must be published within 7 days of the application's receipt. This paragraph would be amended to reflect this
- Paragraph 5.4: This sentence would be amended to include suitable weather protection of the public notice to ensure their longevity
- Section 10: this would be amended to indicate that plans of premises would be required if a new application or a variation of an existing licence was received
- Section 11: If a new person wished to take on the licence and carry out structural changes they would need to apply for a transfer of licence and a variation of licence and premise plan would be required
- Appendices A, B and C would be circulated to Committee members for information
- The Act included provisions for what could be seen from the exterior of premises
- The draft policy would be updated to reflect members comments and circulated before it was published for public consultation

**RESOLVED** that:

- i. Subject to the changes made during the Committee meeting, the draft policy and notes for guidance be approved for consultation
- ii. The results of the consultation be considered at the Committee's next meeting on 14 January 2011.

#### 17. **Rebalancing the Licensing Act Consultation**

The Committee received a report setting out the Council's response to the Home Office consultation paper 'Rebalancing the Licensing Act.'

The Council's response developed jointly by the Council's Licensing Team, Members and Thames Valley Police had been approved by the Chairman of the Licensing and Safety Committee and submitted to the Home Office on 7 September 2010.

The Chairman thanked everyone who had contributed to the consultation response.

The Committee noted the report.

#### 18. **Operators' Forum**

The Committee received a report containing the minutes of the meeting of the Operators' Forum held on 27 July 2010.

The Chairman invited Mr Yexley, Chairman of the Bracknell Licensed Taxi Forum to speak to the meeting. Mr Yexley expressed the view that all those involved in the

Operators' Forum were private hire operators and that private hire operators had no business discussing the tariffs of hackney carriages.

The Committee were informed that the Operators' Forum had been set up as a result of discussions at their previous meeting and that the item in question on the Operators Forum agenda, Item 2: When are we proposing the next tariff change?, had been included following the receipt of a direct question from an operator.

The Committee were reminded that officers had been tasked with looking at how best to set up a new trade liaison group. Officers were working on proposals for consultation for a network group that would meet quarterly and involve all aspects of the trade including hackney carriage operators, private hire operators and chauffeur operators. The results of this consultation would be brought to the Licensing and Safety Committee's next meeting.

**CHAIRMAN**



## LICENSING AND SAFETY COMMITTEE 13 JANUARY 2011

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### 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 purpose of this report is to seek approval for amendments to the Council's Guidance Notes and Conditions document.
- 1.2 Attached at Appendix A are the proposed new Guidance Notes for 2011. The only material changes are as follows:
- (a) to clarify that a driver is required by law to wear the licence badge issued by the Council,
  - (b) to add a section in the penalty points form for failure to provide insurance, MOT or vehicle inspection documentation, and
  - (c) to add the new Age Limitation for Vehicles policy at Annex G.

#### 2 RECOMMENDATIONS

- 2.1 **That the Committee approves the amended Guidance Notes and Conditions document at Appendix A to take effect from 1 April 2011.**

#### 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 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.

- 4.2 The guidance notes are updated on an annual basis to reflect changes in law and Council policy. The aim is to publish the new guidance by 1 April 2011.
- 4.3 In respect of the amendments proposed, item (a) in 1.2 is a clarification of law and will not be subject to consultation. Item (b) was agreed by the Committee on 1 July 2010 following a suggestion from the Bracknell Licensed Taxi Forum that the Council should not send reminder letters for vehicle inspection documentation. Item (c) was subject to a full consultation exercise and came into effect from May 2010 following approval at Committee on 29 April 2010.

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (April 2011)

Contact for further information

Laura Driscoll, Licensing Section - 01344 352517  
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Doc Ref

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

**April 2011**

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

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

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# Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators, Drivers 1 April 2011

## 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](http://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](http://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](http://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](http://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 Only CRB Disclosures with Bracknell Forest Council as the registered body will be accepted.

*CRB Code of Practice*

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 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)*

5.5 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 licensed 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 licensed 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 licensed 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 their driver's badge in a prominent position so that it is plainly and distinctly visible.

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*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**

7.1 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. [For more details please see Annex G.](#)

*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](http://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
- 1 pair of disposable gloves.

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

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

*BF(G)*

## **17. Use of Mobile Phones and Radios**

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

*Wireless Telegraphy Act 1949  
BF(LC)*

17.2 A hand-held mobile phone or radio handset must not be used whilst the vehicle is in motion. It is a criminal offence to use a hand-held mobile phone whilst driving. A driver can also be prosecuted for using a hands-free device if they are not in proper control of their vehicle. 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?
<b>Child up to 3 years old</b>	Correct child restraint <b>MUST</b> be used.	Correct child restraint <b>MUST</b> be used. If a restraint is not available in a licensed taxi/private hire vehicle, the child may travel unrestrained.	<b>Driver</b>
<b>Child from 3rd birthday up to 135cm in height (approx 4' 5") (or 12th birthday, whichever they reach first)</b>	Correct child restraint <b>MUST</b> be used.	<b>Where</b> seat belts are fitted, the correct child restraint <b>MUST</b> be used. The child must use 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.	<b>Driver</b>



	<b>Front seat</b>	<b>Rear seat</b>	<b>Who is responsible?</b>
<b>Child over 135cm in height (approx 4' 5") or 12 and 13 years old</b>	Seat belt <b>MUST</b> be worn if available.	Seat belt <b>MUST</b> be worn if available.	<b>Driver</b>
<b>Passengers aged 14 years old and over</b>	Seat belt <b>MUST</b> be worn if available.	Seat belt <b>MUST</b> be worn if available.	<b>Passenger</b>

### **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 office is open from 8.30am to 5.00pm Monday to Friday.

**Telephone:** 01344 352000

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

### **Write to:**

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

## APPENDIX A

### **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.

## APPENDIX B

### 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. 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.

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

#### **Wheelchair Users**

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- 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.

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.
- If you have used a swivel seat, make sure it is locked back in position once inside the vehicle.



## 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.

## APPENDIX C

### **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.

## APPENDIX D

### 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, stickers or driver badge	6		<u>Failure to provide MOT, inspection or insurance document</u>	<u>4</u>	
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: .....

## APPENDIX E

### 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**

<b>Section</b>	<b>Offence</b>
49	Failure to notify transfer of HC proprietor's licence
50(1)	Failure to present HC for inspection as required
50(2)	Failure to inform local authority where HC is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce HC proprietor's licence and insurance certificate
53(3)	Failure to produce HC driver's licence
57	Making false statement or withholding information to obtain HC driver's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
64	Permitting any vehicle other than HC to wait on 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**

<b>Section</b>	<b>Offence</b>
46(1)(a)	Using an unlicensed PH vehicle
46(1)(b)	Driving a PH vehicle without a PH driver's licence
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver
46(1)(d)	Operating a PH vehicle without a PH operator's licence
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver
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

<b>Section</b>	<b>Offence</b>
	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

## APPENDIX F

### 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.

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## APPENDIX G

### AGE LIMITATION ON VEHICLES

#### 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 or have evidence of leaks including water, oil or hydraulic fluids.

#### **Interior of vehicle**

- 6. 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.
- 7. 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.
- 8. Interior panels and fittings within the vehicle should not be damaged nor show excessive wear, or staining.
- 9. 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 with 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:

1. Be a four door saloon motor car and would not normally be a hatchback
2. Be not less than 14.9 ft (4470mm) in length
3. The vehicle interior and exterior shall be of the very highest quality in design and use of materials available.
4. Must have sufficient space for passengers and equipment in so much as:
  - a) rear height (seat to roof, measured from point of contact between seat cushion and back of seat) - 36” (91cm)
  - b) depth of seat – 20” (51cm)
  - c) knee space – (back of seat squab) with front seats fully back – 29” (73.5cm)

5. The vehicle should carry no more than:
  - a) one passenger in the front;
  - b) three passengers in the rear, unless it is specifically designed or adapted to do so;
  - c) each rear seat passenger should have a minimum clear seat width for each passenger of at least 19" (48.2cm).
6. The engine capacity must exceed 2 litres.
7. The vehicle must not be designed or adapted for off road purposes.
8. The vehicle must not be designed or adapted as a personnel carrier, mini bus, people mover or other like vehicle.



## LICENSING AND SAFETY COMMITTEE 14 January 2011

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### **SIGNING ON VEHICLES (Chief Officer : Environment and Public Protection)**

#### **1 PURPOSE OF DECISION**

- 1.1. This report arises from a recommendation that was contained within the TPI Unmet Demand Survey Report received by this committee on 1 October 2009. The purpose of this report is to update members on the progress and results of a consultation exercise conducted with the trade.

#### **2 RECOMMENDATIONS**

2.1. **That the Committee**

- i) **Considers the report and**
- ii) **Determines whether or not officers should bring back a further report to the Committee on the best way to introduce a condition requiring signage on private hire vehicles**

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

3.1 Borough Solicitor

The legal implications are contained within the report

3.2 Borough Treasurer

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

3.3 Equalities Impact Assessment

There are no implications arising from the recommendation in this report

3.4 Strategic Risk Management Issues

There are no issues to consider.

#### **4 SUPPORTING INFORMATION**

- 4.1. The TPI Unmet Demand Survey August 2009 made a number of recommendations and amongst those recommendations was:

**“Providing information on the difference between Hackneys and Private Hire Vehicles and promoting the use of legitimate vehicles.”**

- 4.2. The Bracknell Licensed Taxi Forum (BLTF) suggested that to raise awareness and improve public safety, private hire vehicles should have a compulsory sign on the doors which include words such as “Advance Bookings Only” or “No Booking, No Ride”. These signs they suggested are common throughout the UK and help clearly identify a private hire vehicle from a Hackney Carriage.
- 4.3. It is illegal for a private hire vehicle to ply for hire and all rides must be booked in advance. Private hire insurance in the vast majority of cases does not cover plying for hire and will be invalid where a ride has not been booked in advance.
- 4.4. The TPI Survey did consult with users of private hire vehicles and 82.8% said they booked by telephone. There was in addition statistical evidence presented that 7% said they obtained a private hire vehicle from a rank and 5.1% said they flagged down a private hire vehicle in the street. The Council has conducted mystery shopper exercises at the bus station identified by the BLTF as a problem area and on all occasions private hire drivers directed the shoppers to Hackneys on the taxi ranks. It is not clear from the TPI report if the respondents fully understood the distinction between a Hackney Carriage and a private hire vehicle in answering this question. It is suggested that there is a need to have further statistically valid data upon public understanding and usage of private hire vehicles to determine the extent to which illegal plying for hire is taking place.
- 4.5. The Council, through the Hackney Carriage Sub Committee in December 1998, considered the introduction of compulsory door signs. At that time the Sub Committee agreed to the introduction of signage on a voluntary basis as follows:

**Private hire vehicles must not display a roof sign.**

**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.**

**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.**

**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.**

**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.**

- 4.6. Officers as part of the work to address recommendations within the TPI report consulted with all licensed vehicle owners to gauge views on the introduction of a condition which made it compulsory for private hire vehicles to display signs on the driver and passenger door. Attached to the report as Annex A is a copy of the letter sent to all owners of licensed vehicles within the Borough. Attached as Annex B are the 5 responses received:

- |    |                                     |            |
|----|-------------------------------------|------------|
| 1. | Letter from JJM Taxis               | 27-07-2010 |
| 2. | E-mail from Ian Thornton            | 28-07-2010 |
| 3. | Letter from Mr C Bunn               | 29-07-2010 |
| 4. | Letter from J & S Chauffer Services | 29-07-2010 |
| 5. | Letter from Mr J Cole               | 29-08-2010 |

- 4.7 A condition may be applied to a private hire licence as a Council may consider reasonably necessary including one requiring the display of signs on the vehicle so as not to lead any person to believe that the vehicle is a Hackney Carriage. If such a condition is applied to a licence it is suggested that it should be subject not only to the test of reasonableness but also necessity and proportionality. A theme within the responses received is around the necessity for such signs. To address these tests the Committee may wish to consider the following questions:
1. is there a problem to address?
  2. is this an effective counter measure?
  3. is this a proportionate measure which realises benefit for the community without imposing an unnecessary burden upon the private hire business?
- 4.8. The BLTF have consistently voiced the opinion that private hire vehicles are plying for hire from the short term parking area adjacent to the taxi rank at the bus station. Matters reported by BLTF members to officers have been investigated but there has been insufficient evidence to prove any allegations. Officers have also conducted mystery shopper exercises by using staff from neighbouring authorities to approach private hire vehicles to test the allegations. All approaches have been rebuffed by the private hire drivers who rightly referred the shoppers to the taxi ranks.
- 4.9. Further reasons often expressed to support the introduction of door signs is that in poor light, especially at night, members of the public may approach a private car believing it to be the private hire vehicle they have booked for their trip home. The driver of that vehicle may present a serious risk to the passenger. Over the years there have been high profile cases of abduction and sexual assault involving such opportunist drivers. Whilst the frequency of such attacks is very low, they do present a serious risk to public safety when they occur. The use of door signs together with a programme of public education would reduce such risks. The same education programme informing members of the public to look for the plate at the rear of the vehicle or the driver badge may have a similar impact and the Council is presently engaged with Thames Valley Police on such a campaign as part of the TPI recommendation previously mentioned.
- 4.10. Other than the matters referred to in 4.8 above there have been limited allegations of plying for hire by private hire vehicles in recent years. Any allegation that is made is investigated by officers and, where appropriate, action taken in accordance with our Enforcement Policy. Given the low number of justified complaints, it may be that illegal plying for hire within Bracknell Forest is not a serious problem, however as mentioned earlier this must be weighed against the evidence that 12% of private hire users surveyed for the Unmet Demand Survey say they accessed a private hire vehicle in contravention of the legal requirements. Members may consider that further evidence from users of the service may assist in establishing the extent of the problem within Bracknell Forest.
- 4.11. If members are satisfied that a problem exists there must be a consideration on whether the use of signs on vehicles would be an effective measure to address that problem. I would draw members' attention to the letter by Mr Bunn attached as

Annex B3, and Mr Cole Annex B5. Both are long standing members of the taxi trade in the areas of Hackney Carriage and Private Hire.

- 4.12. Their responses imply that they do not feel there is a problem and that the use of compulsory signs is unlikely to be a solution to solve the problem or change public attitude. There is presently no evidence available to be produced to Members from local authorities who have adopted compulsory signs that such an approach confirms or denies this view.
- 4.13. If members are satisfied that there is a problem that needs to be addressed and compulsory signs are a solution, then consideration must be given to the impact of that solution or variants of it on the business to which it is applied. The provision of a sign for both sides of a vehicle given present size requirements and magnetic attachment is around £60 per vehicle. The more information, i.e. Council logo, licence number that is required the higher the cost to the licence holder. Comment has also been made within the responses received that certain passengers require a level of anonymity or presentation of vehicle and that a sign would adversely impact upon businesses that presently attract those types of passengers. Members could decide to provide exemptions for certain classes of licence, i.e. corporate dispensation vehicles, if that is of concern to them.
- 4.14. Some Bracknell operators including JJM and F&D already use door signs on a voluntary basis as they perceive it as a good advertising medium for their companies.
- 4.15. The Department of Transport – Taxi and Private Hire Vehicle Licensing – Best Practice Guidance March 2010, to which the Licensing Authority should have regard states.

**Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:**

**A licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc.**

**The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;**

**Licence condition which requires a sign on the vehicle in a specified form.**

**This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as ‘pre-booked only’. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.**

**Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.**

Whilst this is stated best practice Members should consider if it is appropriate for Bracknell Forest given local conditions around necessity and proportionality.

#### Background Papers

Local Government (Miscellaneous Provisions) Act 1976.

The Department of Transport – Taxi and Private Hire Vehicle Licensing – Best Practice Guidance March 2010

#### Contact for further information

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

[Robert.sexton@bracknell-forest.gov.uk](mailto:Robert.sexton@bracknell-forest.gov.uk)

#### Doc Ref

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Our ref: RJS/mae

16 July 2010



[REDACTED]  
[REDACTED]  
[REDACTED]

Berkshire  
SL5 0NZ

Dear [REDACTED]

### Signs on Licensed Vehicles

The Council presently has a policy which permits the placing of signs upon the door or roof of the vehicle as long as they meet certain requirements. I would draw your attention to Section 18 of the Guidance Book. This book can be viewed on line at:

[www.bracknell-forest.gov.uk/environment/env-licensing/env-hackney-carriage-licences](http://www.bracknell-forest.gov.uk/environment/env-licensing/env-hackney-carriage-licences).

The Council has been approached by the Bracknell Licensed Taxi Forum, following the Unmet Demand Survey, and they have asked the Council to consider making it compulsory for all private hire vehicles to have a sign on the side of the vehicle which includes words such as "Advance Booking Only".

The compulsory use of signs of this nature is common throughout the UK. There are a number of reasons for this, including:

1. Most private hire vehicles are indistinguishable from normal privately owned vehicles particularly in low or poor light. There have been many reported occasions of unlicensed drivers and vehicles (i) touting for business and, in some very unfortunate cases, (ii) using the vehicle as an opportunity to entice a vulnerable person into the vehicle.
2. Public knowledge of the difference between a Hackney Carriage (taxi) and a Private Hire vehicle is not always as good as we would hope and unfortunately there are some unscrupulous private hire drivers who take advantage of this and ply for hire. This puts at risk the safety of passengers.
3. There is also "poaching" of rides within the private hire trade itself. This occurs where a number of operators have despatched vehicles to meet bookings at a busy location and other private hire vehicles poach the booking prior to the arrival of the booked vehicle. This is possible due to a lack of information on a vehicle to enable the customer to correctly identify the vehicle booked.

The Council is seeking the views of all members of the Hackney Carriage and Private Hire trade on the following:

2/...

### 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

- Is it necessary or appropriate for a condition to be applied to a Private Hire licence requiring a sign on the vehicle stating:  
[REDACTED]
  - (i) the name of the operator
  - (ii) the telephone number of the operator
  - (iii) the licensing authority's logo
  - (iv) the licence number
  - (v) the words "Advanced booking only" or "No booking, no ride"?
- Should the sign be permanent or removable, i.e. stuck on or magnetic?
- Are there any grounds for a vehicle to have a dispensation from such a con [REDACTED]

Officers would be pleased to receive your responses by 1 September 2010, which will then be reported to a meeting of the Licensing and Safety Committee for consideration.

If you have any other comments or observations you wish to make on this issue that you do not feel have been addressed within this letter please feel free to include them within your response.

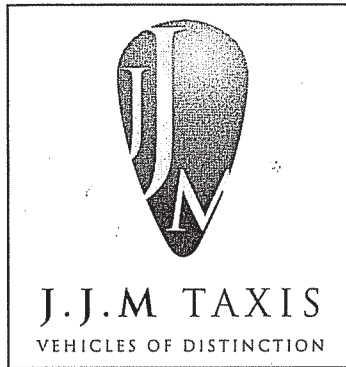
I look forward to hearing from you either by writing to the address on this letter or by e-mail to [licence.all@bracknell-forest.gov.uk](mailto:licence.all@bracknell-forest.gov.uk).

Yours faithfully



**R J Sexton**  
**Head of Trading Standards and Licensing**





JJM Taxis,  
Popeswood Garage,  
London Road  
Binfield,  
Berks,  
RG42 4AA  
(01344)455355  
Fax: (01344)306777  
[bookings@jjmtaxis.com](mailto:bookings@jjmtaxis.com)

27<sup>th</sup> of July 2010

Dear Niamh Kelly,

With regards the question of signs for private hire vehicles, we at JJM Taxis have long been proponents of them. As you may be aware we recently had a long discussion with the council about them which ended with our having to redesign our signs as the council deemed they could be mistaken for a hackney carriage as a response to our having our company name, JJM Taxis, on. Therefore whilst we are happy for them to have the name of the operator and telephone number we would oppose the inclusion of the Bracknell Forrest logo as Rob Sexton promised me that after our, in my opinion, unnecessary redesign that we wouldn't be forced into another redesign straight away, which is what this would be.

Whilst that is a specific quarrel we have, the inclusion of a license number is totally unacceptable as it would require individual signs to be produced for each car at great expense to us for no explainable gain.

It should be mentioned that in respect to the logo and license number they are already on display in multiple locations on each car.

With regards the words "advanced booking only" they are fine and we would much prefer them to the far more asinine "no booking, no ride".

It was mentioned to me that the issue of roof signs was raised. Given that our problems with the council have all been around them saying that our door signs incorrectly conveyed that it was a hackney carriage and could lead to customer confusion, it seems strange that we should now consider something which would definitely do that and should it pass we would take it as a personal slap in the face after our prior problems.

Yours truly,

Mr. A. K. Ball

JJM Taxis & Zulu Cars Ltd

**From:** Licence All  
**To:** Niamh Kelly  
**Date:** 28/07/2010 09:29  
**Subject:** Fwd: Signs on Licensed Vehicles

>>> "[ian.thornton@tiscali.co.uk](mailto:ian.thornton@tiscali.co.uk)" <[ian.thornton@tiscali.co.uk](mailto:ian.thornton@tiscali.co.uk)> 27/07/2010 19:45 >>>  
Dear Mr Sexton,

I am sceptical about the need for private hire vehicles to have extra signage in addition to the rear plate and window badge. In nine years of operating I have only once witnessed an instance of a 'possibly'(not confirmed) unlicensed driver attempting a pick up. I have not witnessed any private hire drivers in that time plying for hire, nor have I 'poached' or been the victim of deliberate 'poaching of rides'.

However, I accept that some local authorities require this signage and suspect that there is a momentum in Bracknell for this to happen. If this is the case, then I believe the signage should be removable. There is a dispensation for vehicles largely involved in executive/corporate work not to display a taxi plate. In the same fashion, many private hire drivers conduct a good percentage of their work doing corporate/executive jobs and take pride in the appearance of their vehicles. It should be acceptable for any new signage introduced to be removable when engaged in corporate/executive work.

Yours sincerely,

Ian Thornton



MR C BUNN  
31 WHEATLEY

29.7.10

ENVIRONMENT, CULTURE  
& COMMUNITIES  
RECEIVED  
BLACKNELL  
BORO  
RG128UF

20 JUL 2010

BRACKNELL FOREST COUNCIL

DEAR MR SEXTON,

In Reply to your Letter 16 July 10

Passed To:

(Private Hire/Hackney Signs)

I In fact tried this a few years ago I found the following things Against it.

1. THE Sign Had a Reverse affect enabling Private Hire to show they were more Like a Hackney.
2. When Sub Contracting ie a Car doing a Job for me (PRIVATE HIRE) (C.B. CARS) while attached to another firm ie (JTM) and carrying these Signs the Customer would think he was bawling and reluctant to get in.
3. At a time of deep recession these signs are not cheap and just another cost we would struggle to find.

I feel poaching has fallen to nearly zero in our Borough due to the fact work being so slack. Cars arrive a lot quicker so eliminating this.

If A Sign was Inforced upon us which I hope it doesn't happen it has to be Magnetic and just operators NAME and Advanced Bookings only with 'no dispensation' BFBC Logo

Yours faithfully

81

C.F. BUNN



# J & S Chauffeur Services

## Airports.Weddings.All Occasions

8 Bruton Way,  
Forest Park,  
Bracknell,  
Berkshire.  
RG12 0GJ  
Mobile: 0771 806 0467  
Telephone: 01344 649359  
Email: [jschauffeurs@aol.com](mailto:jschauffeurs@aol.com)

ENVIRONMENT, CULTURE  
& COMMUNITIES  
RECEIVED

2 - AUG 2010

BRACKNELL FOREST COUNCIL

DATE 29.07.2010 Sent To:

Your Ref:RJS/M.A.E  
Dear Mr Sexton.

With regard to your letter dated 16 July 2010 in connection with signs on licensed vehicles. We would like to comment and raise a few points on your letter.

### On point 1

My car clearly shows a private hire badge on both front and rear windows so I believe is distinguishable from privately owned cars.

For unlicensed drivers and vehicles we totally agree that these people/cars should not be able to operate. We also feel that the fees each year that the licensed drivers pay some of this fee should be nominated and fund to get these people/cars off the roads.

As of course as well as them being unlawfully operating they are also taking paying fares from both the correctly licensed Taxis and Private Hire companies.

JS Chauffeur Service has never touted for business

### On point 2

The Public know that a Taxi has a sign both on the roof and a plate on the rear. A private hire car has plate on the rear of the car and a badge in the front. A dispensation private hire car has a dispensation certificate as it is of executive travel we have this certificate so we did not have to have a plate on the back of the vehicle. As we are executive travel and have paid a fee to be able to operate without plates we feel that any sign on any part of the car would cheapen both the car and company the Executives we drive for would not be impressed. With the private hire drivers who do tout and in correctly pick passengers up ply for hire should lose their license.

### On point 3

For these driver who poach other companies fares they should get fined or lose the license as well. The company that has lost the fare should ring the customer to find out which company Took them so the Council can take action against them for poaching. It is a probable fact that the people that tout / poach are not professional chauffeurs and very much doubt wether they

have licences/insurance to cover private hire.

JS Chauffeur Services can assure the Hackney carriage office that all bookings are placed via phone or email. There has never been an occasion that J and S Chauffeurs' have ever touted or poached. Unfortunately we can agree it has been done to us.

We are a small Chauffeur Company who takes pride in our services we give. We drive a Lexus car which Your Council have commented on the condition etc. We strongly feel that putting any plates on the car as suggested would look very tacky and a shame to ruin such a well maintained car

And would also not be appropriate going to a customer's offices with a sign reading Advanced Booking Only all over the side.

We feel also that the fee you asked each year for a single operator like ourselves is very unfair the tariffs would be much fairer based on a single operation not 1-5 cars. A small company like ourselves are just about keeping our heads above water i.e. Council charges / private hire insurance and of course the full two inspections a year we have to keep our prices in line with the other companies but the income would be a lot greater on the fleets of 1-5

Yours faithfully



S.B. Richardson  
JSChauffeur Services



Mr J Cole  
9 Dashwood Close  
Bracknell  
Berkshire  
RG12 2ND

01344 459524 (H) 07836204150 (M)

29 August 2010

Mr R Sexton  
Head of Trading Standards and Licensing  
Bracknell Forest Borough Council  
Times Square  
Market Street  
Bracknell  
RG12 1JD

Your ref: RJS/mae Signs on Licensed Vehicles

Dear Mr Sexton,

In reply to your letter of 16 July 2010 I am only able to put forward limited comments together with some facts that cover my own situation, not for selfish reasons, but because although licensed in Bracknell I do not work the area.

It would appear that the same set of problems outlined in 1, 2, and 3 are those which have been present since I drove a Hackney Carriage in Bracknell during the 80's and 90's and all attempts by successive administrations seem to have been unable to eradicate them so far.

Putting signs on doors will not change the attitudes of drivers or the general public.

There will always be drivers who take a chance and illegally tout, or poach work despite the harshest consequences, from experience both past and present people waiting at venues for a 'taxi' or 'private hire' will always try to take any available car if it arrives there prior to the one they've ordered, irrespective of which company it is from or whether it's 'Hackney' or 'Private Hire'.

In addition I have one or two points and observations that are peculiar to my own situation of concern to me, which may also be of interest to you and as yet unaddressed.

Most of my clients are high profile corporate personnel with Board of Director, Chief Executive or Chairman status, whilst some still enjoy the facility of in house chauffeurs employed by the particular companies they represent, some of the companies have made a significant move towards using outside contractors such as myself to perform these duties, this is not only because of the the present cost conscious climate, it is often the case that these clients when visiting Government establishments, and venues chosen for high level meetings attract less unwelcome attention from militant groups and or 'paparazzi' than if they were in one of a small number of pool cars operated by in house chauffeurs.

One of the major factors surrounding these clients particularly those with the highest profile is that what they do remains as far as practicable secret.

One particular company deals in pharmaceuticals, there have been attacks on both property and personnel employed directly and indirectly with the company, by Animal Rights Activists.

I think that the personal security of those I drive and myself is already lessened by not being able to apply for a dispensation not to display the front windscreen sticker, which of course being the bright colour it is with large numbers makes any vehicle stand out already as 'Private Hire' and more worryingly traceable.

I believe there is little to be gained and a great deal to be compromised by putting any or all of the details mentioned in (i), (ii), (iii), (iv), (v) on the doors of vehicles engaged in such delicate areas.

I think these circumstances would at least merit consideration of a dispensation, not only my own case, but anyone engaged in similar duties.

Finally, and I may be wrong here, the council currently allows (section 18.5 of the guidance notes) the removal of the 'taxi' roof sign when working outside the borough, this isn't something readily adopted in other boroughs, and this significantly blends the identity of a 'taxi' with other vehicles on the road, this would seem to go against the general premise of the letter particularly item 2 the distinguishing of 'Hackney' and 'Private Hire from each other and normal privately owned vehicles.

I hope I have always demonstrated a desire to be compliant with all the necessary rules and regulations that are put in place.

I now feel overburdened with more and more Council led legislation that reduces my ability to effectively serve my clients to the best of my ability, whilst abiding by the rules.

As you know the vehicle I drive is a 2009 Audi A8 LWB 3.0L Tdi, the cost of this vehicle is in excess of £50,000.00, many other BFBC private hire vehicles are expensive and top of the range, I should like your opinion as to whether stick on/magnetic signs heightens the image of such vehicles, and as to whether it correctly raises the profile of BFBC.

I would welcome a reply in due course, and any opportunity to discuss these issues with you should you feel the inclined to do so, thank you for taking the time to consider the points I have raised

Yours Sincerely

John Cole

(Plate no: 235 Badge no: 90)

(Unsigned to avoid delay)

## LICENSING AND SAFETY COMMITTEE 13 JANUARY 2011

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### **CHAUFFEUR BADGE (Chief Officer: Environment and Public Protection)**

#### **1 INTRODUCTION**

- 1.1 The Council at present issues 3 types of driver licence: Dual Driver, Private Hire Driver and Home to School Driver. Each licence requires the driver to have a certain skill set and there are requirements set so that an applicant can demonstrate these skills.
- 1.2 The Council has been approached to provide a further variation for use by drivers who by the nature of work and conduct regard themselves as Chauffeurs.

#### **2 SUPPORTING INFORMATION**

- 2.1 At the present time, if a person wishes to be a private hire driver, that is the driver of a licensed private hire vehicle, they must hold either a private hire driver licence or a dual driver licence. A dual driver licence permits a licensed person to, in addition, drive a Hackney Carriage.
- 2.2 A private hire vehicle is a vehicle that is licensed to transport a person for hire or reward and the booking must be made in advance of the journey. A private hire vehicle cannot ply for hire that is picking up people who have hailed them in the street. To be granted a private hire driver licence there are a number of conditions that must be satisfied and included in this is a test of the knowledge of the local area. This requires the driver to know the location of important venues, such as pubs, churches, businesses, etc, together with knowledge of the location of important roads within an area of a Borough. This knowledge is deemed necessary as often charges for a journey will be calculated by reference to a meter in the vehicle or the trip meter within the odometer.
- 2.3 There are a group of drivers who work exclusively for corporate account customers and drive customers throughout the UK. The charging rate is not determined by reference to mileage but by the nature of a contract. Additionally the work carried out within Bracknell Forest is negligible in comparison to other work contracted.
- 2.4 The companies who specialise in this corporate work tend to apply for and be granted a "dispensation certificate" for their private hire vehicles. This dispensation exempts them from having to fix a private hire licence plate to the vehicle. Additionally the vehicle has to be an executive class model with increased internal measurements to provide improved levels of comfort for passengers.
- 2.5 It is common for these specialist firms to recruit drivers from areas outside of Bracknell to service corporate clients across London and the South of England. The vast majority of these drivers will only visit Bracknell Forest when they are visiting their employer's office. The companies have informed

us that the requirement to have a geographical knowledge of Bracknell Forest is unnecessary for the following reasons:

- The vehicles rarely, if ever, work within the Borough.
- The charge made is not calculated by reference to mileage.
- All vehicle journeys at the time of the booking are programmed by the use of Satellite Navigation equipment.

- 2.6 The Council are also informed by the same companies that this requirement to pass a geographical test often results in the loss of very good calibre drivers in ideal locations because they are often either unwilling or unable to take and pass the test. The drivers often live a long way from Bracknell and are unwilling to learn the geography of the area as they see it as irrelevant and unnecessary for the job they intend to do. Additionally the process can take a considerable period for those willing to try and pass the test, delaying employment for the company and the individual.
- 2.7 The Council have therefore been approached and requested to consider the removal of the requirement to take and pass the test which is based upon the locations of streets or important sites within the borough where a drivers are only going to drive a vehicle that operates under a corporate exemption certificate.
- 2.8 Officers will consult widely with the trade on a proposal to introduce a Chauffeur licence and bring back to members a report on the results of the consultation with recommendations for member's consideration.

#### Background Papers

Local Government (Miscellaneous Provisions) Act 1976.

#### Contact for further information

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

#### Doc Ref

## LICENSING AND SAFETY COMMITTEE 13 JANUARY 2011

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### EQUALITY ACT 2010 (Chief Officer: Environment and Public Protection)

#### 1 INTRODUCTION

- 1.1 The Equality Act 2010 provides for a consolidation of legislation and new provisions in relation to Taxis etc. This report is intended to highlight the main provisions in relation to designated vehicles, exemption certificates and duties for drivers. The main provisions are not due to come into effect until at least 1 April 2011 and will be subject to Government guidance to Local Authorities which was due to be released in the autumn but has not yet arrived

#### 2 SUPPORTING INFORMATION

- 2.1 The Equality Act 2010 is an Act which consolidates legislative requirements from a range of previous Acts and brings them into a single Act. In addition it also introduces a number of new requirements to the statute book. A new chapter within the Disabled Persons: Transport Section is Chapter 1 – Taxis etc. This consolidation includes previous legislation requirements on matters such as Taxi accessibility regulations and the carriage of assistance dogs. An area that has been radically re-worked and which brings in new provisions is in relation to passengers in wheelchairs.

- 2.2. The Act brings in the concept of a “designated vehicle” and the attachment to the driver of such a vehicle a duty to do the following:

- a) to carry the passenger while in a wheelchair,
- b) not to make an additional charge for doing so,
- c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair,
- d) to take such steps as necessary to ensure that the passenger is carried in safe and reasonable comfort,
- e) to give the passenger such mobility assistance as is reasonably required.

Mobility assistance is defined as:

- i) to enable the passenger to get into and out of the vehicle,
- ii) if the passenger wishes to remain in the wheelchair, to enable the passenger to get in and out of the vehicle while in the wheelchair,
- iii) to load the passenger’s luggage into or out of the vehicle,
- iv) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into and out of the vehicle.

These duties apply to the driver of a designated vehicle when that vehicle has been hired

- a) by or for a disabled person who is in a wheelchair or
- b) by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

The driver of a designated vehicle commits a criminal offence if they fail to comply with a duty imposed. There are provisions within the Act to allow for an exemption for drivers on medical or physical grounds.

- 2.3 The Licensing Authority may maintain a list of vehicles that are either a Hackney Carriage or private hire vehicle which conform to agreed accessibility requirements. This provision will not be enacted prior to 1 April 2011. The accessibility requirements relate to disabled persons within wheelchairs being able to get in or out of a vehicle and travel safely and in reasonable comfort. The Council has been licensing wheelchair accessible vehicles for a number of years and requires that those vehicles must have either a national or single type approval certificate from the Vehicle Type Approval Authority (VCA) incorporating the aspects of the modification for the carriage of wheelchairs. The type approval ensures the vehicle meets standards for the safe transportation of passengers.
- 2.4 The Act provides for the Secretary of State to issue guidance on matters such as accessibility requirements and the Council must have regard to that guidance. The Government has announced that they will shortly issue guidance and this guidance will have to be taken into account as part of our consultation and decision making process. It was proposed that the guidance would be released in autumn 2010 and at time of writing nothing has been issued.
- 2.5 Duties for drivers under the Act are not imposed and therefore enforceable unless the driver is driving a designated vehicle. At present Bracknell Forest has at least 84 Council approved wheelchair accessible vehicles that could be included upon such a list. There are also a much smaller number of private hire vehicles that might be included.
- 2.6 The Act allows for the Licensing Authority to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties. This requirement was enabled from 1 October 2010 so that drivers within Authorities that intend to maintain a list of designated vehicles will be able to apply for exemptions. Officers will liaise with the taxi trade and representatives from the medical profession to consider how evidence to support a medical exemption should be provided and the decision process to be undertaken. Drivers refused an exemption certificate will have a right of appeal to the Magistrate's Court, as will owners of vehicles that have been included on the list.
- 2.7 To improve customer experience and educate licensed drivers on the issue of those within wheelchairs the Council have already introduced a requirement for new Hackney Carriage drivers to pass the Driver Standards Agency wheelchair loading test. Additionally officers have also been working to develop a Disability Awareness training programme for all drivers and it was hoped to have this in a format for discussion at the committee today. The primary aim of this programme is to improve driver awareness of all disabilities allowing them to feel more comfortable and knowledgeable when dealing with people who have a disability. With the introduction of a duty for drivers of designated vehicles this type of training will greatly assist those drivers to meet that duty.

Background Papers  
Equality Act 2010

Contact for further information  
Robert Sexton, Heading of Trading Standards and Licensing, 01344-352000  
[Robert.sexton@bracknell-forest.gov.uk](mailto:Robert.sexton@bracknell-forest.gov.uk)

Doc Ref

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## LICENSING AND SAFETY COMMITTEE 13 JANUARY 2011

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### **POLICE REFORM AND SOCIAL RESPONSIBILITY BILL (Chief Officer: Environment and Public Protection)**

#### **1 INTRODUCTION**

- 1.1 Following the recent 'Rebalancing the Licensing Act' consultation by the Home Office, the Police Reform and Social Responsibility Bill was presented to Parliament on 30 November 2010. Part 2 of the Bill deals with reform of the Licensing Act and proposes a number of amendments to the Act.

#### **2 SUPPORTING INFORMATION**

- 2.1 The proposed amendments include the following:
- a) Licensing authorities and Primary Care Trusts to be responsible authorities under the Act.
  - b) Representations and requests for review will not be restricted to 'interested parties' and responsible authorities; the vicinity requirement will be removed, and representations will be allowed by responsible authorities or 'other persons'.
  - c) Gives Environmental Health the ability to object to a temporary event notice. All objections (police and local authority) will be able to be made on the basis of all the licensing objectives in the Licensing Act 2003.
  - d) Licensing authorities will be able to impose conditions on a temporary event notice in limited circumstances.
  - e) Provision for doubling the maximum fine for premises which persistently sell alcohol to those under 18, and increasing the period of suspensions which can be imposed on such premises.
  - f) Gives licensing authorities greater flexibility in making early morning restriction orders; they will be able to make such orders for the whole, or part, of their areas for a period of any duration between midnight and 6am, and will be able to impose different restrictions on different days.
  - g) Gives licensing authorities power to suspend a premises licence or club premises certificate for non-payment of an annual fee.
  - h) Licensing authorities will be able to introduce a levy in their areas which will be payable by premises which supply alcohol as a part of the late night economy. Licensing authorities will be able to impose the levy on such premises for a period of any duration between midnight and 6am, although some premises may benefit from an exemption or discount. At least 70% of the funds generated by the levy will be paid to the police and crime commissioner and it is intended to also pay such funds to bodies which operate measures to address the effect of alcohol related crime and disorder.

- i) Licensing policy statements will have to be reviewed every 5 years rather than every 3 years.

2.2 Some comments made on the Bill are as follows:

**Minister for crime prevention James Brokenshire:**

“This package of measures will reverse the failed experiment that was the relaxation of licensing act and ensure local people have the power to make their pub and local high street a place they want to visit.”

**Brigid Simmonds, Chief Executive of the British Beer & Pub Association:**

“The Licensing Act has only been in place for five years, yet we have already had several major reforms. In that time, over 6,000 pubs have closed, and more and more alcohol sales, nearly 70 per cent, are now in shops and supermarkets. When it comes to tackling the tiny minority of problem premises and those that misuse alcohol, more legislation and red tape is not the answer.”

**Alcohol Concern Chief Executive, Don Shenker:**

"Alcohol Concern welcomes the move to make health bodies responsible authorities and the introduction of a late night levy. However, it remains to be seen whether health considerations will really have a meaningful impact on licensing decisions, as there is still no move to add a public health objective to the licensing act, which we believe would allow licensing decisions to be based on health grounds. Government has publicly committed itself to ban the sale of alcohol below cost – yet it is not in this Bill. Until this is sorted out, cheap supermarket prices on alcohol will continue to cause a huge burden to the health of the nation.”

Background Papers

Police Reform and Social Responsibility Bill (November 2010)

Contact for further information

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