



NOTICE OF MEETING

Licensing and Safety Committee

Thursday 18 October 2018, 7.30 pm

Council Chamber - Time Square, Market Street, Bracknell, RG12 1JD

To: The Licensing and Safety Committee

Councillor Allen (Chairman), Councillor Thompson (Vice-Chairman), Councillors Mrs Angell, Dr Barnard, G Birch, Brossard, Brunel-Walker, Finch, Finnie, Ms Gaw, Leake, Mrs McKenzie, Ashman, Porter and Tullett

Gill Vickers
Executive Director: Delivery

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Published: 8 October 2018



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1JD

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AGENDA

Page No

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.

3. Minutes

To approve as a correct record the minutes of the meeting held on 7 June 2018.

5 - 8

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. Notice of Public Speaking

To note those agenda items which have received an application for public speaking

6. Fees and Charges 2019-2020

To consider and recommend the new fees and charges to the Executive.

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7.	Review of Statement of Gambling Principles To approve the revised Statement of Gambling Principles.	25 - 66
8.	Amendments to Guidance Notes and Conditions To approve the amendments to the Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers.	67 - 156
9.	Review of Street Trading Policy To approve the proposed amendments to the street trading policy.	157 - 162
10.	Face to Face Direct Debit Collections - Site Agreement To approve the Institute of Fundraising agreement.	163 - 170
11.	Out of Area Private Hire Operators To note information on out of area private hire vehicles, and to agree steps to take in response.	171 - 184
12.	Minutes of Licensing Panel since the last meeting To note the minutes of Licensing Panels held since the last Committee meeting: 11 July 2018 – Ozzy’s Kebabs 23 July 2018 – Royal Berkshire Polo Club 24 July 2018 – Bracknell Grill 25 July 2018 – Sandhurst Tandoori	185 - 194

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**LICENSING AND SAFETY COMMITTEE
7 JUNE 2018
7.30 - 8.50 PM**



Present:

Councillors Allen (Chairman), Dr Barnard, Brossard, Ms Gaw, Leake, Porter and Tullett

Apologies for absence were received from:

Councillors Thompson, Mrs Angell, Finnie and Mrs McKenzie

1. Declarations of Interest

There were no declarations of interest.

2. Minutes

RESOLVED that the minutes of the meeting held on 4 January 2018 were approved as a correct record.

Matters Arising

In relation to minute 17, (Practical Driving Assessments), it was clarified that the flat fee for driving assessments would apply 7 days a week.

In relation to minute 18, (Safeguarding Training for Licensed Drivers and Operators), it was hoped that the first training sessions would begin from the end of July 2018, and no further delays were anticipated.

3. Urgent Items of Business

There were no urgent items of business.

4. Notice of Public Speaking

There were no requests for Public Speaking.

5. Licensing Annual Report

The Committee received the Licensing Annual Report.

It was commented that this report captured activity in Bracknell Forest only, rather than across the Public Protection Partnership areas. It was hoped that future reports will cover the whole service. The Committee was disappointed to note the temporary decrease in support service despite the new shared service, which officers attributed to staff sickness. This matter had since been resolved.

There had been fewer significant penalties for taxi drivers, and where points had been collected, these mostly related to failure to notify. The Committee suggested that drivers might be reminded through routine mailings of the importance of notifying the authority of any offences or points accrued.

The Committee discussed whether there might be an opportunity to review the points for taxi drivers.

The Committee requested that the next Annual Report included the number of drivers who did successfully report offences or penalty points, and some performance comparisons with other similar authorities.

The Committee raised concerns regarding the performance of the Public Protection Partnership, and requested further information on the resilience of this arrangement. The Chair agreed to raise the Committee's concerns at the next Partnership meeting.

The Committee noted the Annual Report.

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

The Committee received the Review of Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers.

Members raised concerns that the length of time for decisions on licence applications to be made was proposed to increase from 2 clear working days to 5 clear working days. On this basis, the Committee rejected the change.

The Committee was reminded that the amendments had not yet gone out for consultation and could change.

Members raised concerns regarding the requirements for DBS Disclosures for Drivers to be processed through West Berkshire, although it was clarified that performance of DBS checks would not be affected, and existing DBS checks with Bracknell Forest Council remained valid.

Members raised concerns around the proposed withdrawal of requirement for drivers to undertake first aid training, and agreed that drivers should be required to undertake both first aid and disabilities awareness training.

Following discussion and subject to an amendment to wording of paragraph 5.2, it was:

RESOLVED that:

- i) the amendments and additions to paragraphs 5.2, 5.17, 22.1 and 22.5 of the Guidance Notes and Conditions document set out at Annex A be approved for consultation,
- ii) officers be required to bring back a report to the next meeting on the results of that consultation.

Amendments and additions to paragraphs 37.1, 5.14, 5.15 and 5.16 were not approved and would be removed prior to consultation.

7. **Review of Statement of Gambling Principles**

The Committee received a report on the Review of Statement of Gambling Principles, which was due to go out to consultation.

It was clarified that any changes to national policy and legislation would be reflected in the Principles.

RESOLVED that:

- i) the proposed timetable as set out in paragraph 5.3 of the report be approved
- ii) the proposed consultee list at Annex B be agreed

8. Minutes of Licensing Panels

The Committee noted the minutes of Licensing Panels which had been held since its last meeting.

CHAIRMAN

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**TO: LICENSING AND SAFETY COMMITTEE
18 OCTOBER 2018**

**FEES AND CHARGES 2019-2020
(Public Protection Manager)**

1 PURPOSE OF REPORT

- 1.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process. Annex A details the licensing fees and charges for the current year, alongside proposed changes for 2019/20.
- 1.2 Members are asked to note the proposals and agree these fees go forward for further discussion and consideration as part of the Council fee setting process.

2 RECOMMENDATIONS

- 2.1 **That, save for the vehicle and private hire operator licence fees, the Committee recommends to the Executive the new fees and charges detailed in Annex A, for public consultation, and**
- 2.2 **That the Committee agrees that the proposed charges for operators and vehicle licence fees are:**
- a) **advertised;**
 - b) **if no objections are received, implemented for any licences commencing from 1 April 2019; or**
 - c) **if objections are received they be considered by the Chairman, who will then set those fees and charges for any licences commencing from 1 April 2019.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations recognise restrictions in legislation and guidance, and the possible impact upon local businesses of licence fees. The recommendations reflect, in the officer view, the best compromise given the parameters in place.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There are legislative restrictions upon the maximum charge that can be made in some cases, and also legislation which restricts those elements of the service provided by a Licensing Authority that are chargeable and non-chargeable through the provision of a licence. In drawing up these proposed fees, officers have done so with consideration of the legal constraints in place.

5 SUPPORTING INFORMATION

General

- 5.1 The Joint Public Protection Committee is required by the Inter-Authority Agreement that set up the Public Protection Partnership shared service to recommend a draft set of fees and charges to each of the member Councils.

Unrestricted

- 5.2 At the meeting of the Joint Public Protection Committee in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle, all fees and charges should be set on the basis of full cost recovery. In 2018/19 the rate for the service was set at £55 per hour as the basis of cost recovery. It was also agreed that there should be a move to align fees across the former Bracknell licensing regime and the former Wokingham/ West Berkshire fee structure where appropriate.
- 5.3 In July 2018 the Joint Public Protection Committee received a further report asking it to consider the basis for setting fees and charges and the application of full cost recovery. That methodology was approved by the Committee. Based on previous decisions work has been carried out by officers to align fee structures.
- 5.4 In respect of all discretionary fees and the hourly rate, an inflationary rise of 2.5% has been applied. This inflationary rise will balance the increase in cost of service provision such as the cost of living salary rise. The result is the fee, schedule set out at Annex A of this report.
- 5.5 It is noted that a significant number of fees within the licensing field are set by Government regulation and cannot therefore be changed by the Council.
- 5.6 The Committee has discretion to round the proposed fees to the nearest whole pound should they so resolve.

Hackney Carriage and Private Hire

- 5.7 The 2018/19 fees and charges for hackney carriage and private hire licences shows a significant disparity between the former West Berkshire and Wokingham fee structure and the Bracknell fee structure, in respect of vehicle and operator licensing.
- 5.8 Following the decisions of the Joint Public Protection Committee outlined above regarding full cost recovery, Officers have now completed a review and the proposed single fee structure for hackney carriage and private hire is included within Annex A. In Bracknell this has manifested in a slight decrease in vehicle fees.
- 5.9 Driver rates have remained in line with inflation and have been brought into line across the three PPP Councils. As can be seen at Annex A, these were close in any case across the three authorities.
- 5.10 Any change in fees charged for the licensing of vehicles and private hire operators are required by section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to be advertised, and any objections received must be considered by the Council. It is recommended that in the event of any objections being received, they be considered by the Chairman, who will then set those specific fees having taken account of the objections.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations

- 5.11 A new licensing regime covering a number of different businesses involving animals, including pet shops, animal boarding businesses, riding establishments, etc. came into force on October 1st 2018. It had been anticipated that the Regulations would include a statutory fee structure. The final Regulations in the end left it to licensing authorities to set their own fees.

- 5.12 The Regulations also brought in new competence requirements for those conducting inspections; this will clearly impact fees. The extent of this impact however is not fully known at this stage.
- 5.13 It is proposed that the fee structure in respect of these establishments for 2019/20 remains as for 2018/19 with an inflationary rise applied. A full review based on the agreed methodology and taking account of the impact of the new Regulations will be undertaken and a new fee structure will be put before Committee to consider at the time the 2020/21 budget is being considered.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

- 6.2 The financial implications are included within the body of the report.

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

- 7.1 There are certain legal provisions requiring consultation on the vehicle and operator fees and charges which will be conducted after this meeting. The remaining fees and charges will be subject to the Council's usual budget consultation process.

Method of Consultation

- 7.2 Advert in a local newspaper and a public notice at the Council's offices.

Representations Received

- 7.3 No process undertaken at the time of writing the report

Background Papers

None

Contact for further information

Julia O'Brien, Team Manager – Licensing, 01635 519849, julia.obrien@westberks.gov.uk

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Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Public Protection Partnership						
Environmental Protection						
Prevention of Damage by Pests						
Pest Site survey		N/A	N/A	N/A		Hourly rate and / or cost recovery where WID
Rat treatment		N/A	N/A	N/A		Hourly rate and / or cost recovery where WID
Any other Pest treatment		N/A	N/A	N/A		Hourly rate and / or cost recovery where WID
Dog Warden Services						
Stray Dogs - Not taken to Kennel		£62.00	N/A	£70.00	£71.75	Amalgamate. Vet fees separate as applicable
Stray Dogs - Taken to Kennel		£88.00	N/A	£88.00 + overnight kenneling fees		Fees based on charges & cost recovery. Vet fees separate as applicable
Dog Fouling fixed penalty charge		£75.00	£75.00	£75.00		Set in FPN policy
Misc stray dog activities ie taxi, relocating, microchipping etc				£55.00	£56.38	Plus cost recovery on charges.
Abandoned Vehicles						
Removal (prescribed fee)	Less than 3.5 tonnes	£150.00	£150.00	£150.00		Set by statute
Daily Storage (prescribed fee)	Less than 3.5 tonnes	£20.00	£20.00	£20.00		Set by statute
Enforcement disposal costs (prescribed fee)	Less than 3.5 tonnes	£75.00	£75.00	£75.00		Set by statute
Fixed penalty notice	Reduced to £120 if paid within 7 days	£200.00	£200.00	£200.00		Set by statute
Enforcement invoice costs		£77.00	£77.00	£77.00		Set by statute
Trading Standards						
Weights and Measures Fees (per hour)		£61.00	£61.00	£61.00	£62.53	Discretionary
Explosives Licenses / Registrations - set by statute						Set by statute
Varying the name of licensee or address of site						Set by statute
Petroleum Licensing Fees - set by statute						Set by statute
Primary Authority						
Primary Authority Work hourly chargeable rate		£55.00	£55.00	£55.00	£56.38	
Annual charge - previous year usage 10 hours or less		£500.00	£500.00	£500.00	£512.50	
Annual charge - previous year usage 20 hours		£1,000.00	£1,000.00	£1,000.00	£1,025.00	
Anything likely to be in excess of 20 hours				POA		Individually assessed
Support with Confidence						

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Application fee	1-5 employees	£58.00	N/A	£58.00	£59.45	All disbursements charged at cost
	6-20 employees	£116.00	N/A	£116.00	£118.90	As above except fee reduced to £50 if registered with confidence
	21+ employees	£291.00	N/A	£291.00	£298.28	As above except fee reduced to £50 if registered with confidence
Buy with Confidence						
Members from 2017/18 Application Fee	1-5 employees	N/A	£125.00	£125.00	£125.00	Nationally agreed with 'Buy with Confidence' scheme holder as varied from time to time
	6-20 employees	N/A	£167.00	£167.00	£167.00	Nationally agreed with 'Buy with Confidence' scheme holder
	21+ employees	N/A	£208.00	£208.00	£208.00	Nationally agreed with 'Buy with Confidence' scheme holder
Annual Fee	1-5 employees		£250.00	£250.00	£250.00	Nationally agreed with 'Buy with Confidence' scheme holder
	6-20 employees		£375.00	£375.00	£375.00	Nationally agreed with 'Buy with Confidence' scheme holder
	21+ employees		£500.00	£500.00	£500.00	Nationally agreed with 'Buy with Confidence' scheme holder
Members before 2017/18 Application /Annual Fee	1-5 employees	N/A	£123.33	£123.33	£123.33	Applicable only to legacy Bracknell members
	6-20 employees	N/A	£185.00	£185.00	£185.00	Applicable only to legacy Bracknell members
	21+ employees	N/A	£246.67	£246.67	£246.67	Applicable only to legacy Bracknell members
Commercial						
Food Export Certificates			N/A	£55.00	£56.38	Full cost recovery based on officer hourly rate
Anti-Social Behaviour Act:						
High Hedges Fee (Class A – Fee Discretionary)		£1,146.00	N/A	£1,146.00	£1,174.65	Cost recovery for consultant
Licences, Registrations and Similar Consents						
<i>Licensing Act 2003:</i>						
Premises Licence – “one off” fees set by statute based upon rateable value (RV) of premises (Class B – Statutory Fee)						
Band A – RV up to 4300		£100.00	£100.00	£100.00		Statutory -no increase.
Band B – RV 4300 to 33000		£190.00	£190.00	£190.00		Statutory -no increase.
Band C – RV 33001 to 87000		£315.00	£315.00	£315.00		Statutory -no increase.
Band D – RV 87001 to 125000		£450.00	£450.00	£450.00		Statutory -no increase.
Band E – RV 125001 and above		£635.00	£635.00	£635.00		Statutory -no increase.
Pre-Application Advice, Hourly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Premises Licence – Annual Fee (Class B – Statutory Fee)						
Band A		£70.00	£70.00	£70.00		Statutory -no increase.
Band B		£180.00	£180.00	£180.00		Statutory -no increase.
Band C		£295.00	£295.00	£295.00		Statutory -no increase.
Band D		£320.00	£320.00	£320.00		Statutory -no increase.
Band E		£350.00	£350.00	£350.00		Statutory -no increase.

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Personal Licence - (Class B – Statutory Fee)		£37.00	£37.00	£37.00		Statutory -no increase.
Temporary Event Notices (TEN's) - (Class B – Statutory Fee)		£21.00	£21.00	£21.00		Statutory -no increase.
Application for copy licence, change address or club rules		£10.50	£10.50	£10.50		Statutory -no increase.
Application to vary DPS/transfer licence/interim notice		£23.00	£23.00	£23.00		Statutory -no increase.
Application for making a provisional statement		£315.00	£315.00	£315.00		Statutory -no increase.
Minor variation		£89.00	£89.00	£89.00		Statutory -no increase.
Application to disapply mandatory DPS condition		£23.00	£23.00	£23.00		Statutory -no increase.
Pre-Application Advice, hrly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Gambling Licenses						Separate listing for Wokingham
Casinos (regional)	New Application	N/A	£11,250.00	£15,000.00		100% of Statutory Maximum
	Provisional Statement	N/A	£11,250.00	£15,000.00		100% of Statutory Maximum
	Application with Prov Statement	N/A	£6,000.00	£8,000.00		100% of Statutory Maximum
	Variation	N/A	£5,625.00	£7,500.00		100% of Statutory Maximum
	Transfer/Reinstatement	N/A	£4,875.00	£6,500.00		100% of Statutory Maximum
	Annual Fee	N/A	£11,250.00	£15,000.00		100% of Statutory Maximum
Casinos (large)	New Application	N/A	£7,500.00	£10,000.00		100% of Statutory Maximum
	Provisional Statement	N/A	£7,500.00	£10,000.00		100% of Statutory Maximum
	Application with Prov Statement	N/A	£3,750.00	£5,000.00		100% of Statutory Maximum
	Variation	N/A	£3,750.00	£5,000.00		100% of Statutory Maximum
	Transfer/Reinstatement	N/A	£1,612.50	£2,150.00		100% of Statutory Maximum
	Annual Fee	N/A	£7,500.00	£10,000.00		100% of Statutory Maximum
Casinos (small)	New Application	£6,000.00	£6,000.00	£8,000.00		100% of Statutory Maximum
	Provisional Statement	£6,000.00	£6,000.00	£8,000.00		100% of Statutory Maximum
	Application with Prov Statement	£2,250.00	£2,250.00	£3,000.00		100% of Statutory Maximum
	Variation	£3,000.00	£3,000.00	£4,000.00		100% of Statutory Maximum
	Transfer/Reinstatement	£1,350.00	£1,350.00	£1,800.00		100% of Statutory Maximum
	Annual Fee	£3,750.00	£3,750.00	£5,000.00		100% of Statutory Maximum
Bingo Clubs	New Application	£2,625.00	£2,625.00	£3,500.00		100% of Statutory Maximum
	Provisional Statement	£2,625.00	£2,625.00	£3,500.00		100% of Statutory Maximum
	Application with Prov Statement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Variation	£1,312.00	£1,312.50	£1,750.00		100% of Statutory Maximum
	Transfer/Reinstatement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Annual Fee	£750.00	£750.00	£1,000.00		100% of Statutory Maximum

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Betting Premises	New Application	£2,250.00	£2,250.00	£3,000.00		100% of Statutory Maximum
	Provisional Statement	£2,250.00	£2,250.00	£3,000.00		100% of Statutory Maximum
	Application with Prov Statement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Variation	£1,125.00	£1,125.00	£1,500.00		100% of Statutory Maximum
	Transfer/Reinstatement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Annual Fee	£450.00	£450.00	£600.00		100% of Statutory Maximum
Tracks	New Application	£1,875.00	£1,875.00	£2,500.00		100% of Statutory Maximum
	Provisional Statement	£1,875.00	£1,875.00	£2,500.00		100% of Statutory Maximum
	Application with Prov Statement	£712.50	£712.50	£950.00		100% of Statutory Maximum
	Variation	£937.50	£937.50	£1,250.00		100% of Statutory Maximum
	Transfer/Reinstatement	£712.50	£712.50	£950.00		100% of Statutory Maximum
	Annual Fee	£750.00	£750.00	£1,000.00		100% of Statutory Maximum
Family Entertainment Centres	New Application	£1,500.00	£1,500.00	£2,000.00		100% of Statutory Maximum
	Provisional Statement	£1,500.00	£1,500.00	£2,000.00		100% of Statutory Maximum
	Application with Prov Statement	£712.50	£712.50	£950.00		100% of Statutory Maximum
	Variation	£750.00	£750.00	£1,000.00		100% of Statutory Maximum
	Transfer/Reinstatement	£712.50	£712.50	£950.00		100% of Statutory Maximum
	Annual Fee	£562.00	£562.50	£750.00		100% of Statutory Maximum
Adult Gaming Centres	New Application	£1,500.00	£1,500.00	£2,000.00		100% of Statutory Maximum
	Provisional Statement	£1,500.00	£1,500.00	£2,000.00		100% of Statutory Maximum
	Application with Prov Statement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Variation	£750.00	£750.00	£1,000.00		100% of Statutory Maximum
	Transfer/Reinstatement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Annual Fee	£750.00	£750.00	£1,000.00		100% of Statutory Maximum
Lotteries and Amusements	New Application	£40.00	£40.00	£40.00		Statutory -no increase.
	Annual Fee	£20.00	£20.00	£20.00		Statutory -no increase.
All Licences	Notification of change	£37.50	£37.50	£50.00		100% of Statutory Maximum
	Copy of Licence	£18.75	£18.75	£25.00		100% of Statutory Maximum
Pre-Application Advice, hrly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Club Gaming Machines						
Club Gaming or Machine Permit	New Application	£200.00	£200.00	£200.00		Statutory-no increase
Club Gaming or Machine Permit	Existing holder	£100.00	£100.00	£100.00		Statutory-no increase

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Club Gaming or Machine Permit(holds a Club Premises Certificate under Licensing Act 2003)	New Application	£100.00	£100.00	£100.00		Statutory-no increase
Club Gaming or Machine Permit	Renewal	£200.00	£200.00	£200.00		Statutory-no increase
Club Gaming or Machine Permit(holds a Club Premises Certificate under Licensing Act 2003)	Renewal	£100.00	£100.00	£100.00		Statutory-no increase
Club Gaming or Machine Permit	Annual Fee	£50.00	£50.00	£50.00		Statutory-no increase
Club Gaming or Machine Permit	Variation	£100.00	£100.00	£100.00		Statutory-no increase
Club Gaming or Machine Permit	Copy of Licence	£15.00	£15.00	£15.00		Statutory-no increase
Licensed Premises Notifications						
To make available up to 2 gaming machines on premises which hold on-premises alcohol licence	notification of intention	£50.00	£50.00	£50.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Application (existing holder)	£100.00	£100.00	£100.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	New Application	£150.00	£150.00	£150.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Annual Fee	£50.00	£50.00	£50.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Variation	£100.00	£100.00	£100.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Transfer	£25.00	£25.00	£25.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Change of Name	£25.00	£25.00	£25.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Copy of Permit	£15.00	£15.00	£15.00		Statutory-no increase
Pre-Application Advice, hrly charge	Min 1Hr	£55.00	N/A	£55.00	£56.38	
Sex Establishments – (Class A – Fee Discretionary)						
Cinema		min £3,100 to max £5150	N/A			No change - WB/Wokingham only
Shop		min £3,100 to max £5150	N/A			No change - WB/Wokingham only
Entertainment Venue		min £3,100 to max £5150	N/A			No change - WB/Wokingham only
Pre-Application Advice, hrly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Premises - new			£2,617.00			Bracknell only - no change
Premises - renewal			£1,389.00			Bracknell only - no change

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Street Trading Consents – (Class A – Fee Discretionary)						Leave the fees as per individual authorities to be reviewed 2019 with a view to unifying 2020/21
Application / Renewal	1 week	N/A	£132.00	£132.00	£135.30	Bracknell only
	Monthly Rate		£354.00	£354.00	£362.85	Bracknell only
	Monthly Rate	£218.00		£218.00	£223.45	WB & W only
	3 months	N/A	£833.00	£833.00	£853.83	Bracknell only
	6 months		£1,362.00	£1,362.00	£1,396.05	Bracknell only
	6 months	£765.00		£765.00	£784.13	WB & W only
	Annual Fee	£1,310.00	N/A	£1,310.00	£1,342.75	WB & W only
	6 months max 2 trading days a week incl Fri, Sat or Sun	N/A	£545.00			Bracknell only
6 months max 2 trading days a week Mon to Thurs only	N/A	£545.00			Bracknell only	
Ice Cream Van (per van) application / renewal	1 month		177.00			Bracknell only
Ice Cream Van 6 months (per van) application / renewal	6 months		682.00			Bracknell only
Assistant's badges		N/A	N/A	£27.50	£28.19	New
Variation fee		N/A	86.00	86.00	£88.15	
Community Events						50% reduction of appropriate fee for non profit making events
Refund for Street Traders	If application withdrawn	£110.00	N/A	£110.00	£112.75	WB & W only
Pre-Application Advice, hrly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Skin Piercing Registrations (one off registration) – (Class A – Fee Discretionary)						
Individual		£175.00	£41.00	£175.00	£179.38	Cost recovery
Premises		£273.00	£226.00	£273.00	£279.83	Cost recovery
Joint Application		£437.00	N/A	£437.00	£447.93	Cost recovery
Pre-Application Advice, hrly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Animal Licences – (Class A – Fee Discretionary) * +vet fee where applicable						Leave the fees as per individual authorities to be reviewed 2019 with a view to unifying 2020/21
Dog Breeding Establishments New*		N/A	£477.00	£477.00	£488.93	Cost recovery
Dog Breeding Establishments *			£215.00	£215.00		Bracknell only Cost recovery
Dog Breeding Establishments *		£382.00		£382.00	£391.55	WB & W only Cost recovery
Animal Boarding Establishments*		£437.00		£437.00	£447.93	Cost recovery
1-30 animals - New		N/A	£395.00	£395.00	£404.88	Cost recovery
1-30 animals - Renewal		N/A	£232.00	£232.00	£237.80	Cost recovery
31-60 animals - New		N/A	£466.00	£466.00	£477.65	Cost recovery
31-60 animals - Renewal		N/A	£251.00	£251.00	£257.28	Cost recovery
61 (or more) animals - New		N/A	£568.00	£586.00	£600.65	Cost recovery

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
61 (or more) animals - Renewal		N/A	£307.00	£307.00	£314.68	Cost recovery
Home Boarding - New*			£142.00	£142.00	£145.55	Bracknell only Cost recovery
Home Boarding - New*		£275.00		£275.00	£281.88	WB & W only Cost recovery
Home Boarding - Renewal *			£119.00	£119.00	£121.98	Bracknell only Cost recovery
Home Boarding - Renewal *		£192.00		£192.00	£196.80	WB & W only Cost recovery
Pet Shops - New & Renewal*		£437.00	N/A	£437.00	£447.93	Cost recovery
Pet Shops - New*		N/A	£477.00	£477.00	£488.93	Cost recovery
Pet Shops - Renewal*		N/A	£215.00	£215.00	£220.38	Cost recovery
Dangerous Wild Animal Consent*	2 years	£437.00	N/A	£437.00	£447.93	Cost recovery
Dangerous Wild Animal Consent - New*	2 years	N/A	£464.00	£464.00	£475.60	Cost recovery
Dangerous Wild Animal Consent - Renewal*	2 years	N/A	£269.00	£269.00	£275.73	Cost recovery
Zoo Licenses (new and renewals)*	Up to 6 Years	N/A	£463.00	£463.00	£474.58	Cost recovery
Zoo Licenses (new and renewals)*	Up to 6 Years	£1,965.00	N/A	£1,965.00	£2,014.13	Cost recovery
Riding Establishments *	1 to 5 Horses	£546.00	N/A	£546.00	£559.65	WB & W only Cost recovery
	Each additional 10 horses	£136.00	N/A	£136.00	£139.40	WB & W only Cost recovery
Riding Establishments - New*		N/A	£501.00	£501.00	£513.53	Bracknell only Cost recovery
Riding Establishments - Renewal*		N/A	£261.00	£261.00	£267.53	Bracknell only Cost recovery
Provisional - New		N/A	£292.00	£292.00	£299.30	Cost recovery
Provisional - Renewal		N/A	£149.00	£149.00	£152.73	Cost recovery
Performing Animals Registration		£109.00	£96.00	£110.00	£112.75	2 hours
Hairdresser Registration		N/A	£41.00	£41.00	£42.03	Bracknell only
Scrap Metal						
Scrap Metal Site - New	3 Years	£476.00	£476.00	£476.00	£487.90	Cost recovery
Scrap Metal Site - Renewal	3 Years	£476.00	£413.00	£476.00	£487.90	Cost recovery
Scrap Metal Mobile Collector - New	3 Years	£254.00	£254.00	£254.00	£260.35	Cost recovery
Scrap Metal Mobile Collector - Renewal	3 Years	£254.00	£233.00	£254.00	£260.35	Cost recovery
Scrap Metal -Variation of Licence		£350.00	£350.00	£350.00	£358.75	Cost recovery
Scrap Metal-Change of Site Manager		£65.00	£65.00	£65.00	£66.63	Cost recovery
Scrap Metal- Copy of licence		£11.00	£11.00	£11.00	£11.28	Cost recovery
Scrap Matal- Change of Name		£34.00	£34.00	£34.00	£34.85	Cost recovery
Pre-Application Advice, hrly charge		£55.00	N/A	£55.00	£56.38	
Private Water Supplies (Statutory Maximums stated)						

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Risk Assessment	Carried out every 5 years	£515.00	N/A	£55.00	£56.38	Minimum charge 1 Hr, simple risk assessment and report typically 5 hours
Sampling		£103.00	N/A	£55.00	£56.38	Charge for a visit, taking a sample and delivering it to the laboratory. Typically 2.5 hours
Private water and pool samples	includes cost of testing	N/A	£58.00			
Investigation		£103.00	N/A	£103.00	£105.58	Carried out in the event of a test failure, can be substituted by the risk assessment - this does not include any required analysis costs.
Analysis - Regulation 10		£26.00	N/A	£26.00	£26.65	Where a supply provides <10m ³ /day or serves <50 people and is used for domestic purposes
Analysis of Group A Parameters		£103.00	N/A	See Note		Cost of laboratory analysis will be recovered and will depend on type of suite being analysed. Customer will be advised of cost.
Analysis of Group B Parameters		£515.00	N/A	See Note		Additional parameters sampled less often to ensure the water complies with all safety standards - Hrly rate applies
Environmental Permitting (E&W) Regulations 2016						
Scheduled Processes - (Class B – Statutory Fee)						Statutory-no increase
						Statutory-no increase
Standard Process		N/A	£1,650.00	£1,650.00		Statutory-no increase
Service Stations (PVI &PVII)		N/A	£257.00	£257.00		Statutory-no increase
Dry Cleaners		N/A	£155.00	£155.00		Statutory-no increase
Vehicle Refinishers		N/A	£362.00	£362.00		Statutory-no increase
Mobile screening & crushing plant		N/A	£1,650.00	£1,650.00		Statutory-no increase
for the third to seventh applications		N/A	£985.00	£985.00		Statutory-no increase
for the eighth and subsequent applications		N/A	£498.00	£498.00		Statutory-no increase
						Statutory-no increase
Substantial Changes						Statutory-no increase
Standard Process		N/A	£1,050.00	£1,050.00		Statutory-no increase
Reduced Activities		N/A	£102.00	£102.00		Statutory-no increase
						Statutory-no increase
Annual Substance Charge						Statutory-no increase
	LOW	N/A	£772.00	£772.00		Statutory-no increase
	MEDIUM	N/A	£1,161.00	£1,161.00		Statutory-no increase
	HIGH	N/A	£1,747.00	£1,747.00		Statutory-no increase
	LOW	N/A	£113.00	£113.00		Statutory-no increase
Service Stations PVR2	MEDIUM	N/A	£226.00	£226.00		Statutory-no increase

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
	HIGH	N/A	£341.00	£341.00		Statutory-no increase
VRs and other reduced fees	LOW	N/A	£228.00	£228.00		Statutory-no increase
	MEDIUM	N/A	£365.00	£365.00		Statutory-no increase
	HIGH	N/A	£548.00	£548.00		Statutory-no increase
Dry Cleaners /PVR1	LOW	N/A	£79.00	£79.00		Statutory-no increase
	MEDIUM	N/A	£158.00	£158.00		Statutory-no increase
	HIGH	N/A	£237.00	£237.00		Statutory-no increase
Mobile Screening & Crushing Plant	LOW	N/A	£646.00	£646.00		Statutory-no increase
	MEDIUM	N/A	£1,034.00	£1,034.00		Statutory-no increase
	HIGH	N/A	£1,506.00	£1,506.00		Statutory-no increase
For the second permit	LOW	N/A	£646.00	£646.00		Statutory-no increase
	MEDIUM	N/A	£1,034.00	£1,034.00		Statutory-no increase
	HIGH	N/A	£1,506.00	£1,506.00		Statutory-no increase
For the third to seventh permit	LOW	N/A	£385.00	£385.00		Statutory-no increase
	MEDIUM	N/A	£617.00	£617.00		Statutory-no increase
	HIGH	N/A	£924.00	£924.00		Statutory-no increase
For the eighth & subsequent applications	LOW	N/A	£198.00	£198.00		Statutory-no increase
	MEDIUM	N/A	£316.00	£316.00		Statutory-no increase
	HIGH	N/A	£473.00	£473.00		Statutory-no increase
Late payment charge	When invoice issued & not paid in 8 weeks	N/A	£52.00	£52.00		Statutory-no increase
						Statutory-no increase
Transfer & Surrender						Statutory-no increase
Transfer			£169.00	£169.00		Statutory-no increase
Partial Transfer			£497.00	£497.00		Statutory-no increase
Surrender			£0.00	£0.00		Statutory-no increase
Transfer Reduced fees			£0.00	£0.00		Statutory-no increase
Partial Transfer Reduced fees			£47.00	£47.00		Statutory-no increase
Private Sector Housing						
Inspection of Housing Premises for Immigration purposes (Class A – Fee Discretionary)		£382.00	N/A	£382.00	£391.55	
Enforcement Notices served under Housing Act 2004		£110.00	£408.00	£110.00	£112.75	Activities as prescribed
HMO Licence NEW - assisted application		£1,145.00	N/A	£1,145.00	£1,173.63	Fees aligned June 2018
HMO Licence RENEWAL		£765.00	N/A	£765.00	£784.13	
Civil Penalties housing offences						Up to £30,000.00
Caravan Site Licence annual Licence (Option 2 of DCLG Guide for Charging						

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Site licence new		N/A	£418.00	£418.00	£428.45	Amalgamate across all areas
New licence per pitch		N/A	£16.00	£16.00	£16.40	Amalgamate across all areas
Transfer of licence		£110.00	£177.00	£177.00	£181.43	Amalgamate across all areas
Alteration of conditions		N/A	£324.00	£324.00	£332.10	Amalgamate across all areas
Annual fee per pitch		N/A	£14.00	£14.00	£14.35	Amalgamate across all areas
Enforcement action -per hour		N/A	£55.00	£55.00	£56.38	Hourly rate as for activity as prescribed. Amalgamate across all areas
Deposit, vary or deleting site rules		N/A	£111.00	£111.00	£113.78	Amalgamate across all areas
Variation of licence		£110.00	N/A	£110.00	£112.75	Amalgamate across all areas
Other Fees for Information						Hourly rate applies minimum for 2 hours
Environmental Info Individual, Non Commercial		£110.00	N/A	£110.00	£112.75	Cost recovery
Commercial and Government		£110.00	N/A	£110.00	£112.75	Cost recovery
Civil Actions (Class A – Fee Discretionary)		£110.00	N/A	£110.00	£112.75	Cost recovery
Safety Certification and administration	Minimum 2 hours	£110.00	N/A	£110.00	£112.75	Cost recovery
Pre-Application Advice, hourly charge		£55.00	N/A	£55.00	£56.38	
Resident and Business Advice						Hourly rate applies
General Business Advice (non-primary authority)	Per hour - free for first 30 minutes	£55.00	N/A	£55.00	£56.38	New cost recovery model - refer to officer guidance
Request for Advice		£55.00	N/A	£55.00	£56.38	New cost recovery model - refer to officer guidance
Primary Authority Advice		£55.00	N/A	£55.00	£56.38	New cost recovery model - refer to officer guidance
Hackney Carriage / Private Hire Licensing						
Vehicle Licences						Consideration 2019 for new environmental standard vehicles eg electric, low emission taxis
Hackney Carriage Vehicle New / Renewal		£161.00	£276.00	£275.00	£281.88	
Private Hire Vehicle New / Renewal		£161.00	£276.00	£275.00	£281.88	
Home to School New / Renewal		N/A	£140.00	£140.00	£143.50	Bracknell only
Private Hire Vehicle with Dispensation		£207.00	N/A	£320.00	£328.00	Cost recovery process of checking records add 1 hour time
Temporary Vehicle licence	Issue up to 3 months maximum	£162.00	N/A	£220.00	£225.50	
Private Hire Operators						
Operator 1 vehicle	1 year	N/A	£179.00	£179.00	£183.48	
Operator 2-5 vehicles	1 year	N/A	£310.00	£310.00	£317.75	
Operator 6-10 vehicles	1 year	N/A	£520.00	£520.00	£533.00	
Operator 11-15 vehicles	1 year	N/A	£720.00	£720.00	£738.00	
Operator 16-20 vehicles	1 year	N/A	£975.00	£975.00	£999.38	
Operator more than 20 vehicles	1 year	N/A	£1,175.00	£1,175.00	£1,204.38	

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Operator 1 vehicle	3 years	N/A	£428.00	£428.00	£438.70	
Operator 2-5 vehicles	3 years	N/A	£753.00	£753.00	£771.83	
Operator 6-10 vehicles	3 years	N/A	£1,248.00	£1,248.00	£1,279.20	
Operator 11-15 vehicles	3 years	N/A	£1,730.00	£1,730.00	£1,773.25	
Operator 16-20 vehicles	3 years	N/A	£2,341.00	£2,341.00	£2,399.53	
Operator more than 20 vehicles	3 years	N/A	£2,819.00	£2,819.00	£2,889.48	
Operator – New and renewal	1-4 Vehicles (New 5 Yr)	£545.00	N/A			Left for comparison but to be replaced with below
	5-9 vehicles (New 5 Yr)	£870.00	N/A			Left for comparison but to be replaced with below
	9+ vehicles (New 5 Yr)	£1,356.00	N/A			Left for comparison but to be replaced with below
Operator 1 vehicle	5 years	N/A	£671.00	£545.00	£558.63	
Operator 2-5 vehicles	5 years	N/A	£1,184.00	£900.00	£922.50	Based on £36 per vehicle per year on top figure
Operator 6-10 vehicles	5 years	N/A	£1,956.00	£1,800.00	£1,845.00	Based on £36 per vehicle per year on top figure
Operator 11-15 vehicles	5 years	N/A	£2,712.00	£2,700.00	£2,767.50	Based on £36 per vehicle per year on top figure
Operator 16-20 vehicles	5 years	N/A	£3,670.00	£3,600.00	£3,690.00	Based on £36 per vehicle per year on top figure
Operator more than 20 vehicles	5 years	N/A	£4,419.00	£4,419.00	£4,529.48	
Transfer of Operator Licence		N/A	£47.00	£47.00	£48.18	
Driver Licences						
Driver – New / Renewal	3 years	£258.00	£252.00	£258.00	£264.45	
Home to School New / Renewal	3 years	N/A	£177.00	£177.00	£181.43	Bracknell only
Conversion of driver licence to another type		N/A	N/A	£76.00	£77.90	
Other Charges						
Transfer of vehicle to new owner		£108.00	£47.00	£110.00	£112.75	2 hours
Change of vehicle		N/A	£71.00	£71.00	£72.78	
Replacement licence		£39.00	£23.00	£39.00	£39.98	
Replacement badge		£39.00	N/A	£39.00	£39.98	
Replacement Vehicle licence Plate		£55.00	£26.00	£55.00	£56.38	
Meter test - retest after failure		N/A	£31.00			
Knowledge Test		£71.00	£31.00			
Missed Appointments		£35.00	N/A	£35.00	£35.88	
Disclosure and Barring Service Check (DBS)		£65.00	At Cost Admin £12.00			Capita cost + half an hour at hourly charge
Advertising on a Hackney Carriage Initial		£52.00	£37.00	£45.00	£46.13	Not West Berks
Advertising on a Hackney Carriage Renewal		N/A	£26.00	£30.00	£30.75	Bracknell only
Change of Address (PH & HC)		£14.00	N/A	£14.00	£14.35	
Backing Plate		£24.00	£21.00	£24.00	£24.60	
Medical Exemption from carrying assistant dog		N/A	£21.00	£21.00	£21.53	

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Refund processing fee		£55.00	£26.00	£55.00	£56.38	
Change of vehicle registration		£39.00	£48.00	£55.00	£56.38	
Pre-Application Advice, hourly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	New. Refer to officer guidance
Missed Appointments		£35.00	N/A	£35.00	£35.88	
Age of vehicle retest		N/A	N/A	£55.00	£56.38	New
Disability Awareness Training Course			N/A			Cost to be agreed with PPP Management Board at cost recovery (internal / external provider being investigated)
Safeguarding Training						Cost to be agreed with PPP Management Board at cost recovery (internal / external provider being investigated)
First Aid training for drivers		N/A	£27.00	£27.00		Cost to be agreed with PPP Management Board at cost recovery (internal / external provider being investigated)
Pre-Application Advice, hourly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	

**TO: LICENSING AND SAFETY COMMITTEE
18 OCTOBER 2018**

REVIEW OF STATEMENT OF GAMBLING PRINCIPLES Public Protection Manager

1 PURPOSE OF REPORT

- 1.1 Bracknell Forest Council's Statement of Gambling Principles ('Statement') under the Gambling Act 2005 must undergo a review and be re-published by 31 January 2019.
- 1.2 The purpose of this report is to bring the revised Statement, following consultation, to the Committee for comment prior to approval by Council on 16 January 2019.

2 RECOMMENDATION

- 2.1 **That the Committee, subject to any further comments, approves the revised Statement at Annex A to go forward to Council on 16 January 2019.**

3 REASONS FOR RECOMMENDATION

- 3.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. The Statement will last for a maximum of three years and can be reviewed and revised by the authority at any time. The present Statement was published on 31 January 2016 and therefore must undergo a review and be republished on or before 31 January 2019.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There are no alternative options as the revision of the Statement is a legal requirement.

5 SUPPORTING INFORMATION

- 5.1 The Statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349. This includes the Chief Officer of Police, persons who represent the interests of persons carrying on gambling businesses in the area and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act. The views of all consultees should be given appropriate weight when the Statement is determined.
- 5.2 The consultation was carried out on the Council's public consultation portal from 24 July 2018 to 14 September 2018. Two responses have been received, attached at Annex B and C.
- 5.3 In addition to the updating of dates, figures, and statistics where appropriate, a summary of the changes made to the Statement are as follows:
 - Section 1.1 Addition of paragraph explaining the purpose of the Statement
 - Section 1.8 New information regarding enforcement of licences
 - Section 1.9 New information relating to local risk assessments

- Section 2.4 Additional information regarding protecting children and other vulnerable people from gambling
- Section 2.9 Clarification regarding number of gaming machines/terminals that can be made available and matters that may be considered by the authority
- Section 3.1 Addition of information regarding family entertainment centres
- Section 3.5 and 3.6 Information regarding temporary and occasional use notices

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

- 7.1 The Chief Officer of Police, persons who carry on gambling businesses in the area and local residents.

Method of Consultation

- 7.2 The consultation was carried out on the Council's public consultation portal from 24 July 2018 to 14 September 2018. The consultation was emailed to licensed operators within the district and the bodies stated at appendix A within the Statement.

Representations Received

- 7.3 Two responses were been received. The first from GamCare, Annex B, although it is noted within the response that the submission contains general comments rather than specific remarks on the Statement that has been drafted. The second response is from Gosschalks, Annex C, on behalf of the Association of British Bookmakers. It is also noted that this response, like that from GamCare largely consists of general comments, with only the penultimate section relating specifically to Bracknell Forest Council's Statement.

Background Papers

Statement of Licensing Policy 2016

Contact for further information

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**Statement
of
Gambling
Principles**

JANUARY 20196

**GAMBLING ACT 2005
SI 2006 No 637**

**BRACKNELL FOREST BOROUGH COUNCIL
STATEMENT OF GAMBLING PRINCIPLES**

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1 STATEMENT OF GAMBLING PRINCIPLES

1.1 Introduction

The Gambling Act 2005 (referred to in this document as 'the Act') requires the Council to prepare and publish a Statement of Gambling Principles ('Statement') that sets out the policies that ~~the Bracknell Forest Council as Licensing Authority~~ (the Licensing Authority) will generally apply ~~to promote the licensing objectives when making decisions on applications made in exercising their functions~~ under the Act. It also gives details of our expectations of applicants and licence-holders.

The purpose of this Statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. However, where the circumstances justify doing so, we may depart from any provision of this statement, or of the Commission's Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.

This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, the Statement is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

This Statement has been prepared having regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the Statement. A list of those consulted can be found at Appendix A. The full list of comments made and the consideration by the Council of those comments is available on request.

The Statement will come into effect on the 31 January 20196 and will be reviewed as necessary, and at least every 3 years from the date of adoption.

1.2 The Borough of Bracknell Forest

Bracknell Forest lies 28 miles west of London, at the heart of the Thames Valley. The borough covers 109 sq km of central Berkshire and includes the former New Town of Bracknell, together with Sandhurst town and the villages of Crowthorne and Binfield, along with a number of smaller settlements across Warfield and Winkfield. The area has easy access to the motorway network (M3, M4, M40 and M25), Heathrow, and direct train links into London. A map can be found at Appendix B.

The Borough's population is 416,567119447 (mid-year 2013-2016 estimate). The population is relatively young (median age 38.53 years). 13.74% of the population is over 65 years of age, compared to 17.73% nationally, although this is expected to grow.

Bracknell Forest is one of the least deprived areas of the country (ranked 291-287 out of 326 local authorities in England on the Index of Multiple Deprivation 2010-2015). Property prices and levels of car ownership are significantly higher than

the national average. However, these headline figures mask significant pockets of deprivation. For instance, 17 schools out of 19 wards in the borough have free school meal eligibility of over 10%. The borough rate is 8.67.9% compared to 164.3% nationally (Source: School Census January 20142016). Eleven 7.7 per-cent of 0-165 year olds in the borough are living in poverty, compared to a national average of 20.414.7% and a South East average of 104.6%. There are seven wards in the borough that have child poverty rates higher than the regional average with one of these higher than the national rate. (Source: DWP 20112015).

Bracknell Forest is within the economically buoyant Thames Valley and the aspiration is to maintain a vibrant local economy throughout the borough, and in particular to protect the local economy as far as possible during the downturn. The number of people claiming Job Seekers' Allowance rose to a peak of 2.6% in August 2009 due to the recession, but has since fallen again and has remained steady. The figure was 0.9% in October 2014, and the proportion remains lower than both the national and South East averages (2.1% and 1.2% respectively).

Bracknell Forest is within the economically buoyant Thames Valley and already a premier business location. But the aspiration is to make the local economy even more successful throughout the borough. Bracknell's £240m town centre regeneration programme, the Lexicon, opened in September 2017 and further regeneration in the town centre is ongoing. The number of people claiming Job Seekers' Allowance has fallen from a peak of 2.5% in March 2010, to 0.6% in May 2016. This represents just 440 people. The figure remains lower than both the South East and national averages (0.8% and 1.3% respectively).

The economic downturn has also had a significant impact on the proportion of young people in education, employment or training. In May 2013, the estimated proportion of young people aged 16-18 in Bracknell Forest who were not in education, employment or training (NEET) was 4.0% (representing around 140 young people). This remains a key priority for the area. An overriding ambition for the economy is to regenerate Bracknell Town Centre as soon as possible to create a centre which provides a vibrant economic, social and cultural heart to the Borough and a real sense of place.

The estimated proportion of young people aged 16-18 in Bracknell Forest who were not in education, employment or training (NEET) in 2015 was 3.3%, representing around 120 young people. This remains a key priority for the area.

The overall level of crime in Bracknell Forest fell by 5% in 2013/14 (a total reduction of 37% since 2009/10). Anti-social behaviour fell by 6% compared with a rise of 4% in 2010/11. Significant reductions in a number of crime categories have been recorded since 1 April 2007: burglary of houses – 67%, violent crime – 56%, criminal damage – 64%, robbery – 58% and vehicle crime – 63%. Priorities for the Community Safety Partnership for 2014 – 17 include reducing domestic abuse, Burglary and internet related crime.

Overall crime in 2015/16 increased by 3.6% when compared to 2014/15. This increase is largely due a to rise in the number of 'Crimes Against Society', i.e. drugs offences, which is the result of police taking a robust approach to tackling the problem of drugs offences in the borough. All other areas of crime have seen

decreases: Victim Based Crime is down by 6.8%, Recorded Hate Crime is down by 40% and Domestic Abuse Crime down by 7.6%. Despite the increase in overall crime, Bracknell Forest compares favourably with the Thames Valley as a whole, which saw a 7.2% increase in overall crime and with the Berkshire Unitaries, which saw an average 6.25% increase.

1.3 Licensing Objectives

In exercising functions under the Gambling Act 2005, the Licensing Authority will have regard to the licensing objectives as set out in the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

This Licensing Authority is aware that, in accordance with section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of principles.

1.4 Licensable Activities

'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

- Gaming means playing a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

The Act provides for three categories of licence:

- Operating licences
- Personal licences
- Premises licences.

The Gambling Commission is responsible for remote (online) gambling, operating licences and personal licences.

This licensing authority is responsible for issuing premises licences and provisional statements for the following types of premises:

- Casinos
- Bingo premises
- Betting premises and tracks
- Adult gaming centres
- Family entertainment centres.

Additional functions of this licensing authority are to:

- issue permits for gambling and gaming machines in clubs
- receive notifications from alcohol licensed premises of the use of up to 2 gaming machines and issue licensed premises gaming machine permits where there are more than 2 machines
- issue permits to family entertainment centres for the use of certain lower stake gaming machines
- issue permits for prize gaming
- receive and endorse temporary use notices
- receive occasional use notices for betting at tracks
- register small society lotteries
- provide details of licences issued to the Gambling Commission
- maintain registers of the permits and licences that are issued under the Act.

1.5 Responsible Authorities

Responsible authorities must be notified of all premises licence applications and are entitled to make representations if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- Gambling Commission
- Police
- Local Fire Authority
- Local Planning authority
- Environmental Health
- Child Protection Committee
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated.

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area, and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

This authority designates the Bracknell Area Child Protection Committee for this purpose.

The contact details of all the responsible authorities under the Gambling Act 2005 are available on the Council's website.

1.6 Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. Interested parties making representations will be required to relate their objection to one or more of the licensing objectives.

An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above.

In determining whether someone lives sufficiently close to particular premises so as to be affected the licensing authority will take into account, amongst other things:

- the size and nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complaint
- the potential impact of the premises.

In determining whether a person has a business interest which could be affected, the licensing authority will consider, amongst other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected.

The term "business interests" is given the widest possible interpretation and includes partnerships, charities, faith groups and medical practices.

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the licensing authority would not consider this as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.

The licensing authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision, the licensing authority will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant,
- whether it raises a 'relevant' issue or not, or
- whether it raises issues specifically concerning the premises which is the subject of the application.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by officers. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

Where an interested party has made either a valid representation about a licensed premises or a valid application for a licence to be reviewed, the licensing authority may initially arrange a mediation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections or for any licence holder to decline to participate in a mediation meeting.

1.7 Information Exchange

This licensing authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that ~~the Data Protection Act 1998~~any data protection legislation will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

1.8 Enforcement

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and

- Targeted: regulation should be focused on the problem, and minimise side effects.

This licensing authority has also adopted and implemented a risk-based inspection programme based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences.

As per the Gambling Commission's Guidance, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The licensing authority will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

The licensing authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants may be encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Bearing in mind the principle of transparency, the Licensing Authority's enforcement policy will be available upon request. Our risk methodology is also available upon request.

A number of gambling operators have formed primary authority partnerships, under which they receive 'assured advice' from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products or services. Where we have concerns around a premises whose operator has formed a primary authority partnership relevant to the issue in question, we will consult with the primary authority prior to taking any formal action.

1.9 Local Risk Assessments

~~From April 2016,~~ Operators with premises licences ~~will~~ have an obligation to produce a local risk assessment which will assist the licensing authority when considering applications. The risk assessment should consider actual and potential risks to the licensing objectives posed by the provision of gambling facilities at a premises. The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area. The assessment should detail the policies, procedures and control measures to mitigate those risks and should take into account this Statement. The licensing authority can provide advice on the level of detail required, which will be proportional to the scale and nature of the application made.

The licensing authority will expect this risk assessment to accompany all applications for premises licences (new and variation) ~~from April 2016~~, and will also expect the risk assessment to be shared with the licensing authority on request. Local risk assessments must be reviewed when there are significant changes in local circumstances or at the premises, or when applying for a new licence or variation of a licence. [The Council's Local Area Profile is available on request.](#)

[Risk assessments must be kept at the individual premises to which they relate. All staff should be fully aware of the risk assessment and where it is kept in order that they can work in accordance with any requirements, and it can easily be provided to responsible authorities should they request to see it at any reasonable time, including unannounced inspections and ad hoc visits.](#)

[We do not intend to specify a format or mandatory content for these local risk assessments, as we believe that these will be decisions for the operator to take, and will be dependent upon the location, size, and operational nature of the premises in question. However, we would expect that operators have considered the individual circumstances of each of their premises when compiling the risk assessments. A single generic risk assessment covering every premises in an operator's estate will not be considered by the authority to be suitable nor sufficient. We would also expect operators to take full account of our local area profile when compiling their risk assessments, and to reflect this in the control measures which they will implement.](#)

2 PREMISES LICENCES

2.1 General Principles

A licence can only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

In the Act, "premises" is defined as including "any place". A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as shopping malls to obtain separate premises licences, where appropriate safeguards are in place. This licensing authority will take account of the

Gambling Commission's guidance in respect of this matter and the mandatory conditions relating to access between premises.

When determining an application for a premises licence or review a premises licence, regard will be had to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome any concerns, this will be taken into account. This would be expected to be addressed as part of the local risk assessment required to be submitted with all new and variation premises licence applications ~~from April 2016~~.

In determining an application, the licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide, nor may it take account of any moral objections.

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be necessary and/or appropriate in the circumstances of a particular case. More detail on licence conditions can be found at 2.5 of this document.

The licensing authority will not seek to use the Act to resolve matters more readily dealt with under other legislation, and will seek to avoid any duplication with other regulatory systems where possible. For example, the licensing authority will not take into account whether a premises has the appropriate planning or building consents, nor will it take into account fire or health and safety risks. It will, however, consider carefully any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Where children and other vulnerable people are allowed access to premises where gambling takes place, the licensing authority may take such steps as are lawful and necessary to either limit access generally or by introducing measures to prevent under-age gambling. The licensing authority will not normally seek to limit the access of children to any premises unless it receives representations to that effect or it believes it is right to do so for the prevention of their physical, moral or psychological harm. Applicants are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits.

2.2 Preventing gambling from being a source of crime and disorder

This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling premises from being a source of crime, for example the sale and distribution of controlled drugs, money laundering, prostitution, or unlawful gambling. The Gambling Commission's Guidance does however

envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has high levels of organised crime, this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be necessary such as provisions of door supervisors. When making decisions in this regard, the licensing authority will give due weight to any comments made by the Police.

This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. The licensing authority will seek the views of its legal advisers before determining what action to take in circumstances in which disorder may be a factor. As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The licensing authority will not use the Act to deal with general nuisance issues, such as parking problems, which can easily be dealt with using alternative powers.

2.3 Ensuring gambling is conducted in a fair and open way

This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

2.4 Protecting children and other vulnerable people from gambling

This licensing authority has noted that the Gambling Commission's Guidance for Local Authorities states that this objective means preventing children from taking part in gambling, as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children. The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

The use of CCTV (in accordance with data protection regulations and any relevant codes of practice) is unlikely to be sufficient on its own as a measure to prevent access to gaming facilities by children or vulnerable persons (including those who have registered in a self-exclusion scheme). At premises such as adult gaming centres, betting shops, bingo halls and family entertainment centres where category B or C gaming machines are operated, the licensing authority will expect that an appropriate number of staff will be present throughout opening hours who will ensure that children are not permitted to enter the premises or use age-restricted gaming facilities, as the case may be, and that self-excluded persons are not permitted to gamble.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons”, it is noted that the Gambling Commission does not seek to offer a definition, but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

2.5 Licence Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the premises suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises, and
- reasonable in all other respects.

When considering any conditions to be attached to licences, the licensing authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

Conditions (other than default conditions and those required by law) will only be attached where they are needed to meet the requirements of the licensing objectives and are within the control of the licensee. Any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This licensing authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located

- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder, and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated), and
- conditions in relation to stakes, fees, winning or prizes.

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect. Where it is decided that supervision of entrances or machines is appropriate for particular cases, a consideration of whether these supervisors need to be SIA licensed will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

Listed below are examples of possible areas where a licensing authority may wish to attach conditions to a licence if deemed appropriate:

- Leaflets giving assistance to problem gambling being displayed in prominent areas and discreet areas such as toilets
- The operator having regard to best practice guidance issued on the protection of the interests of vulnerable people
- Positioning of GamCare helpline information positioned on the machine
- Posters promoting details of the GamCare telephone number and website
- A proof of age policy which would be agreed with a relevant responsible authority
- The inclusion of designated chill out areas and areas of non-gambling in the premises.

The licensing authority will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement or in a way that is reasonably consistent with the licensing objectives.

2.6 Licensed Family Entertainment Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Plans of the premises should be provided with an application for an FEC permit.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

In exercising their functions in respect of family entertainment centre permits, the licensing authority need not, but may have regard to, the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

Except in exceptional circumstances, the licensing authority will not grant FEC permits in premises licensed for the sale of alcohol under the Licensing Act 2003.

2.7 Casinos

There are currently no casinos operating within the Borough.

The Council has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this Statement with details of that resolution. Any such decision will be made by the Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

2.8 Bingo Premises

This licensing authority notes that the Gambling Commission's Guidance states:

"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas".

This authority also notes the Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

2.9 Betting Premises

This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

~~While the licensing authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives.~~

~~The authority notes the difference between betting terminals, which are designed to receive bets on real events, and gaming machines such as fixed odds betting terminals (FOBTs), which are reliant upon the outcome of a virtual event. It is further noted that betting premises are entitled to offer up to four gaming machines in total, which may include category B2 FOBT machines. No further limits may be imposed by the licensing authority on gaming machine numbers in betting (other) premises, beyond the standard prescribed limit applying to all betting (other) premises licences.~~

~~There are no statutory limits on the number of betting terminals that may be made available in betting premises, although the licensing authority may attach a condition to a licence limiting the number if concerns exist over the availability of machines to children or vulnerable persons which cannot be satisfied through alternative means.~~

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This licensing authority will make a door

supervision requirement only if there is clear evidence from the history of trading that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.10 Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.11 Tracks

There are currently no tracks operating within the Borough.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the licensing objective "protection of children and vulnerable persons from being harmed or exploited by gambling" and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures that may be taken.

Gaming machines - Guidance from the Gambling Commission is available as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

Plans - The Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

2.12 Travelling Fairs

It will fall to this licensing authority to decide whether a travelling fair which offers category D machines and/or equal chance prize gaming without a permit meets the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

The 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses boundaries is monitored so that the statutory limits are not exceeded.

2.13 Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered, or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage
- which in the authority's opinion reflect a change in the operator's circumstances, or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

2.14 Licensing Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice or Guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and

- in accordance with the licensing authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- add, remove or amend a licence condition imposed by the licensing authority
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months, and
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

3 PERMITS, TEMPORARY AND OCCASIONAL USE NOTICES

3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

A proprietor of a family entertainment centre premises (FEC), who wishes to make only category D gaming machines available for use in those premises, can do so in reliance upon a family entertainment centre gaming machine permit. This category of permit provides an alternative to the family entertainment centre premises licences available under the Act, which allow the operation of higher-value gaming machines but are subject to more rigorous application procedures.

It should be noted that the premises must be wholly or mainly used for making gaming machines available for use, to be eligible for this type of permit.

Any application for a permit will be considered with regard to the licensing objectives and to any relevant guidance issued by the Commission. Particular weight will be given to child protection issues.

The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from

gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant (or company directors if the applicant is a limited company) has no relevant convictions; and that staff are trained to have a full understanding of the maximum stakes and prizes.

Applicants will also be asked to supply a plan of the internal layout of the family entertainment centre, drawn to an appropriate scale, that shows the location of the area(s) where category D gaming machines will be made available for use.

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

It is noted that a licensing authority cannot attach conditions to this type of permit.

3.2 Alcohol Licensed Premises Notifications and Gaming Machine Permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises is mainly used for gaming, or
- an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than two machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters as they think relevant.” This licensing authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used

by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an adult gaming centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

3.3 Prize Gaming Permits

In any application for a prize gaming permit the applicant should set out the types of gaming that he or she is intending to offer, and should also be able to demonstrate:

- they understand the limits to stakes and prizes that are set out in regulations
- that the gaming offered is within the law, and
- there are policies and steps to be taken to protect children from harm.

In making its decision on an application for this permit, the licensing authority does not need to have regard to the licensing objectives, but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Act with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- limits on participation fees, as set out in regulations, must be complied with
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize), and
- participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club Gaming and Club Machines Permits

Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as set out in the regulations.

Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines as set out in the regulations.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

Before granting the permit, the authority will need to satisfy itself that the premises meets the requirements of a members' club and may grant the permit if the majority of members are over 18.

Licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- the applicant's premises are used wholly or mainly by children and/or young persons
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years, or
- an objection has been lodged by the Commission or the Police.

There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003. As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced."

The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming, or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of the code of practice about the location and operation of gaming machines.

3.5 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The types of gambling activities that may be authorised by a Temporary Use Notice are set out in regulations made under the Act. Currently, the only permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include gaming tournaments with such games as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

Temporary Use Notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities, or in other cases where the proposed gaming would undermine the licensing objectives or be contrary to the Guidance or this Statement of Principles.

3.6 Occasional Use Notices

~~The licensing authority has very little discretion as regards occasional use notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. This licensing authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.~~

Occasional use notices may be used to authorise infrequent betting at track premises, on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g. gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by a licensing authority.

The licensing authority notes that the definition of track premises is not restricted to permanent premises, but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the notice is an occupier of the track, or is responsible for the administration of events at the track.

It is further noted that occasional use notices do not relieve any person accepting bets at the track premises from the requirement to hold an appropriate betting operating licence, nor from the requirements of any conditions imposed upon that licence.

4 DECISION MAKING

4.1 Delegations and Process

The Council's licensing functions under the Act will be carried out by the Licensing and Safety Committee, supported by a number of sub-committees and by officers acting under the delegated authority of the committee.

The table shown at Appendix C sets out the agreed delegation of decisions and functions to Licensing and Safety Committee, Sub-Committee and officers. This form of delegation is without prejudice to officers referring an application to a Sub-Committee or full Committee if considered appropriate in the circumstances of any particular case.

Where there are no areas of contention, it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

Where there are relevant representations in respect of an application the matter will be determined by the Licensing and Safety Committee or one of its sub-committees, as will any application for the review of a licence.

4.2 Committee Terms of Reference

A sub-committee or 'Panel' of three Councillors from the Licensing and Safety Committee will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a hearing involving an application within their ward.

Where a Councillor who is a member of the Licensing and Safety Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

The Panel will refer to the Licensing and Safety Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing and Safety Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing and Safety Committee or a Licensing Panel shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those

who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

Where a licensing authority rejects an application, the applicant may appeal to the local Magistrates' Court.

5 FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:

Licensing Team
Bracknell Forest Borough Council
Time Square
Market Street
Bracknell
RG12 1JD

Tel: 01344 352000

E-mail: licensing@bracknell-forest.gov.uk

<https://www.bracknell-forest.gov.uk/business-information/licensing/beer-and-entertainment-licences/gambling-premises-licences>

Information is also available from:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

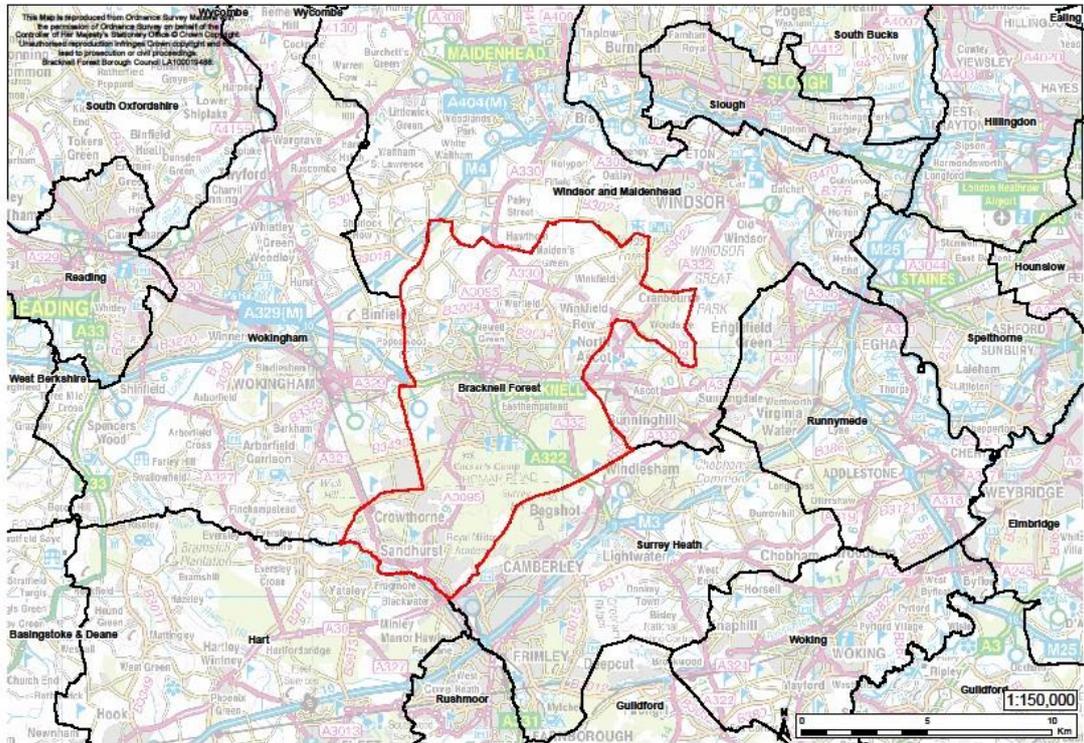
Tel: 0121 230 6500

Website: www.gamblingcommission.gov.uk

List of Consultees

- Association of British Bookmakers
- Association of Licensed Multiple Retailers
- Bingo Association
- British Amusement Catering Trade Association
- British Institute of Inn Keeping
- British Beer and Pub Association
- Committee of Registered Club Associations
- Environmental Health
- Gamblers Anonymous
- Gambling Commission
- GAMCARE
- HM Revenue and Customs
- Holders of existing gambling licences / permits
- Involve
- Local businesses and their representatives, e.g. Bracknell Regeneration Partnership, Bracknell Forest Chamber of Commerce
- Local community associations
- Members of Bracknell Forest Council
- National Association of Bookmakers
- Parish and Town Councils
- Planning
- Premises licence / club premises certificate holders
- Pub & Drug Watch
- Public Consultation Portal
- Public Health Team
- Royal Berkshire Fire and Rescue
- Thames Valley Police / Community Safety Partnership

Map of Bracknell Forest Borough



APPENDIX C

Summary of Licensing Authority Delegations Permitted under the Gambling Act 2005

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Approval of three year Statement of Gambling Principles	X		
Policy not to permit casinos	X		
Application for premises licences (new, variation and transfer) and provisional statements		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Determine review of a premises licence		X	
<u>Initiate review of a premises licence</u>			X
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits			X
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Revocation of premises licence due to failure to pay annual fee			X
Registration of small society lotteries			X
Cancellation of registration of small society lottery due to failure to pay annual fee			X

X indicates the lowest level to which decisions can be delegated

Gambling Act Glossary

Adult Gaming Centres	Adult Gaming Centres must have a premises licence from the licensing authority to make category B, C and D gaming machines available to their customers.
Betting Premises	The Act contains a single class of licence for betting premises, which includes track and non-track.
Bingo	Two types of bingo can be offered: Cash bingo - where the stakes paid made up the cash prizes that are won; or Prize bingo - where various forms of prizes are won and are not directly related to the stakes paid.
Casinos	The Act defines casino games as games of chance which are not equal chance gaming.
Customer Lottery	A lottery run by occupiers of a business for the benefit of the customers who buy tickets sold on the premises (e.g. supermarket holding a hamper raffle).
Exempt Lottery	Incidental non-commercial lotteries Private lotteries Customer lotteries Small Society lotteries
Gambling Act 2005	The Act governs the provision of all gambling in Great Britain, other than the National Lottery and spread betting. It received royal assent on 7 April 2005.
Gambling Commission	The Gambling Commission licenses larger gambling operators and provides advice and guidance to operators, stakeholders and licensing authorities. They also have a role in enforcement and ensuring promotion of the licensing objectives.
Gaming Machines	Category of machine and where they can be situated are contained at the end of this glossary.
Incidental Non-Commercial Lottery	Lottery that is run as an additional amusement at non-commercial events with tickets sold only during the event, such as a raffle at a dance or church fair.
Licensed Family Entertainment Centres	The Act creates two classes of family entertainment centres (FEC). Licensed FECs provide category C and D machines and require a premises licence.

Lotteries	A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
Non-track betting	Betting that takes place other than at a race track.
Occasional Use Notices	Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
Private Lottery	Lottery that requires membership of a society, place of work or single residential unit (e.g. raffle at a student hall of residence).
Small Society Lottery	Non-commercial societies if it is established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or for any other non-commercial purpose other than private gain.
Temporary Use Notices	These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises which might be suitable for temporary use notices would include hotels, conference centres and sporting venues.
Track betting	Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks both in the form of pool betting (often known as the "totalisator" or "tote") and also general betting, often known as "fixed-odds" betting.
Travelling Fairs	A travelling fair is one that "wholly or principally" provides amusements and they must be on a site that had been used for fairs for no more than 27 days per calendar year. No permit is required for gaming machines, but they must comply with age restrictions.
Unlicensed Family Entertainment Centres	Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

From: Catherine Sweet
Sent: 26 July 2018 12:26
To: Licence All
Subject: RE: Consultation on Statement of Gambling Principles

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social

responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,
Catherine

Catherine Sweet

Head of Marketing and Communications

T: 020 7801 7028

E: catherine.sweet@gamcare.org.uk



BY EMAIL ONLY
Licensing Department
Bracknell Forest Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 097505.00005
#GS2158438
Your ref:
Date: 10th September 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of

these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and

socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track

account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Other concerns

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Considerations specific to the Draft Statement of Gambling Principles January 2019

On behalf of the ABB we welcome the light touch approach to the Statement of Gambling Principles and the acknowledgement that there is no evidence that the operation of betting offices has required door supervisors and that there is no evidence that betting machines give rise to regulatory concerns. In the circumstances we have very few comments to make. The comments that we do wish to make are as follows:-

Paragraph 1 - The very first sentence of the Statement of Gambling Principles indicates that the Gambling Act requires that the Statement of Gambling Principles sets out the policies that the Council will generally apply to promote the licensing objectives when making decisions on application made under the act. The requirement under Section 349 is that the Licensing Authority prepares a statement explaining the principles that it proposes to apply in exercising its functions under the act. There is no requirement to promote the licensing objectives. In exercising most of its functions under Gambling Act 2005, the Licensing Authority is required to have regard to the licensing objectives rather than promote them. Accordingly the reference to promoting the licensing objectives should be amended.

Paragraph 2.5 explains the Licensing Authority's approach to the imposition of conditions. This section would be assisted by a clear explanation that the mandatory and default conditions are usually sufficient to ensure operation that is reasonable consistent with the licensing objectives.

We welcome the acknowledgement that additional conditions would only be attached where they are needed to meet the requirements of the licensing objectives. This evidential basis for the imposition of conditions should be continued throughout the draft statement of principles. Accordingly references to conditions being applied where there is a "perceived need" (paragraph 2.5) or where it is "believed to be appropriate" in paragraph 2.1 should be amended.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



GOSSCHALKS

TO: LICENSING AND SAFETY COMMITTEE
18 October 2018

**REVIEW OF GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE
 AND PRIVATE HIRE VEHICLE OWNERS, OPERATORS AND DRIVERS**
Public Protection Manager

1 PURPOSE OF REPORT

1.1 The purpose of this report is to bring to the attention of the Committee the results of the recent consultation on the proposed amendments to the Council’s Guidance Notes and Conditions document (current version at Annex A), and to seek approval to make these revisions to the document.

2 RECOMMENDATION

2.1 That the Committee:

- i) approves the amendments to the Guidance Notes and Conditions document as set out at Annex B with immediate effect**

3 REASONS FOR RECOMMENDATIONS

3.1 The Council issues the Guidance Notes and Conditions document 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. The guidance notes are updated on a regular basis to reflect changes in law and Council policy.

4 ALTERNATIVE OPTIONS CONSIDERED

4.1 Members may choose to vary the additions or amendments proposed, or may propose additional changes to the document.

5 SUPPORTING INFORMATION

5.1 Attached at Annex B are the proposed additions and amendments to the Guidance Notes. In addition to updating dates, the material changes to the document are as follows:

- Section 5.2 to be updated to reflect a change in the procedure for processing DBS applications
- Section 5.17 to be updated to promote better disability awareness for both drivers and operators, to meet their obligations under the Equality Act 2010
- Section 22.1 to be updated as officers are not trained to examine vehicles following accidents
- Section 22.5 to be updated to provide greater flexibility where vehicles have been involved in accidents

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

7.1 All licence holders and members of the public were able comment on the consultation.

Method of Consultation

7.2 The consultation took place from 24 July 2018 to 14 September 2018 via the Council's public consultation portal. Details of the consultation were sent to all licence holders who had previously provided an email address to the Licensing team.

Representations Received

7.3 No responses were received to the consultation.

Background Papers

None

Contact for further information

Charlie Fletcher, Licensing Officer, 01344 352550
charlie.fletcher@westberks.gov.uk



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

June 2018

www.bracknell-forest.gov.uk/licensing

licensing@bracknell-forest.gov.uk

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Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators, Drivers June 2018

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	-	Town Police Clauses Act 1847
LG(MP)A	-	Local Government (Miscellaneous Provisions) Act 1976 (Part II)
TA	-	Transport Act 1985
RTA	-	Road Traffic Act 1991
BF(LC)	-	Bracknell Forest Licence Condition
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.

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:

Proprietor's name

Registration and licence number

Date and period for which licence granted

Offences committed by proprietor

Offences committed by driver

Private Hire Drivers:

Name

Date and period for which licence is granted

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.

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

Chauffeur 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.

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. No refunds shall be payable in respect of driver licences which have been granted, as the fee paid covers the cost of administration of the application. Where a vehicle licence or operator licence is surrendered, a partial refund may be payable subject to the deduction of the appropriate refund processing fee.

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/licensing. 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 <http://www.bracknell-forest.gov.uk/onlinepayments>.

BF(G)

4. How to Apply

4.1 Details are available from the Customer Service Centre at Time Square. Information and forms are also available at www.bracknell-forest.gov.uk/licensing.

BF(G)

4.2 Faxed copies and photocopies of documentation will not be accepted; originals must be produced. Electronic copies may be accepted, provided the Licensing team can verify the information provided.

BF(G)

4.3 To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EC passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.

For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain, and may only be granted for a

shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If a licence holder loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within 7 days.

Immigration Act 2016

5. Driver Licence - Requirements

5.1 All new applicants will be required to complete an application for an enhanced disclosure from the Disclosure and Barring Service (previously known as the CRB).

LG(MP)A s59

5.2 Only DBS enhanced disclosures with Bracknell Forest Council as the registered body will be accepted.

DBS Code of Practice

5.3 Any DBS enhanced disclosure presented at time of application which is more than 12 months from date of issue will not be accepted. If a disclosure 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 disclosure.

BF(LC)

5.4 Existing drivers will be required to submit a new DBS disclosure application every 3 years or as required by

the Licensing Section. There is a fee to be paid for checks made by the Disclosure and Barring Service.

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, acceptance of the caution or issue of the fixed penalty. Details should be entered on the 'Notification of Conviction, Caution or Fixed Penalty' which is available at www.bracknell-forest.gov.uk/licensing and by hard copy on request.

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 (originals only, photocopies will not be accepted) must be produced at the time of each application.

BF(LC)

5.8 All new drivers will be required to provide a DVLA check code so the Council can verify their driving licence details. This check will be required to be provided on each application form and at any other time on request by the Licensing Team.

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 for 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 driver licences must take and pass the appropriate practical driving assessment(s) from the Council's list of approved providers. The assessment certificate will only be valid for the application process for a period of 36 months from its date of issue.

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 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)

5.16 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)

5.17 From 1 April 2017, all new applicants for a driver or operator licence must complete safeguarding training prior to the issue of a licence. Existing drivers and operators must complete the training prior to the next renewal of their licence. Once passed, the training must be retaken by all licensed drivers and operators within a 3 year period.

BF(LC)

5.18 All licensed drivers are required to wear their driver's badge in a prominent position and manner so that it is plainly and distinctly visible.

LG(MP)A s54

5.19 A driver may display the badge within the vehicle in a prominent position and manner so that it is plainly and distinctly visible.

BF(G)

5.20 Any change of details (name or address) must be notified to the Licensing Section within 7 days using the appropriate form, which is available from Reception.

TPCA s44

5.21 Licensed drivers may not initiate any dialogue of a sexual nature with a passenger, including by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle.

BF(LC)

5.22 Drivers must not drink or eat whilst driving, nor should they use any hand-held mobile phone, PDA, or any other device which may cause their attention to be distracted.

BF(LC)

5.23 The driver shall at all times be clean and respectable in their dress and person and behave in a civil and orderly manner.

BF(LC)

5.24 Any private hire driver not registered with an operator upon the renewal of their licence shall be permitted to renew their licence, but their badge and licence will be retained by the Council until they are registered with an operator licensed by the Council.

BF(G)

6. Knowledge Test

6.1 All new drivers will be required to take and pass a written knowledge test. Chauffeur driver and Home to School driver applicants will be exempt from the geographical section of the knowledge test only.

LG(MP)A s51

6.2 All applicants 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 new private hire operator licence applicant who is not already a licensed driver, or applying to be a licensed driver, must pass the private hire knowledge test (theory section only) prior to an operator licence being granted.

BF(LC)

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

BF(G)

7. Unauthorised Drivers

7.1 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

8. Vehicle Licence - Requirements

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

LG(MP)A s68

8.2 Vehicles submitted for inspection **must** be in a clean condition throughout including the underside and

engine compartments. The authorised garage has the right to refuse inspection if they are of the opinion the vehicle is not in a clean condition. In such circumstances the vehicle will require a new inspection appointment which may necessitate a new inspection fee.

BF(LC)

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

BF(LC)

8.4 Licensed vehicles are smokefree at all times.

Smoke-free Regulations 2007

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

BF(G)

9. Age of Vehicle

9.1 A vehicle submitted for initial licensing must be less than 5 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 all types of private hire vehicle, and 10 years for hackney carriages.

LG(MP)A s47 and 48

BF(LC)

9.2 A vehicle which meets the criteria to be licensed with a dispensation may be submitted for initial licensing if it is less than 9 years old provided that it meets the “exceptional condition” criteria detailed in Appendix G and has travelled less than 150,000 miles.

LG(MP)A s48

BF(LC)

9.3 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. Any such application must be received in writing by the Licensing Team at least 3 months prior to the date upon which the vehicle reaches its age of vehicle expiry date. The vehicle may be subjected to a visual inspection. For more details please see Appendix G. The vehicle owner will receive a decision in writing within 10 working days after the inspection. Any extensions granted may be subject to certain conditions.

BF(LC)

10. Type of Vehicle

10.1 All hackney carriages must be wheelchair accessible, i.e. capable of accommodating a disabled person in a DfT reference wheelchair in the passenger compartment.

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

10.2 All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, retested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). Those taxis which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.

BF(LC)

10.3 Private Hire Vehicles shall have a minimum of four doors and be capable of carrying at least 4 passengers.

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

10.4 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

10.5 From 1 April 2014, new vehicle licences shall only be issued for vehicles which fall within the following Euro NCAP categories:

- (i) Large family
- (ii) Executive
- (iii) Small MPV (for 4 passengers only)
- (iv) Large MPV
- (v) Large Off-Road 4x4

Any vehicles which do not fall within the appropriate Euro NCAP may be considered for licensing on a case by case basis. In particular it is envisaged that exceptions could be made for 'green' vehicles such as the Toyota Prius. However these vehicles will only be licensed for an appropriate number of passengers depending on the number of seats and internal dimensions of the vehicle, with a minimum seat width and depth of 16" (41cm) per passenger. It is recommended that prior to purchasing any such vehicle, advice be sought from the Licensing Team.

BF(LC)

10.6 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)

10.7 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

10.8 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

10.9 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)

10.10 All licensed vehicles (except for private hire vehicles with a dispensation) must meet the following requirements:

- (i) Light transmitted through the **windscreen** must be at least 75%
- (ii) **All other windows (both front and rear)** must allow at least 70% of light to be transmitted

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside,

which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

BF(LC)

10.11 Where currently licensed vehicles as from 11 October 2013 have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

BF(LC)

10.12 Where currently licensed vehicles as from 11 October 2013 have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next vehicle inspection. Failure to do so will result in the vehicle failing the inspection.

BF(LC)

11. Carriage of Goods or Packages

11.1 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)

12. Lost Property

12.1 The driver should carefully search the vehicle for any property which may have accidentally been left behind after each journey. Any items found should be handed into the nearest Police station as soon as practicable. The driver should notify any operator of the vehicle.

BF(G)

13. Insurance and MOT Certificate

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

LG(MP)A s57

13.2 Insurance cover must be continuously maintained. 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 For vehicles insured under a fleet policy or temporary cover note, and temporary replacement vehicles, the vehicle licence holder must ensure that a copy of the vehicle insurance document is retained in the vehicle at all times and made available on demand.

BF(LC)

13.4 A valid MOT certificate must be submitted at the request of an authorised officer. Please note that the

vehicle inspection carried out by the authorised garages include the elements of 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 or at www.bracknell-forest.gov.uk/licensing.

LG(MP)A s68

BF(LC)

14.4 Any vehicle licence issued contains the date when the next inspection is due. It is 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. Equipment

15.1 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)

15.2 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"
- 20 individually wrapped sterile plasters (assorted sizes)
- 2 sterile eye pads

- 6 medium and 2 large individually wrapped unmedicated wound dressings
- 4 individually wrapped triangular bandages (preferably sterile)
- 6 safety pins
- 1 pair of disposable gloves.

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

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

15.3 Every licensed vehicle shall carry a replacement bulb kit appropriate to the vehicle.

BF(LC)

16. Use of Mobile Phones and Radios

16.1 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)*

16.2 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

17. Signs

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

Smoke-free (Signs) Regulations 2007

17.2 Private hire vehicles must not display a roof sign.

BF(LC)

17.3 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)

17.4 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)

17.5 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)

17.6 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)

18. Identification Plates/Screen Stickers

18.1 Licence 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 s51
LG(MP)A s48(6)
BF(LC)*

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

BF(LC)

19. Private Hire Vehicle Dispensation

19.1 The Council may grant a dispensation to certain private hire vehicles which are engaged **solely** in chauffeur/corporate/executive work. No payments should be made directly to the driver of such vehicles.

BF(LC)

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

LG(MP)A s75(3)

19.3 From 1 April 2014, new dispensations shall only be issued to vehicles of the following Euro NCAP categories:

- (i) Executive
- (ii) Large Off Road 4x4

Any vehicles which do not fall within these categories will be considered for dispensation on a case by case basis. It is recommended that prior to purchasing any such vehicle

advice be sought from the Licensing Team, but as a basic guide, officers will look for the following criteria to be met:

- The vehicle interior and exterior shall be of the highest quality in design and use of materials available
- The vehicle should carry no more than:
 - (a) one passenger in the front, and
 - (b) three passengers in the rear unless it is specifically designed or adapted to do so;
- Must have sufficient space for passengers as follows:
 - (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)
 - (d) seat width for each passenger - at least 19" (48.2cm).

BF(LC)

LG(MP)A s48(1)(a)(i)

19.4 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)

20. Restricted Private Hire Licence Provisions

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

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

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

BF(G)

20.3 For drivers of private hire vehicles which are engaged **solely** in chauffeur/corporate/executive work **and** have a dispensation issued by the Council, a specific Chauffeur driver licence is available.

BF(G)

20.4 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)

20.5 Drivers and vehicles must comply with all other requirements as stated in this document.

BF(LC)

21. Transfer of Vehicles to New Owners

21.1 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)

21.2 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)

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

LG(MP)A s49(2)

22. Accidents

22.1 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)

22.2 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

22.3 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)

22.4 A temporary replacement vehicle will generally be required to be of a similar specification and standard as the vehicle it is replacing.

BF(G)

22.5 A temporary replacement vehicle will usually 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)

23. Taximeter

23.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a Hackney Carriage, but optional for a Private Hire Vehicle) may be required to be submitted for a meter test before a licence is issued, and as and when required by the Council.

BF(LC)

23.2 A certificate of calibration provided by the taximeter installer may be required on issue of a licence or when the seal is damaged or missing.

BF(LC)

23.3 The meter **must not** incorporate any other licensing authority's fare structure.

BF(LC)

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

BF(G)

23.5 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)

23.6 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)

24. Authorised Table of Fares

24.1 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)

24.2 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

24.3 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

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

LG(MP)A s67

24.5 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)

24.6 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)

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

LG(MP)A s65(3)

24.8 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)

25. Plying for Hire – Hackney Carriages

25.1 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

25.2 “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

26. Guide and Assistance Dogs

26.1 Drivers of licensed vehicles must carry a disabled person’s assistance dog and allow it to remain with that person. It is an offence for the driver of a licensed vehicle to refuse to carry an assistance dog unless the driver has a medical exemption certificate. It is also an offence to make any additional charge for the carrying of an assistance dog.

Equality Act s168 and 170

26.2 It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle

BF(G)

26.3 It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for the vehicle if the reason for the failure or refusal is because the hirer or a person accompanying the hirer is disabled person who will be accompanied by an assistance dog. It is also an offence to make any additional charge for the carrying of an assistance dog.

Equality Act s170

26.4 Medical exemption certificates are issued by the Council and details upon how to apply are available on request from the Licensing Section. Drivers, in making an application for an exemption, will need to provide medical evidence to support it. Drivers must place the notice of exemption in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.

Equality Act s169

26.5 Evidence must be provided by a medical practitioner; we would normally expect this to be the applicant's GP. 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. Carrying Disabled Passengers

27.1 Under Section 167 of the Equality Act 2010 the Council publishes a list of designated accessible vehicles which are available to carry passengers in their wheelchair. The duties of the driver of any designated vehicle are as follows:

- (a) to carry the passenger while in the wheelchair;
- (b) not to make any 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 are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- (e) to give the passenger such mobility assistance as is reasonably required.

The driver of any designated vehicle commits an offence by failing to comply with any of these duties.

Equality Act s165

27.2 Upon application to the Council, the driver of a designated vehicle may be issued with a certificate exempting them from these duties on medical grounds or on the grounds that the person's physical condition makes it impossible or unreasonably difficult to comply with these duties.

Equality Act s166

27.3 Drivers, in making an application for an exemption, will need to provide medical evidence to support it. Evidence must be provided by a medical practitioner; we would normally expect this to be the applicant's GP.

BF(LC)

27.4 If the vehicle has a meter, this should not be left running whilst the driver performs duties required by the Act, or while the passenger enters, leaves or secures their wheelchair within the passenger compartment.

Equality Act s165

27.5 Drivers should provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.

BF(LC)

27.6 Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

BF(G)

27.7 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)

28. Supervision

28.1 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

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

LG(MP)A s68

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

LG(MP)A s68

28.4 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)

29. Operator Licences

29.1 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

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

LG(MP)A s46

29.3 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)*

29.4 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)*

29.5 Only trading or company name(s) that are written on the operator licence, or other trading name approved by the Council in writing, shall be used for trading in the Borough of Bracknell Forest. No new operator (licensed from 6 January 2017) shall be permitted to use a trading name containing the words 'Taxi' or 'Cab' unless the firm uses predominantly hackney carriages to fulfil bookings.

BF(G)

29.6 All licensed operators 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 'Notification of Conviction, Caution or Fixed Penalty' which is available at www.bracknell-forest.gov.uk/licensing and by hard copy on request.

BF(LC)

29.7 The operator shall not knowingly or recklessly employ anyone as a controller to receive bookings and despatch vehicles, who has been deemed 'not fit and proper', by any local authority, to hold a private hire operator, private hire driver or dual/hackney carriage driver's licence, unless approved by the Council.

BF(LC)

29.8 Planning approval may be required for any premises used as a private hire operator base, including residential properties. The applicant or licence holder is responsible for making enquiries to ascertain whether approval is required.

BF(G)

29.9 If an operator wishes to move to a new base, they should ensure the appropriate planning permission is in place and submit an application for a new operator licence for the new address. If the new licence is granted, the old licence may then be surrendered for a pro-rata refund.

BF(G)

30. Responsibility of Proprietor or Operator

30.1 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)

30.2 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

30.3 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)

30.4 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)

30.5 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)

30.6 The operator shall at all reasonable times provide authorised officers of the Council and the Police with any information necessary for the purpose of checking booking records. Whenever the company office is open for accepting bookings, the operator shall ensure that there is

an authorised member of staff present who has received suitable and sufficient training and instruction concerning the provision of information required, including the ability to satisfactorily and competently operate any computer system used for the purpose.

BF(LC)

30.7 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/inspection/MOT/DVLA driver licence
- e) List of all radio call signs used with names of drivers.

BF(LC)

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

LG(MP)A s56 (3)

BF(LC)

30.9 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)*

31. Suspension, Revocation or Refusal of Licences

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

BF(G)

Vehicle Licences

31.2 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

31.3 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

31.4 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

32. Appeals Procedure

32.1 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

32.2 Where officers are minded to refuse a new licence application, the applicant will be offered the opportunity for the matter to be determined by a Panel of members drawn from the Licensing and Safety Committee. 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)

32.3 Where a licence has been revoked, but the situation which led to the revocation is resolved, the Council will aim to reinstate the licence as soon as practicable. A new application will be required. Existing documents which remain valid from the previous licence will normally be transferred to the new application, but updated documents may be requested by the licensing officer as determined on a case by case basis. The usual licence fee will be payable and the licence will be issued for the usual licence period. In exceptional circumstances, such as the licence being revoked pending the outcome of a Court Case, no further fee will be payable but the licence will simply be reissued for the period that the revoked licence had left to run.

BF(G)

33. Return of Licences

33.1 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

33.2 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

33.3 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)

33.4 Badges, plates and licences remain the property of the Council at all times.

BF(LC)

34. Offences

34.1 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 and/or TPCA

35. Seat Belts and Child Seats

35.1 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

35.2 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)*

35.3 Children must normally use a child car seat until they're 12 years old or 135 centimetres tall, whichever comes first. At the time of printing this document, children can travel in a licensed vehicle without a child car seat, but only if they travel on a rear seat:

- and wear an adult seat belt if they're 3 or older
- without a seat belt if they're under 3

The current law on the use of child car seats can be found at <https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>.

36. Complaints

36.1 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)

37. Service Standards

37.1 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)

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

BF(G)

37.3 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)

37.4 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)

37.5 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 or by phone. In some cases they will be able to assist you, but if not then they will make arrangements for you to speak to a member of the Licensing Team to deal with your enquiry. For a definitive answer on licence requirements you should speak to a Licensing Officer.

Visit: Customer Service Centre at Time Square, Market Street, Bracknell. The office is open from 8.30am to 5.00pm Monday to Friday.

Telephone: 01344 352000

Email: licensing@bracknell-forest.gov.uk

Write to: Licensing Section, Time Square, Market Street, Bracknell, RG12 1JD

Find us online: www.bracknell-forest.gov.uk/licensing

Hackney Carriage and Private Hire Licensing Criminal Convictions Policy

1. Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether an **applicant** or an **existing licence holder** is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence.

1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from a dishonest person
- That children, young persons and vulnerable adults are safeguarded.

1.3 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not exclusively:

- Applicants for drivers and operator licences
- Existing licensed persons whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/panel (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions.

1.4 Where licensing officers or the Licensing Panel have delegated powers to grant, revoke or suspend licences, they will utilise these guidelines when making their decision. Whilst officers and the panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.** Clear cogent reasons would be set out in any decision letter where there is a departure from the guidance.

2. General policy

2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances, or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- a) remain free of conviction for an appropriate period; and
- b) show adequate evidence that he or she is a fit and proper person to hold a licence

The onus is on the applicant to produce such evidence and simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.3 **Where an applicant has been convicted of a criminal offence, the licensing authority cannot**

review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

3. Pre-requisites to making an application

3.1 It is the policy of the licensing authority that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been made until such time as they are complete:

- That the applicant has the right to live and work in the country.
- An enhanced criminal record check (DBS) and evidence that they are not on a child and/or vulnerable adult barring list.
- A certificate of their current medical fitness to DVLA Group 2 standard.
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive.
- That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency.
- That the applicant has sufficient ability to speak English and understand spoken English to provide the service that they wish to be licensed for.
- That where specified the applicant has completed safeguarding awareness training specific to the service that they wish to be licensed to provide.
- For persons who seek to be authorised to drive a wheelchair accessible vehicle, that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their wheelchair.

3.2 If an applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made.

4. Appeals

4.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

4.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

5. Powers

5.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

5.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

5.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

6. Consideration of disclosed criminal history

6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle driver licence and/or private hire vehicle operator licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of caution/conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of

caution/conviction.

- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant.

6.2 Existing licence holders are required to notify the licensing authority in writing within 28 days of being arrested, receiving a driving licence endorsement, fixed penalty notice, caution or criminal conviction.

6.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing team in confidence for advice.

6.4 Applicants for a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). Existing licensed drivers are required to obtain an enhanced disclosure every 3 years or as required by the licensing authority.

6.5 Applicants for an operator licence, where that person is not the holder of a current driver licence issued by the Council, will be required to obtain a basic criminal record disclosure from Disclosure Scotland. Existing licensed operators are required to obtain a basic criminal record disclosure every 3 years or as required by the licensing authority.

6.6 The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information, and the DBS's policy on the secure storage, handling, use, retention and disposal of disclosure information. Copies of these documents are available on request. More information about the DBS can be found at www.gov.uk/government/organisations/disclosure-and-barring-service

- 6.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 6.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

7. Serious offences involving violence

- 7.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life or serious injury. Exceptional circumstances may permit the Council to make an exception to this general policy statement.
- 7.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 7.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder

- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

7.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm
- Actual bodily harm which would be classified as "hate crime"
- Robbery
- Possession of firearm
- Riot
- Assault on a Police officer, or a Council officer acting in the course of their duty
- Common assault which would be classified as "hate crime"
- Violent disorder
- Resisting arrest, when subsequently charged or convicted.
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:

- Criminal damage would be classified as "hate

crime"

- Any other hate crime offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

7.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

8. Possession of a weapon

8.1 If an applicant has been convicted of possession of a

weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

8.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

9. Sex and indecency offences

9.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.

9.2 (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for a serious offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Or **any** sex or indecency offence that was committed in the course of employment as a taxi

or PHV driver

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

9.3 (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit).

9.4 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

10. Dishonesty

10.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Licensed drivers are required to deposit such property with the police within 24 hours and inform their operator where applicable. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

10.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- And any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

10.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

11. Drugs

11.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

11.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

11.3 A licence will not normally be granted where the

applicant has a conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

11.4 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

11.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

11.6 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

12. Driving offences involving the loss of life

12.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences

13. Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

13.1 As licensed drivers are professional vocational drivers, a serious view is taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. Normally at least 3 years after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

13.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- Are much less aware of what's happening on the road around them
- Fail to see road signs
- Fail to maintain proper lane position and steady speed
- Are more likely to 'tailgate' the vehicle in front
- React more slowly, take longer to brake and longer to stop
- Are more likely to enter unsafe gaps in traffic
- Feel more stressed and frustrated.

13.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In

light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

13.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

14. Motoring offences

14.1 Where any applicant for a **new** licence has been disqualified from driving, 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.

14.2 Where any licensed driver is disqualified from driving, the licence will be revoked. On restoration of the entitlement to drive, a licence will not normally be granted for a period of 2 years.

14.3 Should a new applicant or existing licensed driver be convicted of endorseable motoring offences resulting in a total of 9 or more points on his/her DVLA driving licence, it is likely that he/she shall be required to appear before a Panel. In the case of a new application, to show good reason why the Council should grant, or in the case of an existing driver, to show good reason why the Council should not suspend or revoke his/her licence.

15. Licensing offences

15.1 Certain offences which relate to licensing matters such as illegal plying for hire, overcharging and offences under the Equality Act 2010 would normally prevent a licence being granted or renewed until a

period of 3 years has passed since the offence.

15.2 A licence will not normally be granted if an applicant has more than one conviction for such licensing related offences.

16. Insurance offences

16.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years; however a strict warning should be given as to future behaviour.

16.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

16.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have their operator licence revoked immediately and be prevented from holding a licence for at least three years.

17. Outstanding charges or summonses

17.1 If an individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

17.2 If the outstanding charge or summons involves a serious offence or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

18. Non-conviction information

18.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

18.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

19. Cautions

19.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

20. Once a licence has been granted

20.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect serious consideration to be given to the suspension or revocation of their licence.

20.2 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

20.3 A suspension or revocation of the licence of an

operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

21. Licences issued by other licensing authorities

21.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

21.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

22. Summary

22.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.

22.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

22.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration must remain the protection of the public.

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 sound 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 Equality Act 2010 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.

If the licence holder believes that a notice has been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Public Protection Manager within 14 days of receiving the notice.

Please note that appeals will not be considered where there is a proven breach of construction and use regulations, such as an illegal tyre.

If the appeal is in respect of documentation provided to the Council, the applicant must provide proof that such documentation was submitted in the form of a receipt or similar. Failure to do so may render the appeal invalid.

The licence holder may be invited to a meeting to discuss the appeal.

The licence holder 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 points will be reviewed on an ongoing basis.

BRACKNELL FOREST COUNCIL

Licensing Section, Time Square, Market Street, Bracknell, RG12 1JD
 01344 352000 licensing@bracknell-forest.gov.uk

Contraventions	Points	✓	Contraventions	Points	✓
Unlicensed vehicle	12		Overcharging	6	
Driving with no valid insurance	12		Private hire vehicle parked on rank	6	
Unlicensed driver	12		Smoking in vehicle	6	
Driving with no valid MOT/inspection	12		Hackney carriage left unattended on rank	4	
Contravention of Stop Notice/suspension	12		Failure to notify accident	4	
Private Hire plying for hire	12		Failure to comply with traffic sign or signal	4	
Behaving in a disorderly manner	12-4		No smokefree signage	4	
Failure to wear or display driver badge	8		Failure to provide MOT, inspection or insurance document	4	
Illegal tyres (per tyre)	8		Illegal use of bus lane	4	
C&U regulations	8-4		Failure to notify change of details	4	
Too many passengers	8		Horn misuse	3	
Failure to notify conviction, caution or fixed penalty notice	6		Failure to carry required equipment	3	
Failure to display plate or stickers	6		Vehicle in an unclean condition	2	
Use of hand held phone or radio while driving	6		Other:		

Details:

Plate no: Vehicle reg no: Badge no.

Driver's name:

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

If you believe that this notice has been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Public Protection Manager within 14 days of receiving this notice. You will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

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**

Section	Offence
49	Failure to notify transfer of HC proprietor's licence
50(1)	Failure to present HC for inspection as required
50(2)	Failure to inform local authority where HC is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce HC proprietor's licence and insurance certificate
53(3)	Failure to produce HC driver's licence
57	Making false statement or withholding information to obtain HC driver's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
64	Permitting any vehicle other than HC to wait on a HC stand
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement
67	Charging more than the meter fare when HC used as private hire vehicle

69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised Officer or constable
73(1)(b)	Failure to comply with requirement of authorised Officer or constable
73(1)(c)	Failure to give information or assistance to authorised Officer or constable

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

Section	Offence
46(1)(a)	Using an unlicensed PH vehicle
46(1)(b)	Driving a PH vehicle without a PH driver's licence
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver
46(1)(d)	Operating a PH vehicle without a PH operator's licence
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver
48(6)	Failure to display PH vehicle plate
49	Failure to notify transfer of PH vehicle licence
50(1)	Failure to represent PH vehicle for inspection as required
50(2)	Failure to inform local authority where PH vehicle is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce PH vehicle licence and insurance certificate
53(3)	Failure to produce PH driver's licence
54(2)	Failure to wear PH driver's badge
56(2)	Failure by PH operator to keep records of

Section	Offence
	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 repaired or 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.

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 private hire vehicle which meets the criteria to be licensed with a dispensation with a mileage in excess of 300,000 miles.

APPENDIX H

Conditions relating to the use of CCTV in licensed vehicles

There is no requirement to install CCTV in vehicles licensed by this authority. However, should you wish to install such a system, you must comply with the following conditions.

Minimum System Requirements

1. The power for the CCTV system must be linked to the vehicle ignition, and is not to be independently turned on or off.
2. Recordings made must be clear in all light conditions, whether in bright sunlight or at night and must be of sufficient quality and of suitable angle to enable the facial identification of individuals in the vehicle.
3. All recordings must be time and date stamped, with the full date displayed and time in hours, minutes and seconds.
4. The system must be capable of storing recordings for a minimum of 7 days.

Audio Recordings

1. Audio recordings shall not be made unless in exceptional circumstances, e.g. when triggered by a 'panic button'.
2. If audio recordings are made following the triggering of a 'panic button', a reset function must be present that returns the system to normal after a set period of time.

3. If the system is capable of recording audio, then the signage within the vehicle must confirm that audio recordings may be made.
4. If a dash cam is fitted to record images outside of the vehicle then any audio recording must be switched off whilst passengers are being carried.

Conditions

1. A CCTV system capable of recording images and sound within the vehicle shall not be installed without prior permission from the Licensing Section. . Any such request must be made with full details of the proposed system; the Licensing Section may also request evidence to confirm that such system meets the minimum requirements.
2. Any CCTV system used must be professionally installed to the satisfaction of the Licensing Section. Any damage caused to the fixtures, fittings or trim of the vehicle during installation must be repaired to ensure no loose wires, sharp edges or ill-fitting trim remain.
3. Any CCTV system installed must be permanent to that vehicle and not temporarily fitted (e.g. with suction cups).
4. Any camera fitted must be installed in a conspicuous manner; concealed cameras will not be permitted.
5. There should be no facilities within the vehicle to view recordings.
6. CCTV cameras, control boxes or any other feature of the CCTV system must be securely installed so as to

not cause any harm or injury to the driver, passengers or any other person. This includes injury from electric shock from any wire or component as well as any injury resulting from physical contact with the system during day to day use of the vehicle or during an accident.

7. The proprietor/licence holder of the vehicle shall ensure that the CCTV system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions
8. The proprietor/licence holder of the vehicle must notify the Licensing Section in writing within 24 hours of any fault identified within the CCTV system that would prevent its normal operation.
9. The proprietor/licence holder of the vehicle will be the data controller, responsible for personal data captured in recordings and for ensuring compliance with applicable legislation.
10. The data controller must be registered with the Information Commissioners Office, and drivers or proprietors of vehicles with CCTV shall make themselves aware of the law relating to data protection and subject access requests.
11. Recordings of images and/or audio of the interior of the vehicle shall only be viewed/downloaded for one of the following reasons:
 - When the Police have formally requested the data.
 - As part of an investigation by the Licensing Section.
 - Following a Subject Access Request compliant with the Data Protection Act.

Drivers should not post footage on the internet, any social media or similar nor should they permit any persons not detailed above to view the recordings.

12. The proprietor/licence holder of the vehicle shall notify the Licensing Section in writing within 24 hours on each occasion that they have had cause to view recordings captured, detailing the reasons why.
13. The proprietor/licence holder of the vehicle shall not refuse any reasonable request to view footage made by the police or the Licensing Section, and shall make footage available as soon as reasonably practicable, and in any event within 7 days of the request.
14. Recordings must be kept for a minimum of 7 days and shall be kept for no longer than 31 days, unless there is an incident in the vehicle that may lead to a prosecution, in which case the driver may request permission in writing from the Licensing Section to retain the footage for a longer period.
15. The proprietor/licence holder of the vehicle shall maintain a record concerning the CCTV system, including the following:
 - The make and model number(s) of all components comprising the system
 - The date the system was installed and the dates of all services to the system, including the nature of any faults identified.
 - The dates, times and reasons for any occasion where any 'panic button' is used.
 - A record of any occasions in which recordings are downloaded or viewed, including the date the

recordings were accessed, and the reason for the footage being accessed.

Such records shall be maintained for as long as the CCTV system is installed within the licensed vehicle plus an additional 31 days, and shall be made available upon request to any authorised officer of the Council or a police officer.

16. The proprietor/licence holder of the vehicle shall ensure that signage is displayed in the vehicle confirming that CCTV is in operation. Such signage must be clearly visible from the exterior and interior of the vehicle and must provide the name and contact details of the data controller.
17. Failure to adhere to these conditions may result in the removal of permission for the use of CCTV.

Proposed Amendments to Guidance Notes and Conditions July 2018

DBS Disclosures for Drivers

5.2 Only DBS enhanced disclosures with Bracknell Forest Council as the registered body will be accepted.

amend to

5.2 Only DBS enhanced disclosures processed through West Berkshire Council on behalf of Bracknell Forest Council will be accepted.

[This reflects a change of procedure as all DBS applications for licensed drivers will be made via the West Berkshire DBS portal].

5.17 From 1 April 2017, all new applicants for a driver or operator licence must complete safeguarding training prior to the issue of a licence. Existing drivers and operators must complete the training prior to the next renewal of their licence. Once passed, the training must be retaken by all licensed drivers and operators within a 3 year period.

amend to

5.17 All new applicants for a driver or operator licence must complete safeguarding and disability awareness training prior to the issue of a licence. Existing drivers and operators must complete the training prior to the next renewal of their licence. Once passed, refresher training must be retaken by all licensed drivers and operators within a 3 year period.

[This aims to promote better disability awareness for both drivers and operators to meet their obligations under the Equality Act 2010].

Accidents and Temporary Vehicle Licences

22.1 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.

amend to

22.1 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 Team within **72 hours (3 days)**. If required by an officer, the vehicle may be required to undergo a vehicle inspection at an authorised garage.

[This reflects a change of procedure as officers are not trained vehicle inspectors].

22.5 A temporary replacement vehicle will usually 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.

amend to

22.5 A temporary replacement vehicle will usually only be licensed under the original vehicle licence for a maximum of 3 months, to allow for repairs to be carried out on the original vehicle as mentioned previously in this section. The usual application process applies.

[This seeks to provide flexibility in cases where a vehicle repair can take a lengthy period to complete].

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**TO: LICENSING AND SAFETY COMMITTEE
18 OCTOBER 2018**

**REVIEW OF STREET TRADING POLICY
Public Protection Manager**

1 PURPOSE OF REPORT

1.1 The current street trading policy was agreed by this committee on 13 July 2017. The purpose of this report is to propose amendments to the policy as attached at Annex A.

2 RECOMMENDATION

2.1 That the Committee:

- i) **approves the proposed amendments to the policy.**

3 REASONS FOR RECOMMENDATION(S)

3.1 Comments have been received from members of the public in relation to the process for street trading consent applications, and it is felt that amendments are needed to ensure that the general public are suitably informed in relation to new and variation applications. It is felt that formalising a neighbour notification policy, adding Town and Parish Council Members as consultees, and adding the requirement for a public notice to be displayed at the trading site, is in the best interests of the residents of the borough who live near existing or newly proposed street trading pitches.

3.2 To ensure the policy provides clear direction on the process for either new applications or existing Consents that need to proceed to a hearing before a panel of the Committee.

4 ALTERNATIVE OPTIONS CONSIDERED

4.1 The committee may choose to reject the changes or suggest amendments as they see fit.

5 SUPPORTING INFORMATION

5.1 In addition to minor points of clarification or update, the material changes are as follows:

Added Town and Parish Council Members as a consultee in section 2.2

Addition of section 2.3 for neighbour notifications. The wording reflects that which has been a longstanding inclusion within the Council’s policy under the Licensing Act 2003.

Addition of section 2.4 requiring a notice to be displayed on site advertising the application.

Amendments to section 3 to clarify the circumstances where an application will be determined by a Licensing Panel.

Updated section 4 to reflect changes to the town centre since the opening of the Lexicon.

Addition of section 5 to deal with reviews of existing street trading consents.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

7.1 None.

Method of Consultation

7.2 None

Representations Received

7.3 Not applicable.

Background Papers

None

Contact for further information

Charlie Fletcher, Licensing Officer, 01344 352550, charlie.fletcher@westberks.gov.uk

**BRACKNELL FOREST COUNCIL
POLICY FOR DETERMINATION OF STREET TRADING CONSENTS**

1. Guiding Principle

- 1.1 Street Trading Consents are a means of enabling street trading to take place on or near a highway where it is appropriate to do so.
- 1.2 In determining appropriateness, officers are to have due regard to, in particular (but not at the exclusion of others), the following either individually or collectively:
- (i) the likely impact on the existing highway users either as a result of the use of the road by the trader or by the trader's customers
 - (ii) the location relative to any residents or businesses likely to be affected by the use of the site
 - (iii) the nature of the trade
 - (iv) the trading times
 - (v) appearance
 - (vi) impact upon street scene
- 1.3 Clearly there can be a location "suitable" for use at night but not during the day for example. Some traders are by their nature more likely to give rise to odours than others. Sites close to residential or office blocks are more likely to be sensitive sites because of the visual and potential nuisance impact.
- 1.4 In order to avoid any one trader developing a monopoly, the maximum number of Consents that a trader or business shall be able to use at any one time in the Borough of Bracknell Forest shall be three.

2. Officer Role

- 2.1 When considering new or variation applications, the role of the licensing officer is to make an initial assessment of the potential suitability of the site, hours of operation, and nature of the trade proposed.
- 2.2 Only if officers are of the opinion as regards the potential suitability of the site application, they should consult as follows (**NB see also the requirements for the Town Centre in section 4**).

(i) Highways Network Management	The likely impact upon the highway both in respect of the use and the customers.
(ii) Development Control	The considered view as regards the visual impact upon the street scene.
(iii) Environmental Health (Commercial and Environmental <u>Protection Quality</u>)	The suitability of the vehicle/stall/trader and any likely environmental impacts on other nearby land users
(iv) Ward <u>and applicable Town/Parish Council</u> Members	An informal view as regards the likely impact of the proposed use upon the local community (not required for the Town Centre)
(v) Thames Valley Police	The likely impact upon the road network, and the

	local community.
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2.3 At the officer's discretion, a neighbour notification may be carried out, whereby those persons within the borough who live immediately next to, opposite or behind a site are notified when there is a licence application made relating to that site. Neighbour notification will allow immediate neighbours an opportunity to consider the application and respond if appropriate.

Properties to be notified are as follows:

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

The Licensing Officer will use judgement in circumstances where:

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

2.4 The applicant must ensure a public notice is displayed at the proposed or existing trading site throughout the consultation period, to advise members of the public that an application has been submitted. A template showing the required wording shall be provided to the applicant upon receipt of a valid application. This requirement is mandatory for new applications but may be waived for variation applications at the discretion of officers if it is felt that the variation proposed will not cause an adverse impact. Failure to display the public notice will result in the consultation period being re-started.

2.5 Upon receipt of any representations/expiry of the deadline for responses, officers must make a reasoned decision as to the way forward.

2.64 In the event that following consultation the application is ~~refused or deemed withdrawn by officers~~withdrawn by the applicant, a sum of 50% of the application fee is payable as a refund.

3. Trial Period and ~~Appeals~~Hearings

3.1 The maximum period for a new site is one month. This enables the opportunity for review. Should the need arise during the trial, the Consent should be revoked and a pro-rata refund made to the Consent holder.

3.2 ~~Where an officer is minded to refuse or revoke a Consent, it will be normal practice for the Consent holder/applicant to be advised and given the option for the matter to be determined by a Licensing Panel. Appeals shall be lodged within 14 days of notice otherwise the application shall be deemed withdrawn.~~

3.2 Where representations have been received during the consultation period, where no mutually agreeable outcome can be reached between the interested parties, and where the application is not otherwise withdrawn, the usual procedure is for the matter to be determined by a Licensing Panel unless all parties agree a hearing is not required,

3.3 ~~Where an appeal is lodged the appellant has a right to continue to trade as long as the appropriate fee has been paid for the trading period. This does not apply in respect of an~~

~~application for a new Consent.~~ If the application is refused by a Panel, no refund of the application fee is payable.

3.4 Where the need arises then the Council will consider seeking injunctions to stop unlawful trading.

4. Town Centre

~~4.1 The general presumption is **against** granting Consents within the Lexicon, Town Centre or on any of the adjoining road or public spaces (as per the attached plan).~~

4.2 Should an application be made for trading in the Lexicon or any other part of the town centre as show on the attached plan, it will need to be considered as above but in addition, the Town Centre Management Group must be consulted, regardless of land ownership.

4.3 The expectation in dealing with enquiries for street trading in the town centre is that the stall and the nature of trade gives added value to the total trading environment.

4.4 A street trading consent covering a large amount of the public areas within the Lexicon is held by the Lexicon management. Anyone wishing to trade under this consent should contact the Lexicon directly.

5. Reviewing Existing Consents

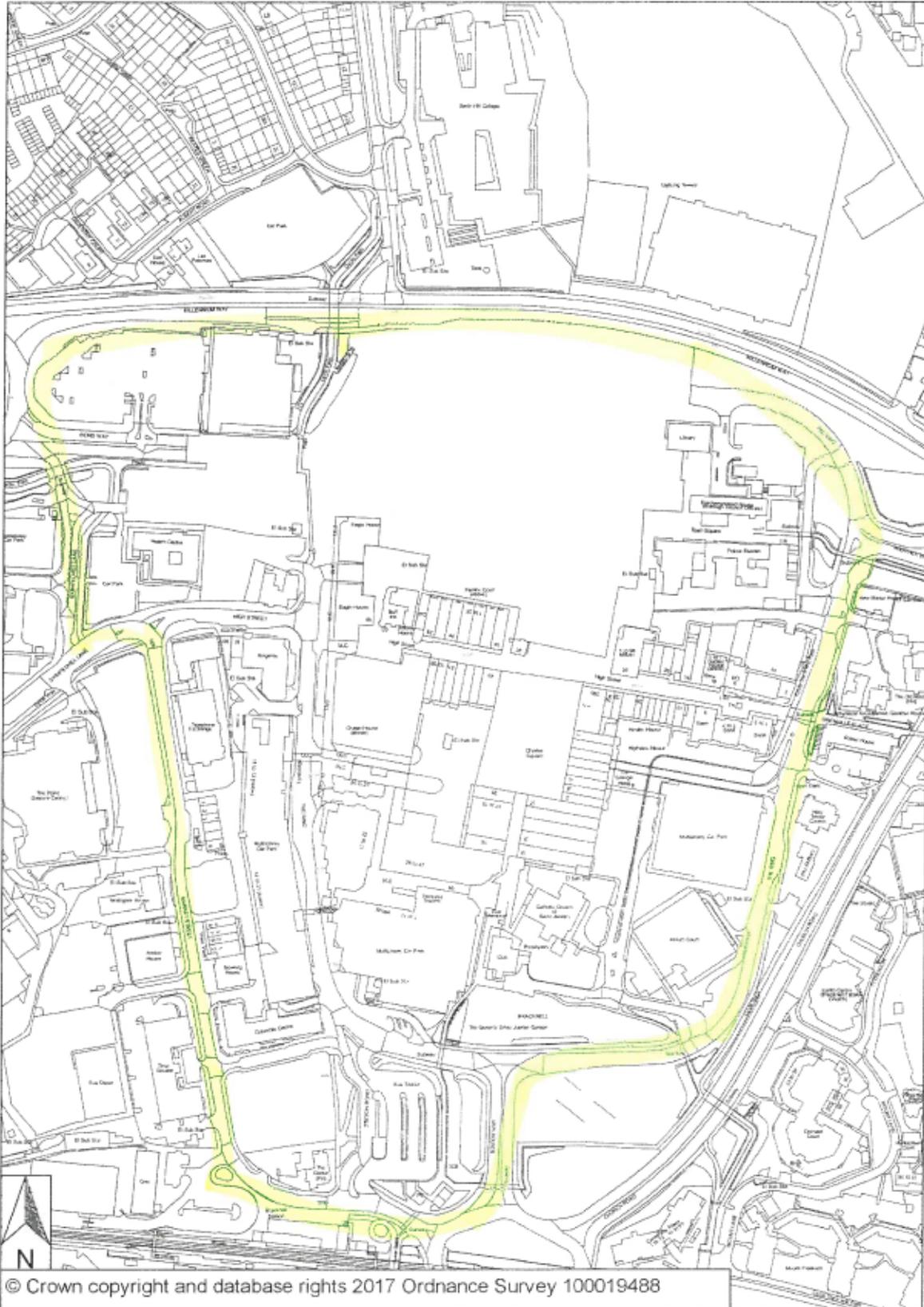
5.1 Where incidents arise or the complaint history in relation to a Street Trading Consent leads officers to question the suitability of a particular pitch or Consent holder, a Licensing Panel may be called to determine whether the Consent should be modified (e.g. reduced hours) or revoked.

5.2 Prior to the hearing, the groups included at section 2.2 shall be consulted for their views as to the continued suitability of the pitch or Consent holder.

5.3 The consent holder has a right to continue to trade until the Licensing Panel have made their decision as long as the appropriate fee has been paid for the trading period.

5.4 If a Consent is revoked or amended by the Panel, no refund of the application fee is payable.

As revised and agreed by the Bracknell Forest Borough Council Licensing and Safety Committee
– Thursday 13th July 2017 *date*



**TO: LICENSING AND SAFETY COMMITTEE
18 OCTOBER 2018**

**FACE TO FACE DIRECT DEBIT COLLECTIONS – SITE AGREEMENT
Public Protection Manager**

1 PURPOSE OF REPORT

- 1.1 This report seeks approval of a revised version of the agreement held with the Institute of Fundraising ('IoF') which controls face to face direct debit collections in the street in Bracknell Forest.

2 RECOMMENDATION

- 2.1 **That the IoF site agreement at Annex A is approved as the document governing face-to-face direct debit collections within the borough carried out by members of the IoF.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 This agreement allows the Council a degree of control over these types of collections. Without the agreement, the Council would have no power to control the number or location of such collections.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee may wish to suggest further amendments to the proposed site agreement which would be referred back to the IoF for consideration.

5 SUPPORTING INFORMATION

- 5.1 The collection of direct debit mandates 'face to face' in the street does not require any formal authorisation from the Council as the Police, Factories etc (Miscellaneous Provisions) Act 1916 only provides for the collection of money or sale of goods for charitable purposes. A direct debit mandate has no particular worth at the point of collection, as it is simply a promise to make payment by issuing an order to a bank or building society.
- 5.2 The LGA recommends voluntary site management agreements as an effective solution for those that want to have "more control over face to face fundraising", because they bring together IoF's expertise in controlling fundraising and councils' knowledge of local conditions.
- 5.3 The existing agreement was approved by this committee on 10 October 2013 and was subsequently amended in January 2017 to reflect the merge of the Institute of Fundraising and the Public Fundraising Regulatory Association.
- 5.4 The following amendments is proposed to the agreement:
- (i) Update Bracknell's 'nominated gatekeeper' under section 4
 - (ii) Update to Bracknell site area under section 3.1, and the plan under Appendix 1 of the agreement, to reflect changes in the town centre.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

7.1 None

Method of Consultation

7.2 None

Representations Received

7.3 Not applicable

Background Papers

None

Contact for further information

Charlie Fletcher, Licensing Officer, 01344 352550, charlie.fletcher@westberks.gov.uk

Site Management Agreement

Between the Institute of Fundraising
Compliance Directorate and Bracknell
Forest Council

1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Bracknell, Crowthorne and Sandhurst town centres and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation the Institute of Fundraising (IoF), instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements the Fundraising Regulator's [Code of Fundraising Practice](#) and [Rule Book](#), or face the appropriate penalties.

If local authority officers note fundraisers contravening the Fundraising Regulator's Rule Book or any local clause within the SMA, they will inform the Institute of Fundraising's Head of Standards and Allocations by contacting them on 020 7401 8452, providing details of the incident.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the maps at Appendix 1:

Bracknell

High Street between The Ring to the west and The Ring to the east

Capacity: maximum of 4 fundraisers plus one non-fundraising team leader

Positioning: fundraisers to be spread out along the length of the site

Frequency: One day a week

Crowthorne

High Street from the junction with Church Street to Dukes Ride

Capacity: maximum of 3 fundraisers including a team leader

Positioning: fundraisers to be spread out along the length of the site, avoiding areas with narrow paths

Frequency: 2 days per 4 week period

Sandhurst

Yorktown Road from Swan Lane to Crowthorne Road

Capacity: maximum of 3 fundraisers including a team leader

Positioning: fundraisers to be spread out along the length of the site, avoiding areas with narrow paths

Frequency: 2 days per 4 week period

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present in any town centre on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g specific event days) are to be announced by the Council to the IoFCD to be booked into the IoFCD's diary management system, giving a minimum of 4 weeks' notice to the IoFCD from date of diary delivery.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. street traders, Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for Bracknell Forest Council is Julia O'Brien and her contact details are julia.obrien@westberks.gov.uk and 01635 519849. In her absence all enquiries should be made to licensing@bracknell-forest.gov.uk or 01344 352000.

4.2 Required Information

The IoFCD will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

email: licensing@bracknell-forest.gov.uk

These contact details shall be updated as and when necessary.

4.3 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the IoF, arrangements for the regulation of face-to-face fundraising, and provide the IoF with contact details for the successor.

5 Complaint Management

IoF will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities

themselves receive complaints it is expected that they will provide information to the IoF including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Regulator.

6 Working Together

Bracknell Forest Council agrees to work with the IoF to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the IoF, the Code of Fundraising Practice, and facts about Direct Debit.

The IoF monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the Code of Fundraising Practice, Fundraising Regulator Rules, and Site Management Agreements. The IoF can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA may be reviewed from 6 months after its implementation, as and when it is deemed necessary. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

Depending on when this agreement is signed, in relation to the IoF's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed for and on behalf of Institute of Fundraising:

Print name:

Nick Henry

Job title:

Head of Standards and Allocations

Date:

Signed for and on behalf of Bracknell Forest Council:

Print name:

Job title:

Date:

Appendix 1 - Map(s)

Plan showing the area(s) where fundraising is to be permitted:

Final maps TBC

Appendix 2 - Direct Debit Guarantee

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

**TO: LICENSING AND SAFETY COMMITTEE
18 OCTOBER 2018**

**OUT OF AREA PRIVATE HIRE OPERATORS
Public Protection Manager**

1 PURPOSE OF REPORT

- 1.1 To advise the Committee on the issue of 'out of area' private hire vehicles working within the Borough and to propose a number of steps the Council could take in response to the concerns expressed by the trade in the petition presented to this meeting.

2 RECOMMENDATION

2.1 That the Committee:

- i) Note the contents of the report**
- ii) Formally write to the relevant Minister of State and local Member of Parliament for Bracknell to bring to their attention this Council's concerns regarding the current licensing legislative framework**
- iii) Formally write to Transport for London setting out the concerns of this Council with the current licensing arrangements and ask that they consider if licence conditions could be used to rectify the current situation.**
- iv) Formally write to the Local Government Association and Institute for Licensing to bring to their attention this Council's concerns regarding the current licensing legislative framework**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 To bring to the attention of the Committee the concerns of the trade with respect to 'out of area' private hire vehicles working in the borough.
- 3.2 To bring the issue to the attention of the relevant Minister of State, local MP and relevant bodies this Council's concerns in order that they are aware of those concerns within their constituency and at key policy and legislative development level.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None

5 SUPPORTING INFORMATION

- 5.1 Further to a request from the trade, a meeting was held on 28 June 2018 attended by members of the trade as well as representatives from the licensing authority. The purpose of this meeting was to discuss the concerns that the trade have with the number of 'out of area' private hire vehicles (vehicles which are not licensed by Bracknell Forest) which are working within Bracknell, in particular vehicles licensed by Transport for London ('TfL') working for Uber.
- 5.2 At the meeting a petition signed by 108 people was submitted, to raise awareness and to call for a solution to the problem.

- 5.3 Under the existing legislation, private hire vehicles are not restricted geographically; meaning they are not limited to working in the area in which they are licensed. The legislation, being the Local Government (Miscellaneous Provisions) Act 1976, and subsequent case law, confirm that as long as the driver, vehicle, and operator licence are all issued by the same local authority (or TfL), the actual journey can take place anywhere in the country.
- 5.4 Recently there has been a rise in the number of TfL licensed vehicles working in Bracknell. While this is lawful, it causes issues from a regulatory stand point, particularly in relation to enforcement matters, as the local authority has no powers to test vehicles and TfL will not be carrying out enforcement checks outside of their area. It is also asserted by individual operators and drivers licensed by Bracknell Forest that this amounts to unfair competition because they are not subject to the same licensing regime as a result of differences in standards, i.e. drivers licensed by TfL do not have to undergo all of the same checks as those in Bracknell before a licence is issued or renewed.
- 5.5 It is the view of the trade that whilst legal, this is an unsatisfactory position. It is also the case that whilst one authority receives the fees, another may be tasked with the policing of the regime, again placing unfair demands on the local licensing authority.
- 5.6 It has also been suggested that TfL vehicles have been illegally plying for hire (picking up without a booking) within the borough, but no substantiated evidence has yet been received to support this claim.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

- 6.2 The financial implications are identified within report.

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

- 7.1 Bracknell Forest Licensed Taxi Drivers and Private Hire Operators representatives

Method of Consultation

- 7.2 Meeting on the 28 June 2018 held as a request of the licenced trade

Representations Received

7.3 Petition presented to this meeting

Background Papers

None

Contact for further information

Charlie Fletcher, Licensing Officer, 01344 352550

charlie.fletcher@westberks.gov.uk

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PETITION: REMOVAL AND BAN UBER

Dear Bracknell Forest Council

It has come to our knowledge as private hire/hackney carriage drivers, that the number of Uber drivers plying for trade in Bracknell has risen over the months. We pay a lot for our badges, whereas Uber doesn't pay a penny to Bracknell Council. This has had an effect on our earnings, we the licensed drivers of the Bracknell Council find this unfair and undermining.

Recently other towns such as Reading/Brighton have banned the use of Uber due to concerns over customer safety and driving standards.

Please accept this letter of awareness to solve this problem of Uber drivers in Bracknell. This is affecting our living.

Costs paid to Bracknell Council:

£276 – Yearly Taxi Plate

£100 – MOT check twice a year

£143 – Driver yearly badge

Total = £519 minimum paid to council every year per driver

NAME	BADGE NUMBER	SIGNATURE
V. DURAI PANDIAN	460	
S. SIVALINGAM	316	
V. INDRAJITH	257	
T. THISARA	283	
IMRAN I. Ahmed		
AGNES PERECLES	355	
NAHEED EJAZ	264	
WAKAS MAHMOOD	5	
MOHAMMED SALEEM	383	
JAHANGIER ROUF	220	/
IAN JACKSON	224	/
IAN PHILLIPS	136	.
M. SHAKEEL KIANI	30	
Bhalumar	86	
Chitra Gurney	33	

NAME	BADGE NUMBER	SIGNATURE
ABDUL RAHIM	128	
Mehran Naderzadeh	453	
FILIP RAICHAND	33	
Prash Vasantlal	215	
Huzrat Ahmadi	153	
BISHAL GHALE	87	
JOSE LACUMICANT	392	
NALIKA ALAWATTA	308	
BHALUMAN WANEM	86	
PUSKAR MAHENDRA	253	
CHRIS KARCHESK	248	
ABDIN LUMUCHANDEA	259	
AMIR UDDIN	363	
Sherbat Guseyn	342	
KHALIL MISHY	49	

NAME	BADGE NUMBER	SIGNATURE
Nikhil Basnet	6	
Laxman Tamang	59	
Dil Bahadur Tamang	50	
Yograj Rai	51	
Naveen & Naren	46	
Sufi R Chowdhury	441	
SALVATORE DI BISCEGLIA	311	
ANDREW WATSON	333	
AN BILAL	140	
DEREK ANTHONY	346	
Mohammed Khan	472	
SHAHID IBRAHIM	387	
Shahid Iqbal	393	
AMIR	177	
NABIL	406	

NAME	BADGE NUMBER	SIGNATURE
MANOJ L.	389	
K. Moore	246	
S. KHURAM	61	
Abbas Akhbari	304	
M.T. Miah	94	
Mostafa	55	
K. MAHMOOD	52	
Manpreet Singh BAI	302	
Asanka Mudiyanselage	147	
SANA ULLAH	407	
	154	
dharat. Ali	182	

NAME	BADGE NUMBER	SIGNATURE
Chaminda	445	
R.K. IFTIKHAR	422	
M. ASHRAF	295	
M. G. RASUL	64	
M. S. AVIBIN	321	
ALAN CLACEY	367	
DAVID NUTE	81	
A. RAUF	59	
P. A. SMITH	231	
M. S. KIANI	60	
M. ASIF	34	
JACEK CHVALINSKI	486	
PJ PAWLIKOWSKI	333	
MUSHTAQ AHMED	105	
C R COATES	323	

NAME	BADGE NUMBER	SIGNATURE
GOKARNA RAI	192	
CHITRA KUMAR GUCWA	33	
DIL BAHADUR TAMANG	50	
PREM. K RAI	72	
SOHAIL IQBAR	399	
Siavash Jalali	395	
MAKK WAFON	324	
M. B. Bhatti	37	
M. SREET.	274	
SHAFIQ, UR-REHMAN	16	
TARIC	46	
R. Iftikhar	422	
MA	58	
MR M. G. BASSOL	64	
ZAHIR ALI	56 56	

NAME	BADGE NUMBER	SIGNATURE
Anand Mohal.	160	
TANVEER SABIR	85	
AKBAR SUTAW	373	
FAISAL QAISAR		
Kripal Chandra	271	
M. Badal	450	
MUZIBUR RAHMAN CHOWDHURY	87	
HAZRAT AHMADE	153	
WILLIAM LAXMICANTH	34	
ABDUL MUKID	49	
YOGRAJ RAI	51	
M. A. NDOR	349	
AZAD KHAN	113	
ASGHAR ALI	1	
ABDUL HUMID	368	

NAME	BADGE NUMBER	SIGNATURE + MoBILE Number
K# KHALID HUSSAIN	361	
DAVID PARK		
Robert Eaton	365	
STEVE GALLUS	421	
PAUL CLARK		
IMRAN AHMED	-	
M. ASIF	34	✓

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**LICENSING PANEL
11 JULY 2018
2.00 - 3.12 PM**

Present:

Councillor Nick Allen (Chair)
Councillor Ms Moira Gaw
Councillor Ian Leake

In Attendance:

Charlie Fletcher, Licensing Officer
Donald Adams, Legal Advisor
Richard Westwood, Ranger
Lizzie Rich, Clerk

Also present:

Councillor Tina McKenzie-Boyle

33. Declarations of Interest

There were no declarations of interest.

34. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted by all.

35. Application for street trading consent in respect of Ozzy's Kebabs, Wildmoor Heath Car Park, Crowthorne

The Panel decided to grant the application for street trading consent, with Bracknell Forest Borough Council's Street Trading Consent - Standard Conditions applied unvaried and in full to that consent. Attention was drawn to Condition (29) as to potential consequences of non-compliance with those applied Standard Conditions:

29: If a Consent Holder fails to comply with any of the "Standard Conditions" or "Special Conditions" attached to the Consent he/she will risk having the Consent revoked and being prosecuted.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant,
- the Interested Parties, including the interested parties who submitted written representations but did not attend.

The Panel considered the reference to the Council's own Policy for Determination of Street Trading Consents, and to the Local Government (Miscellaneous Provisions) Act 1982. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that there had been no objections raised by the Police or other consulted body.

Reasons

The Panel decided that the existing issues raised by residents of cars coming up the driveway, fly tipping and anti-social behaviour in the car park were pre-existing issues and would not necessarily be increased by the presence of a street trader in the car park. The Panel felt that the presence of a street trader at this location may help to mitigate anti-social behaviour. The Parks and Countryside ranger in attendance confirmed that a trap camera had been installed at the car park to address residents' concerns about fly tipping. The installation of the camera and signage regarding fly tipping had successfully addressed residents' concerns, prior to this application being submitted. The Panel were conscious that there had been no objections raised by the Police.

The Panel took into consideration the impact on the environment of allowing street trading at the location. However, it was noted that there had been no objections raised by Berkshire, Bucks and Oxon Wildlife Trust and Natural England who had both been consulted on the proposal.

The applicant stated that the majority of his trade would be conducted by online orders and delivery. While the Panel noted the reservations of residents that the delivery driver would be coming and going from the site, the applicant made it clear that he did not anticipate lots of customers to come to the car park to pick up orders. The Panel felt this mitigated the concerns of residents that anti-social behaviour would increase. The applicant stated that the van itself would not be promoted and there would be no 'A-board' placed at the site or roadside.

The applicant stated that he had researched alternative options for the location of his van, and that Wildmoor Heath Car Park, on Sandhurst Road, Crowthorne, was the only feasible option. The Panel noted that the applicant had operated a street trading consent at Longshot Lane for the past 5 years.

LICENSING PANEL
23 JULY 2018
2.05 - 3.25 PM



Present:

Councillors Brunel-Walker (Chairman), Finnie and Leake

36. Declarations of Interest

There were no declarations of interest.

37. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted by all.

38. Application for variation of Premises Licence in respect of The Royal County of Berkshire Polo Club, North Street, Winkfield

The Panel agreed to grant the Variation of Premises License and terms by a majority decision.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant,
- the Interested Parties,
- the Environmental Health Officer

together with reference to the appropriate Licensing objectives, the Council's own Licensing Policy and the Secretary of State's guidance. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that there had been no representations made by the Police, or any of the other Responsible Authorities. The panel did receive oral clarification from the Environmental Health Officer on decibel impact and how and why certain events were permitted to be at different decibel limits. The Panel bore in mind the promotion of the four licensing objectives, the relevant objectives in this case being Public Safety and the Prevention of Public Nuisance.

In reaching their decision the Panel took note of the fact that mitigation had been offered to the objectors of the application. Environmental Health had met with Royal Berkshire Polo Club representatives and the twenty additional conditions, detailed with in the agenda papers, had been put forward to mitigate their concerns. At the hearing the applicants volunteered three additional conditions which were a 50 metre exclusion of the land from licensed activities in an L shape near the residential properties of the objectors and that the site plan with the excluded area attached to the licence will be agreed with the Licensing Officer prior to the licence being granted.

In addition the applicant volunteered two further conditions relating to additional marshals on the boundary during event days and an approved site plan ahead of any large event. The Panel agreed that these additional conditions should be implemented. The Panel noted that Mediation had been sought with the two resident objectors but this had not taken place.

The Panel decided that granting the Variation of Premises License would not have an adverse impact on the promotion of the four licensing objectives, and agreed, by majority decision, to grant the Licence. The Licensing Section will send you a copy of the Licence in due course.

Reasons

The reasons for the decision are that the Panel found no evidence in the written submissions by the interested parties to suggest that incidents of anti-social behaviour would increase as a result of the premises licence. Also no representations had been received by the Police with regards to this or any of the four licensing objectives. The panel did however have concerns about the impact of the extended licensed area permitting licensable activities close to the properties of the objectors and believe that the conditions volunteered by the applicant were a proportionate method for promoting the licensing objectives and providing some comfort to the property owners that licensed activities on the site should not cause noise nuisance or general public nuisance or effect the quiet enjoyment of their properties.

In summary the Panel agreed that the variation of the Premise License for the whole site subject to the excluded 50 metre area close to the properties, indicated on the map agreed with the Licensing Officer, should be granted subject to the following additional conditions that had been proposed by the applicant.

- 1) An Event Management Plan (EMP) and copy of plans showing the layout of the site for an event shall be submitted to the Licensing Authority at least 28 days prior to an event; the layout plan shall comply with section 23 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. The layout plan is subject to approval from the Licensing Authority.
- 2) An exclusion zone shall be in operation during events, as shown by the hatched area marked on the authorised premises plan. No licensable activities shall take place within this zone. Nothing within this condition shall prevent members of the public from accessing the public right of way that crosses the site. The effect of this is the hatched area is not a licensed area and is outwith the licensed area and licensable activities.
- 3) Marshals shall be present throughout large events and shall patrol the boundary of the site adjacent to the hatched area to ensure no attendees of the event trespass into the neighbouring residential property.

CHAIRMAN

**LICENSING PANEL
24 JULY 2018
10.00 - 11.30 AM**



Present:

Councillor Clifton Thompson (Chairman)
Councillor Michael Brossard
Councillor Mrs Pauline McKenzie

Also Present:

Charlie Fletcher, Licensing Officer
Donald Adams, Legal Advisor
Lizzie Rich, Clerk
Cllrs Mrs Birch and Mrs Ingham, Hanworth Ward Councillors
Mr Karaduman (applicant) and Mrs Bunker (translating)

39. Declarations of Interest

There were no declarations of interest.

40. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted and understood by all present.

41. Application to vary street trading consent in respect of Bracknell Grill, Leppington, Bracknell

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer;
- the Applicant,
- and those who had made representations

and with reference to the Council's own Policy for Determination of Street Trading Consents and paragraph 7(2) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Panel also took into account the concerns of the ward Councillors for Hanworth, two of whom were in attendance at the Panel meeting. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

After careful consideration of all the information presented, the Panel came to the decision to grant the variation of street trading consent to the applicant at the existing location in Leppington car park, for a trial period of 3 months commencing on Monday 30 July 2018. The Panel agreed to grant the hours of authorised trading times as applied for, namely 16:30 to 23:00 Monday to Friday, and 16:00 to 23:00 on Saturday and Sunday. Although outside of the Licensing Panel's jurisdiction as to the matter of determination of the application itself, the Panel, on

hearing the applicant's own suggestion on the matter, stated that it also wished to make recommendation to the Council's Property team. The Panel requested that the Property team liaise with the applicant with a view to review and to potentially reduce the number of hatch-marked bays allocated for the applicant's sole use in Leppington car park from seven to five, to alleviate disabled parking concerns in the area.

Reasons

The Panel found no evidence in the written and oral submissions from the Licensing Officer or ward Councillors to suggest that the general principle of street trading at Leppington car park was contested.

The Panel noted the concerns raised by ward Councillors, which included concerns of limited disabled parking provision in the car park, the position of your unit close to a school and nursery from which children would be escorted to and from cars in the car park, and the provision of high fat foods close by to schools. However, the Panel did not consider that these concerns were sufficient reason to justify it refusing the application to variation to the existing street trading consent. The Panel did not consider that concerns of limited disabled parking provision in the car park was a material consideration for this Licensing Panel in respect of this particular application before it.

The Panel recognised that there had been no contest to the applicant's operation at the location for as long as he had been operating under the previously consented hours of 17:30 to 23:00 Monday to Sunday.

The Panel considered concerns of littering in Leppington car park, and the applicant confirmed that he had and would continue to place bins on the outside of your unit for customers to use. The Panel, however, considered that there was no evidence before it of litter in Leppington car park being directly attributable to the applicant's operation, particularly reference to discarded plastic drinks bottles in the area. The applicant stated that he did not sell drinks in plastic bottles from his unit. The source of other litter in the area was not clear.

The Panel carefully considered the raised submissions as to the potential effect that the sought extended hours of the applicant's street trading in the Leppington car park might have on the nearby school, nursery and local shops and their users. The Panel determined that as the applicant's existing trading had not been contested thus far, there was insufficient evidence before it to lead the Panel to conclude that the sought extension to the hours of operation at the current location would be likely to be detrimental to the operation and users of the school, nursery or local shops. The Panel did not consider the sought extension of hours to be so significant or different that it would adversely impact on pupils, parents and visitors to the school and nursery, or visitors to the local shops, particularly around the school closing time when the majority of children would leave the site and during weekends and school holidays.

Under the existing street trading consent for Bracknell Grill, the applicant was permitted to arrive 15 minutes before trading hours to set up your van and park appropriately, and to remain at the site 15 minutes after trading hours to clear away. This provision remains under the new hours.

If any complaints about the applicant's operation are brought to the attention of the Licensing Officer during the three month trial period, the matter will be dealt with at the discretion of the Licensing Officer. The applicant may be required to return before a Panel to discuss the issues if they cannot be resolved.

The applicant was reminded of the continuing requirement under his Street Trading Consent to abide by Bracknell Forest Borough Council's Street Trading Consent – Standard Conditions, as applied to that granted consent. This includes conditions numbers 20 to 24 as to the required steps to be taken to prevent waste, either from the trading operation or from customers, being illegally deposited and to ensure that the immediate area in the vicinity of the trading operation is kept clear at all times of such waste.

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**LICENSING PANEL
25 JULY 2018
2.00 - 2.37 PM**



Present:

Councillors Allen (Chairman), Brossard and Ms Gaw

Also Present:

Andy Deane, Thames Valley Police

Charlie Fletcher, Licensing Officer

Donald Adams, Legal Advisor

Lizzie Rich, Clerk

42. Declarations of Interest

There were no declarations of interest.

43. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted and understood by all.

44. Application for new premises licence in respect of Sandhurst Tandoori, Yorktown Road, Sandhurst

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- a representative of Thames Valley Police who had raised an objection
- the Applicant (in absentia),

together with reference to the appropriate provisions and Licensing objectives under the Licensing Act 2003, the Home Office's guidance in respect of the same and the Council's own Statement of Licensing Policy. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all that they wished to say.

The Panel proceeded without a representative for the applicant in attendance, as the applicant had confirmed that they agreed for the matter to be heard in their absence. The Panel considered the content of the written application for the new Premises Licence.

The Panel considered representations made by Thames Valley Police, which gave details of a chronology of Police and Home Office Immigration Office involvement with the premises dating from 6 September 2017, which had ultimately resulted in the previous premises licence being revoked at a Licensing Panel of this Authority on 23 April 2018. The Police representations also detailed a recent meeting between Andy Dean, Licensing Officer at Thames Valley Police, and the applicant, Mr William Cowie, following which the Police continued to have concerns as to the suitability of the application.

The Panel bore in mind the promotion of the four licensing objectives, and agreed that the Prevention of Crime and Disorder objective was likely to be compromised if the licence were granted. The Panel decided that granting the licence would have an adverse impact on the promotion of the four licensing objectives, and agreed not to grant the Licence.

Reasons

The Panel agreed that there was a lack of substantial information regarding the new applicant, who had not previously been associated with the licence or named during Home Office investigations. The Panel was not satisfied that sufficient detail had been provided about the applicant's responsibility or role within Sandhurst Tandoori in order to give assurance of sufficient change in the management regime and of sufficient steps taken and further to be taken to promote the licensing objectives. It was understood that the applicant was a current employee of the business under the management of the existing owner and former licence holder, Mr Miah, who had been the manager when employees of Sandhurst Tandoori had been found to be working illegally by the Home Office Immigration Compliance. Thames Valley Police commented that they would continue to object to the licence of the premises whilst connected to the present management.

The Panel was concerned that there was no evidence that the management structure of the business had changed since previous offences took place. If the applicant had been in attendance, the Panel would have probed this matter and would have asked what steps had been taken to prevent future offences. In absence of an applicant representative, the Panel considered there to be a lack of evidence before it in this regard.

The Panel did not feel that sufficient restitution had been demonstrated by Sandhurst Tandoori since the offences had been committed and subsequently investigated by the Home Office. The Panel had hoped to see the application form make reference to measures taken by Sandhurst Tandoori to support the Prevention of Crime and Disorder and to prevent the employment of people subject to Immigration Control, but this was not the case. There was no detail in the application form to give assurance that procedures had changed in the employment and vetting process, and the Panel was aware that the existing management had not sufficiently vetted employees in the past.

In summary the Panel did not grant this licence due to concerns that to do otherwise would not promote the licensing objectives, the Prevention of Crime and Disorder licensing objective in particular. The Panel considered its decision an appropriate, justified and proportionate determination of the application before it having due regard to provisions of the Licensing Act and applicable guidance and policy.

It was noted that while the premises licence had been revoked on review in April 2018, the premises continued to hold alcohol available to provide for free to its regular customers. Although consumption on premises was not a licensable act, the practice was discouraged by the Panel and officers present as it could constitute sale in conjunction with a purchased meal. The Panel noted, however, that customers were able to supply and consume their own alcohol at the premises.

CHAIRMAN