

Notice of Meeting

Licensing and Safety Committee

Councillor Porter (Chair),
Councillor Brossard (Vice-Chairman),
Councillors Allen, Atkinson, Dr Barnard, Bidwell, Brown, Brunel-Walker, Finch, Ms Gaw, Gbadebo, Mrs Ingham, Kirke, Leake and Mrs McKenzie-Boyle

Thursday 23 June 2022, 7.30 - 9.00 pm

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



Agenda

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence. Reporting: ALL	
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. Reporting: ALL	
3.	Minutes	3 - 10
	To approve as a correct record the minutes of the meetings held on 3 February, 12 and 18 May 2022. Reporting: ALL	
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. Reporting: Moira Fraser	

EMERGENCY EVACUATION INSTRUCTIONS

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

5.	Notice of Public Speaking	
	To note those agenda items which have received an application for public speaking. Reporting: Moira Fraser	
6.	Annual Report of the Licensing & Safety Committee	11 - 24
	To set out the work of the Licensing and Safety Committee and the Licensing Panel in 2021/22. Reporting: Sean Murphy	
7.	Outcome of the Hackney Carriage Tariff Consultation	25 - 34
	To consider the outcome of the hackney carriage tariff consultation. Reporting: Damian James	
8.	Hackney Carriage and Private Hire Licensing Policy	35 - 122
	To provide the Committee with a chance to give initial comments on the draft hackney carriage and private hire licensing policy prior to consultation. Reporting: Julia O'Brien	

Sound recording, photographing, filming and use of social media is permitted. Please contact Derek Morgan, 01344 352044, committee@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 14 June 2022

EMERGENCY EVACUATION INSTRUCTIONS

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

**LICENSING AND SAFETY COMMITTEE
3 FEBRUARY 2022
7.30 - 8.36 PM**



Present:

Councillors Porter (Chair), Brossard (Vice-Chairman), Allen, Atkinson, Dr Barnard, Bidwell, Brown, Brunel-Walker, Finch, Ms Gaw, Mrs Ingham, Kirke and Mrs McKenzie-Boyle

Apologies for absence were received from:

Councillor Leake

25. Declarations of Interest

There were no declarations of interest.

26. Minutes

The minutes of the meeting held on 21 October 2021 were approved as a correct record.

27. Urgent Items of Business

There were no urgent items of business.

28. Notice of Public Speaking

There were no applications or public speaking.

29. Update on Environmental Health and Trading Standards

Sean Murphy, Public Protection Manager presented an update on the work in Environmental Health and Trading Standards in the PPP and drew attention to the following key areas.

In Trading Standards, the current priorities were around doorstep crime, scams and online fraud, food standards, underage sales, counterfeiting, unsafe consumer goods and fly-tipping.

In Environmental Health, the current priorities were around food safety, health and safety in the workplace, private sector housing standards, domestic and commercial nuisance, animal warden service, caravan sites, supporting the Planning process, and air quality.

The services were looking ahead to plan for work around construction products, implementing measures controlling the sale of knives, supporting the economic recovery and 'Levelling Up' agenda, supporting the green agenda and associated emerging markets, and any deregulation or regulatory changes.

In response to questions, the following points were noted:

- Officers worked with other areas in Contract Services to identify the source of any fly-tipped waste. Mobile CCTV was also available to be used in fly-tipping hotspots.
- Effective work around proxy sales and test purchasing was in place, and elements of safeguarding were embedded in retailer training to encourage appropriate safeguarding referrals to be made if a concern was raised. Sean agreed that there was more to be done to support premises in recognising the signs of possible exploitation and modern slavery, and where to refer any concerns.
- Officers attended a monthly meeting with the Community Safety team to review any problem premises in the borough and problem individuals.
- The Public Protection Partnership were supporting businesses with a positive approach to new regulations in light of the levelling up agenda and establishing effective signposting for those businesses which required more support.
- Sean offered to attend the Climate Change Action Plan to present the Public Protection Partnership's work on air quality, energy performance and green energy.
- Signage and banners had been installed at dog fouling hotspots, and local schools had been asked to send in designs for the banners. Members were asked to let the Public Protection Partnership know of any dog fouling areas which should be addressed.
- There was nothing to prevent the display of knives for domestic use, but the law was strict on the sale of knives. Officers had found very high levels of compliance with underage test purchases of knives.
- The Public Protection Partnership were involved in housing standards through the licensing of HMOs, and some caravan sites. It was noted that there was now a 'fit and proper' test for caravan site owners. Officers did some work around bad private landlords but recognised that the majority of landlords were responsible. Any tenants with issues with a private rented sector landlord could contact the Public Protection Partnership.
- It was requested that the Air Quality project officer could present their work to Crowthorne Parish Council.
- Members asked the Public Protection Partnership to look into a shared reporting app for all issues, such as Fix My Street, rather than a designated app for fly-tipping.

30. **Fees for Taxi and Private Hire Vehicles and Operators - Consultation Feedback**

Julia O'Brien presented the Fees for Taxi and Private Hire Vehicles and Operators report.

The fees had gone out to consultation, and had been promoted by physical signage, on websites and sent individually to all operators. A number of responses had been received.

Members were reminded that many of the fees had decreased, largely due to the automated system being installed in the service which would benefit the trade.

In response to questions, the following points were noted:

- Officers had met with West Berkshire's HR department who delivered the DBS checks for drivers and had negotiated a cost reduction to £79.
- Drivers were encouraged to sign up for the DBS update service within 30 days of the certificate being issued to save £13 per year in subsequent years.

- An enhanced DBS check cost £40, but all providers would charge an admin fee on top of this. Members queried the admin fee and suggested that a breakdown of the associated costs in the admin fee would help drivers to understand the reason for it.
- It was noted that previous DBS' obtained through Bracknell Forest should have had a greater admin fee charged, however this had not been charged.
- The age of vehicle policy would be addressed in a new taxi policy which would be presented to the June Committee meeting.

Having discussed the matter, it was **RESOLVED** that

- 1 The comments received during the statutory consultation on variations to operators and vehicle licence fees as set out in Annex B to the report be noted.
- 2 Any amendments to the proposed operators and vehicle licence fees, as set out in Annex A, arising from the consultation be considered.
- 3 Full Council be recommended to adopt the fees, with or without modification, as part of the annual fee setting process and that these fees come into effect as of the 01 April 2022.

31. **Taxi Liaison Update**

Moira Fraser presented an update on the recent Taxi Liaison meeting which had been well attended.

The trade had indicated that they were likely to put forward a business case on tariffs, which would be brought to the June Committee meeting prior to statutory consultation.

Trade representatives had also discussed the fees, which had generally decreased in the coming financial year.

Enforcement colleagues had attended the meeting to update on parking offences on taxi ranks. There had been 241 recorded visits since July 2021 and 18 Fixed Penalty Notices issued of which 14 had been paid. Highways Officers were looking to improve signage on taxi ranks and to repaint lines where required. They were also looking into amending their processes which would mean they would be able to issue Fixed Penalty Notices without the need to append them to a windscreen.

It was noted that there was an Overview & Scrutiny group currently meeting to look at integrated enforcement more widely.

The next taxi liaison group had been scheduled for June 2022, and another meeting had been arranged for October.

In response to questions, it was noted that enforcement officers were looking into whether it was possible to report parking offences by uploading a photo of the offence at the start of their procedure.

The Chairman thanked officers for their help in the liaison meeting and welcomed the improving relationship between the Council and the trade.

32. **Forward Plan**

The forward plan was noted.

CHAIRMAN

**LICENSING AND SAFETY COMMITTEE –
ADVISORY MEETING
12 MAY 2022
6.30 - 6.40 PM**



Present:

Councillors Porter (Chair), Brossard (Vice-Chairman), Allen, Atkinson, Brown, Finch, Ms Gaw, Gbadebo, Mrs Ingham, Kirke, Leake and Mrs McKenzie-Boyle

33. Declarations of Interest

There were no declarations of interest.

34. Request from taxi trade to review hackney carriage tariffs

The Chairman welcomed everyone to the meeting and explained that the Council had received a request from the taxi trade on the 04 April 2022 to amend the current hackney carriage tariffs. The Chairman noted that the tariffs had previously been reviewed in August 2021 but due to a change in circumstances the Council was being asked to look at the fares again.

As this was a function delegated to the Executive the Committee were being asked to comment on the proposals and the proposed consultation process. Their comments would then be conveyed to the Executive when they made a determination on this matter at the 24 May 2022 meeting.

Moira Fraser explained that the Licensing and Safety Committee were being asked to comment on a business case submitted by representatives of the taxi trade to review the current table of fares in light of the recent increase in the cost of fuel, with petrol costing on average £1.64 and diesel £1.78 per litre on the 12 May 2022 in the Bracknell area. It had previously been agreed that the fares would be reviewed annually but the process had been expedited to take into consideration the current circumstances the trade found themselves in.

Officers were proposing that if the Executive agreed to go out to consultation that the public consultation would run from the 01 June to the 15 June to reflect the statutory requirements. A public notice would be placed on the website, on the Council notice boards and in the Bracknell News. Officers would also write to all members of the local taxi trade. The consultation would be advertised via a press release and social media campaign. If no objections were received the revised table of fares would come into operation the day after the consultation closed. If objections were received and not withdrawn, they would be considered at the Executive meeting on the 19 July 2022 and the Executive would be asked to agree a revised implementation date at that point.

Based on the business case the trade was proposing that the maximum Hackney Carriage fare be increased from £6.80 for a two mile fare to £7.80 during Tariff 1 operating hours. This was largely in line with neighbouring authorities.

Officers reported that the waiting time for the flag rate as set out in Appendix D had been calculated incorrectly and should be 1 minute and 22.96 secs. This would be amended in the Executive report prior to publication.

The following points were noted:

- Members commented that the price of fuel was escalating rapidly and therefore it was appropriate to review the current table of fares.
- There was no evidence that the price of fuel was going to come down in the near future and the Council needed to respond to the justifiable submission from the trade.
- The cost of fuel had increased by around 25% and the proposal represented an increase of circa 15% and was therefore a proportionate increment.
- The taxi trade had been subjected to difficult trading conditions over the past two years as a result of the Covid pandemic and the Council needed to support them where it was able to do so.
- These were the maximum fares that could be charged, and drivers were not compelled to charge the new rates. Drivers that wanted to charge lower rates would be able to do so provided that the lower charges were agreed prior to the journey commencing.

Having discussed the matter it was **RESOLVED** that

1. The existing tariffs which had been in place since 01 August 2021 be noted.
2. The business case put forward by the trade and consultation process as set out in the report be supported.
3. The outcome of the consultation be reported to the Licensing and Safety Committee at their meeting on the 23 June 2022.

CHAIRMAN

**LICENSING AND SAFETY COMMITTEE
18 MAY 2022
8.26 - 8.27 PM**



Present:

Councillors Porter (Chair), Brossard (Vice-Chair), Allen, Dr Barnard, Bidwell, Brown, Brunel-Walker, Finch, Ms Gaw, Gbadebo, Kirke, Leake and Mrs McKenzie-Boyle

Present Virtually:

Councillors Mrs Ingham

Apologies for absence were received from:

Councillors Atkinson

1. Election of Chair

RESOLVED that Councillor Porter be elected Chair of the Licensing and Safety Committee for the municipal year 2022-2023.

2. Appointment of Vice-Chair

RESOLVED that Councillor Brossard be appointed Vice-Chair of the Licensing and Safety Committee for the municipal year 2022-2023.

3. Appointment of Licensing Panels- Sub Committees of Licensing and Safety Committee

RESOLVED that:

- i) membership of Licensing Panels be any three councillors drawn, as required, from the membership of the Licensing and Safety Committee; and
- ii) the appointment of the Licensing Panel Chairmen be any councillor who has completed the Chairman training drawn, as required, from the membership of the Licensing and Safety Committee.

CHAIRMAN

This page is intentionally left blank

TO: LICENSING AND SAFETY COMMITTEE
23rd JUNE 2022

ANNUAL REPORT OF THE LICENSING AND SAFETY COMMITTEE **Public Protection Manager**

1 Purpose of Report

- 1.1 To set out the work of the Licensing and Safety Committee and the Licensing Panel in 2021/22.
- 1.2 To explain the context of providing Licensing functions through the Public Protection Partnership (PPP).

2 Recommendation

- 2.1 That the Committee **NOTES** the content of this report including the work of the Licensing and Safety Committee and PPP Licensing related activity for 2021/22.

3 Reasons for Recommendation

- 3.1 It has been requested through previous Committee meetings that an Annual Report is provided to assist Members of the Committee to oversee the activity undertaken in the previous year and to provide direction for future activity.

4 Alternative Options Considered

- 4.1 None.

5 Supporting Information

Introduction

- 5.1 The shared Public Protection Partnership (PPP) delivers all regulatory functions. Licensing however is distinct in the way that activities are overseen and policy is set. Whilst all decisions related to the PPP go through the Joint Public Protection Committee (JPPC), each partner authority retains its individual licensing committee to set licensing related policy and monitor performance. This requires careful co-ordination and clear governance arrangements have been put in place to ensure that this happens.
- 5.2 The shared Licensing Service considers and issues a range of licences, consents, notices and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to Bracknell. Legislation requiring a licence/consent/notice/permit for a business activity is generally enacted in order to protect users of a service or the wider community such as those that might be affected due to their proximity to the licensed premises or their interaction with an individual licence holder. Animal Welfare licensing provisions are there to protect the health and wellbeing of animals in regulated settings such as kennels or performances. Good regulation, properly implemented also provides a level playing field for the licensed sector.
- 5.3 It is acknowledged by the licensed sector that an effective licensing regime, soundly administered and founded on sensible and effective policies creates consumer

confidence which in turn is positive for licence holders. The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress rapidly through the licensing process. The service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

- 5.4 As part of the work to streamline the service and in order to add resilience to the teams the Applications Team was merged with Licensing Operations during 2021/22. In addition Licensing Liaison Officers (LLOs) have been engaged on a temporary basis to assist all licence sectors with recovery during and after the Covid pandemic. The LLOs worked across all three authorities, whilst Wokingham BC was still in the partnership, as the first point of contact for the trade-hospitality and taxi/private hire sectors answering queries or feeding matters raised back to obtain answers as well as checking statutory notices and assisting in monitoring events.

Licensing and Safety Committee

- 5.5 The [Licensing and Safety Committee](#) is responsible for setting the policy direction that forms the basis of licensing activity in the Borough. Under the Licensing Act 2003 and the Gambling Act 2005 there is a legal obligation for the Council to set key policies. In other areas the Council has a range of powers to set licence conditions and adopt sector specific policy positions. There is also a requirement for the Council to have a Licensing Committee of between 12 and 15 Members.

- 5.6 The Licensing and Safety Committee comprises 15 Members and the 2021/22 membership is set out below:

Conservative Group	Nick Allen, Nigel Atkinson, Dr Gareth Barnard, Michael Brossard (Vice Chairman), Marc Brunel-Walker, Alvin Finch, Moira Gaw, Michael Gbadebo, Sandra Ingham, Ian Kirke, Ian Leake, Tina McKenzie-Boyle, John Porter (Chairman)
Labour Group	Tricia Brown, Paul Bidwell*

* Councillor Bidwell replaced Councillor Malcolm Tullett on this Committee in January 2022.

- 5.7 Over the 2021/22 period the Licensing and Safety Committee met on the 28 April 2021 (Annual meeting), the 24 June 2021, 21 October 2021 and the 03 February 2022. The Committee considered a number of matters including:
- the annual review of fees and charges,
 - oversaw the consultation and subsequent adoption of the Statement of Gambling Principles (which was published ahead of the 31 January 2022 deadline),
 - reviewed and consulted on a revised set of Hackney Carriage Tariffs which were implemented in August 2021 following a Delegated Officer Decision;
 - agreed some minor amendments to the Scheme of Delegation in respect of the Licensing Act 2003;
 - received an update on the work in Environmental Health and Trading Standards in the Public Protection Partnership;
 - and reviewed and amended the guidance notes and conditions for hackney carriage and private hire vehicle owners, operators and drivers.

- 5.8 The Chairman, under delegated authority and in consultation with the relevant officer, also agreed an Urgent Decision taken between meetings to vary the licence condition (14.1) for six monthly taxi vehicle inspections. The decision had been taken during and because of the COVID-19 crisis. The variation was to grant a six-month extension to six-monthly inspections. This was reported to Members at the 24 June 2021 meeting.
- 5.9 In terms of forward planning, in addition to the annual fees and charges cycle, a number of policies and decisions including the following are scheduled for consideration during the 2022/23 cycle:
- The Hackney Carriage and Private Hire Licensing Policy (June 2022);
 - Changes to Hackney Carriage Tariffs (June 2022);
 - Street Trading Policy (October 2022);
 - Sex Establishment Policy (June 2023)
- 5.10 Members are asked to consider the Forward Plan at each meeting and to add any items they wish to discuss at a future meeting.

Licensing Panel

- 5.11 While the Licensing and Safety Committee carries out functions relating to policy formulation the Licensing Panel determines certain licensing applications in line with the Scheme of Delegation agreed under the Licensing Act 2003 and the Gambling Act 2005. The Licensing Panel also determines applications on other matters where the Licensing and Safety Committee has determined that a person has a right of hearing before the Panel or the Executive Director of Delivery has decided that the matter should be referred to the Panel for determination. For the purpose of determining applications under the Licensing Act 2003 and Gambling Act 2005 the legislations requires the membership of each Licensing Panel (Sub-Committee) to be three Members of the Licensing and Safety Committee.
- 5.12 During the 2021/22 financial year the Licensing Panel was not required to meet.
- 5.13 By way of comparison in 2020/21 the Panel met on three occasions, in 2019/20 seven Panel meetings took place, ten were held in 2018/19 and nine in 2017/18.

Training

- 5.14 Joint Licensing Act training for Members from all three partner authorities, prior to Wokingham's exit from the Partnership, was undertaken on the 25th and 26th May 2021 via Zoom. The training was delivered by PPP staff and Legal and Democratic Services Officers from all partner authorities. The aim of the sessions was to help Members identify licence types and authorisation processes, note the legal framework that underpins the licensing regime; grasp the licensing objectives; understand the licensing process and the councillors' role in it; recognise valid representations and who can make them and be informed about the way hearings are conducted in each authority.
- 5.15 The sessions were held in two parts: firstly a general session on Licensing for all Members and then Members were placed in individual break out rooms for each authority with their own solicitor to cover Sub-Committee/hearing procedures.

- 5.16 Training on the Gambling Act 2005 was undertaken by an external provider in June 2021. The training was again attended by Members from all partner organisations.
- 5.17 A very successful Member engagement session was held with Bracknell Forest Council Members in October 2021 to assist the PPP with identifying priorities, including those for the licensing regime, for the forthcoming municipal year.

Taxi Trade Meetings (TTM)

- 5.18 The Taxi Trade Meetings have been arranged to provide a forum to meet with and consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest. The outcome of these discussions is reported back to the next Licensing and Safety Committee along with any recommendations for alterations to the existing or proposed licences, policies, tariffs and fees.
- 5.19 The TTM is formed from the following and is chaired by the Chairman of the Licensing and Safety Committee or in their absence the Vice Chairman of the Committee:
1. The Chairman and Vice Chairman of the Licensing and Safety Committee (or their nominated representatives)
 2. The Public Protection Manager (or their nominated representative)
 3. The Licensing Service Manager (or their nominated representative)
 4. The PPP Licensing Officer (or their nominated representative)
 5. The Principle Officer Policy and Governance.
 6. Representatives from the Hackney Carriage Trade
 7. Representatives from Private Hire Trade.
 8. Representatives from the School Transport Trade.
- 5.20 During 2021/22 four meetings of the TTM took place on the 14 April 2021, 09 June 2021 (Workshop), 04 October 2021 and 24 January 2022.

Impact of COVID- 19 on the PPP Licensing functions

- 5.21 The PPP, including officers from the Licensing Service, have had a significant role to play in investigating, managing and preventing outbreaks during the 2021/22 financial year. This work came to an end in March 2022.
- 5.22 The Licensing Service has engaged with the trade throughout Covid and has responded to suggestions, in particular from the taxi trade, for suspensions of licences to be allowed as well as extensions to vehicle ages/checks as well as helping in the allocation of grant moneys by providing other Bracknell Forest services with information.
- 5.23 The Licensing Service provided information to go onto the PPP website that the licensed trade could access in respect of Covid matters and set out the help available as well as conducting visits to advise businesses and undertook various webinars with the trade.

- 5.24 The applications team have been resourceful in finding ways that licences could be issued in a timely manner despite having to find new ways of working as the trade were no longer able to access the offices as a matter of course.

The Effect of COVID-19 on the Licensed Sector

- 5.25 The impact of Covid continued to be felt by the licensed trade during the 2021/22 financial year. This is evidenced by the data in Appendix A to the report where the reductions in the number of valid taxi trade licences as at the 01 April for each of the past four years is set out. There are however signs of a slight upturn in numbers when compared to the previous year.
- 5.26 The number of animal boarding establishments and dog breeders doubled in 2020/21 but there has been a 20% reduction in the number of valid licences in 2021/22 albeit that the numbers are still higher than in 2019/20.
- 5.27 The number of personal and premises licences as at the 01 April 2022 is higher than it has been in the past four years. The number of temporary events licences issued in 2020/21 understandably dropped off significantly from 294 to just 26. The numbers increased again in 2021/22 to 138.
- 5.28 Licences issued under the Gambling Act 2005 have remained relatively stable.
- 5.27 The impact on the licensed trade cannot be underestimated. The hospitality industry has had to cope with periods of closure whilst the taxi trade has been dealing with relatively few people being in our towns and needing vehicles to get about along with the down turn in airline travel as that itself was severely impacted.
- 5.28 This led to ingenuity from the trade and a massive diversification in their business- some have left their industry altogether while others have been able to survive due to their resourcefulness and hopefully things will continue on a more positive note in the future.

Development of Single Case Management System

- 5.29 During the 2021/22 period officers have also been heavily involved in the work to streamline online interactions and reduce delivery costs to be able to pass on efficiency savings to the Licensing trades. For the first time data from West Berkshire and Bracknell will be stored in the same place, with improved customer management processes and less bureaucracy. This project is referred to as the Tascomi project and the new software is due to be implemented by the summer of 2022.

Communication and Engagement

- 5.30 A further aspect of the Committee's role, supported by officers, is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The Service provides a range of advice and information sheets via its [website](#). The Bracknell website has appropriate links to relevant pages on the PPP website. The PPP has also expanded its social media presence with active Facebook and Twitter pages.

Facebook: [@PublicProtectionPartnershipUK](#)

Twitter: [@PublicPP_UK](#)

- 5.31 Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, and meeting private hire operators at their offices and taxi drivers at the ranks.
- 5.32 A successful major joint initiative with Thames Valley Police and Community Safety partners to reduce the risk of harm to people through drink spiking was run over the Christmas period. The Service also continues to support the safer streets initiative with these partners.
- 5.33 The Licensing Service also meets and works closely with partner authority home to school transport teams to ensure closer working relationships to protect the safety of vulnerable children.
- 5.34 PPP Licensing data shows that it dealt with 260 requests for service in 2021/22 (compared with 272 in 2020/21, 168 in 2019/20, 199 in 2018/19 and 210 in 2017/18). These figures include some general telephone enquiries, due to the adaptations which have had to be made due to the remote home working of many staff due to COVID-19. The majority as shown have been logged for further response.
- 5.35 The work of the Licensing Service has always been a feature of the overall PPP customer satisfaction performance. Where issues have arisen there is a procedure for following these up. Service improvements are managed through the Quality Management System and recorded within our Improvement Action Logs.

Looking Ahead

- 5.36 Recruitment and retention of staff will be a priority for the Service during the first half of 2022/23. It is anticipated that the implementation of the new IT system in the summer will start to deliver efficiencies for the service and provide a better experience for our businesses.
- 5.37 There are also a number of legislative changes which will have an impact on both the taxi trade and hospitality sector. Some examples are set out below.
- 5.38 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (the act) received Royal Assent on 31 March 2022 (aka Sian's Law). The Act places a legal duty on licensing authorities to record certain information in a national database including decisions to refuse, refuse to renew, suspend and revoke licences of taxi and private hire drivers. This will be a major safeguard in stopping those, who for an adverse determination for safeguarding reasons, simply licensing in another local authority area.
- 5.39 In addition as of 04th April 2022, when renewing a taxi, private hire or scrap metal licence in England and Wales a 'tax check' must be completed first and the PPP are obligated as part of the licensing process to ensure it has been done. Information has been circulated to the trade, press releases and social media campaign information issued and information on the website has been updated to highlight this change.
- 5.40 On 28 June, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 ("The 2022 Act") will take effect in England, Scotland, and Wales. It will amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against. It will become a requirement for all authorities to publish a list of licenced taxis and PHVs they designate as being wheelchair accessible. It

should be noted that the PPP already does this but we will need to ensure that the content is 'accessible to disabled users and is easily discoverable.' We will also ensure that the trade is made aware of these changes and the procedures and criteria they will need to follow to apply for an exemption.

- 5.41 The enactment of this legislation will require taxi and PHV drivers to:
- Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
 - Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.
- 5.42 In addition PHV operators will be required to accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.
- 5.43 The Business and Planning Act 2020 introduced during the Covid pandemic modified provisions in the Licensing Act 2003 to provide automatic extensions to premises licences that only permitted sales of alcohol for consumption on the premises ("on-sales") to allow sales of alcohol for consumption off the premises ("off-sales"). This legislation was extended under the Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 until the 30 September 2022 when it will lapse. This could impact on applications to vary existing premises licences later in the year where businesses might wish to continue to make use of this operating model.
- 5.44 Clause 184 of the Levelling Up and Regeneration Bill which is currently making its way through parliamentary processes is seeking to introduce provisions for making pavement licensing permanent. It also seeks to introduce two new fee caps under which the local authority can charge a fee for a pavement licence, £350 in the case of a renewal application and £500 in the case of any other application. This replaces the previous fee cap of £100.
- 5.45 The Environment Bill enacted in November 2021 has implications for the hospitality sector which will require clearer labelling of products, reducing plastic use and requirements around separating food waste.

Background Papers

None

Appendices

Appendix A - Number of licence valid at date stated

Appendix B - Number of applications received by year, with application outcome

Appendix C - penalty points issued by year

Appendix D - Licensing Service KPI and key information

Contact for further information

Sean Murphy, Public Protection Partnership Manager

This page is intentionally left blank

Appendix A – Number of licence valid at date stated

Type	01/04/18	01/04/19	01/04/20	01/04/21	01/04/22
Private Hire Operators	43	50	50	28	30
Private Hire Vehicles	169	176	184	107	104
Private Hire Vehicles (with dispensation)			5	5	20
Private Hire Drivers	153	167	145	94	96
Dual (Hackney Carriage and Private Hire) Drivers	164	157	160	140	109
Hackney Carriage Vehicles	85	77	78	52	57
Home to School Drivers	7	12	20	16	17
Home to School Vehicles	33	33	47	46	49
Home to school Operator	0	0	0	0	0
Animal Boarding Establishments and dog breeders	5	8	10	20	16
Home Boarders of Dogs	34	45	43	39	34
Riding Establishments	6	5	4	6	6
Performing Animals	5	5	0	0	4
Pet Shops	7	6	7	5	3
Scrap Metal Site	2	2	2	2	2
Scrap Metal Mobile Collectors	3	3	6	6	6
Dermal Personal and Premises Registration			206	216	228
Personal Licences	1358	1424	1498	1532	1586
Premises Licences	234	234	193	179	238
Premises Licences application (no alcohol)			47	47	47
Temporary Event Notices	271	280	294	26	138
Club Premises Certificates	21	20	18	17	17
Street Traders	17	17	22	23	17
Street Collections	30	33	29	4	15
House to House Collections	29	23	31	22	32
Lotteries	58	65	38	37	46
Licensed Premises Gaming Machine Permits	13	13	13	14	13
Notification of 2 or less Gaming Machines	29	29	29	29	29
Club Machine Permits	8	8	7	6	7
Club Gaming Permits	0	0	9	0	0
Bingo Premises	1	0	0	0	1
Adult Gaming Centres	1	1	0	0	1
Betting Premises	11	10	10	10	9
TOTALS	2856	2966	3205	2728	2977

Note: for TENs, street collections and house to house collections, the figure given is the total number of notices / applications received within the calendar year

Appendix B – Number of applications received by year, with application outcome

Type	2021/2022					2020/21				
	Total	I	W	R / S	P	Total	I	W	R	P
Private Hire Operators	25	22			3	19	18			1
Private Hire Vehicles	147	128	10		9	142	132		1	9
Private Hire (with Dispensation)	24	20			4	8	6			2
Private Hire Drivers	41	26	1		14	70	57	1		12
Chauffeur Drivers	17	14			3	3	2			1
Dual (Hackney Carriage and Private Hire) Drivers	45	35	1		9	57	48			9
Hackney Carriage Vehicles	66	59	4	1	2	71	67			4
Home to School Drivers	12	6	2		4	20	13	1		6
Home to School Vehicles	53	51	1		1	49	49			
Animal Boarding Establishments	4	3			1	13	4			9
Home Boarders of Dogs	21	14			7	21	3			18
Dog Breeder	7	4	1		2	0	0			
Riding Establishments	2	2				4	3			1
Performing Animals	3	1			2	1				1
Pet Shops	3	1			2	3	2			1
Scrap Metal Site	0	0				0	0			
Scrap Metal Mobile Collectors	1	1				2	2			
Hairdressers	3	3				0	0			
Personal Licences	57	46	2		9	40	33			7
Premises licence - variation	8	7			1	7	7			
Premises licence - minor variation	8	8				5	5			
Premises licence - vary DPS	54	52			2	32	31			1
Premises licence - transfer	10	10				17	16			1
Premises licence - new	8	7			1	15	9	1		5
Late Temporary Event Notices	18					3	3			
Temporary Event Notices	121	117		1	3	23	23			
Club Premises Certificates	0	0				1	1			
Street Traders	43	43				45	42			3
Street Collections	15	13	1		1	5	4	1		
House to House Collections	32	32				25	25			
Lotteries	9	9				1	1			
Licensed Premises Gaming Machine Permits	0	0				1	1			
Gaming Machine Notifications	0	0				0				
Club Machine Permits	0	0				0				
Club Gaming Permits	0	0				0				
Bingo Premises	0	0				1	1			
Adult Gaming Centres	0	0				0				
Betting Premises	0	0				0				

Key:

I = licences issued, W = applications withdrawn, R/S = applications refused, rejected or suspended, P = applications pending decision, e.g. awaiting documentation before licence issued

Appendix C – penalty points issued by year

Offence	Times points issued			
	2018/2019	2019/2020	2020/2021	2021/22
Failure to notify conviction/caution/FP	4	1	0	1
Failure to comply with traffic sign	1	0	0	0
Private Hire vehicle parked on rank	0	0	0	0
Failure to display plate or stickers	3	1	0	0

Licensing Service KPI and key information

KPI	Q1	Q2	Q3	Q4	2021/22
% of licensing applications processed within statutory timescales or 5 days	72%	72%	78%	82%	76%
% of Temporary Event Notices processed within statutory timescales (3 days)	100%	100%	100%	97%	99%
% of licensing complaints/requests for advice dealt with appropriately within 10 working days (Whole service KPI)	78%	68%	71%	85%	75%
Measure of Volume	2021/22				
Number of Visits to Licenced Premises (including DPS Checks)	152				
Number of Taxi / PH Checks	68				
Number of Operator Checks	12				
Number of Taxi Rank Checks	55				
Number of Visits to Animal Establishments	37				
Number of Licensing – General Inquiries/advice	117				
Number of Complaints made about those licenced (or unlicensed) by the authority	69				
Number of Contacts directly attributable to the trade making contact	40				
Number of Covid related inquiries	4				
Total Enquiries	260				

Detailed Breakdown of the types of demands

	Recorded Licensing interactions/advice	Covid Advice/Enforcement	General Inquiries and Requests	Requests from the trade for information, meetings, updates	Complaints about licence holders/premises, non-compliance or unlicensed activities
Licensing Area	2021/22	2021/22	2021/22	2021/22	2021/22
L - Animal	5		17	4	13
L - Premises	26	2	5	5	13
L - Street Trading	13		8	1	7
L - Taxi	5	2	7	13	11
L - TEN	6		1		
Licensing	1				1
Total	56	4	38	23	45

This page is intentionally left blank

To: **Licensing and Safety Committee**
23 June 2022

Outcome of the Hackney Carriage Tariff Consultation **Executive Director: Delivery**

1 Introduction

- 1.1 At the 24 May 2022 Executive meeting Members agreed to go out to consultation on a revised table of fares for hackney carriages based on a business case (Appendix A) submitted by a representative of the taxi trade. The Executive also agreed that the Licensing and Safety Committee be asked to note any responses received during the period of consultation at this meeting.
- 1.2 The consultation was conducted for the statutory two week period from the 01 June to the 15 June 2022 and was promoted using the methods agreed by the Executive.

2 Supporting Information

- 2.1 The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
- 2.2 Local authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, local authorities have the power to "...fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section."
- 2.3 Any changes to the current table of fares must be subjected to a statutory consultation process. Where objections to the proposed table of fares are received and not withdrawn, decisions are required as to whether or not to modify the revised table of fares and to set an implementation date.
- 2.4 The Department for Transport's 'Taxi and private hire vehicle licensing: best practice guidance' (March 2010) includes some guidance around taxi fares at paragraphs 52 to 54. It notes that it is "good practice to review the fare scales at regular intervals". The guidance emphasises that "Fare scales should be designed with a view to practicality" and goes on to state;

"The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand."
- 2.5 The trade are not obligated to charge the maximum fare. This means that hackney carriage drivers are within their rights to negotiate the fare down provided that the final agreed fare is no more than the maximum set. The best practice guidance confirms;

“Taxi fares... in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings... But local licensing authorities can usefully make it clear that published fares are a maximum...”

“There is a case for allowing any taxi operators who wish to do so to make it clear... that they charge less than the maximum fare...”

- 2.6 The current table of fares as set out in Appendix B was agreed in August 2021. In April 2022 the authority received a request from the trade to vary the current set of fees in light of increases in fuel costs. The business case is set out in Appendix A and the proposed revised table of fares is set out in Appendix C. These proposals were discussed at the 12 May Licensing and Safety Committee and the 24 May Executive meeting. The Executive agreed to consult on the proposals.
- 2.7 The consultation ran from the 01 June 2022 to the 15 June 2022. A public notice was placed in the Bracknell News newspaper on the 01 June 2022 (triggering the start of the consultation), the consultation was included on the Public Protection Partnership’s website, a note was displayed at the Council Offices from the 01 June 2022 and a copy of the proposals was sent to all trade representatives, to encourage participation in the statutory consultation. The consultation exercise was supported by a social media campaign and a press release issued in advance of the start of the consultation.
- 2.8 As at the 14 June 2022 no objections to the variations have been received. If this remains the case when the consultation closes on the 15 June, in accordance with the decision made at the Executive on the 24 May 2022 the revised table of fares will have come into effect on the 16 June 2022.
- 2.9 If any objections are received subsequent to publication of the agenda, a supplementary report will follow.

3 Equalities Impact Assessment

- 3.1 Nationally young women are one of the largest groups to use taxis. Other groups, such as those who are disabled and those who are elderly may also use taxis more frequently. Any change to fares suggested could impact these groups financially, but equally there needs to be a viable taxi trade to provide a taxi service for these groups and all residents/visitors to Bracknell Forest. The review of the current fares is seeking to protect the public from excessive fares but at the same ensuring that this remains a profitable sector and therefore retaining drivers and operators to provide the service to those who rely on it. No comments relating to equalities were received during the consultation.

4 Strategic Risk Management Issues

- 4.1 There would be a risk of challenge to the decision should the statutory process not be followed

Background Papers

Appendix A – Business Case for Amending the Fares
Appendix B – The Existing Table of Fares (August 2021)
Appendix C – The Proposed Table of Fares

Contact for further information

Damian James

Damian.James@bracknell-forest.gov.uk

This page is intentionally left blank

To whom ever this may concern,

Introduction

Latest figures from data firm Experian Catalist show the average cost of a litre of fuel has reached £1.799. The cost of diesel has increased by over 25% since 2020 and the fuel price we believe will continue to rise. It is the largest part of our daily running cost. If our running costs are up 20-25%, it will start to bite us.

Ultimately the consumer index the tariff is based on will be current to the time of consultation.

As Bracknell Forest Council is aware, the Hackney Carriage trade has had a fare increase on the 1st August 2021 and we had to wait 10 years for increase of only £0.80. Just to remind you the last fare increase has been completely swallowed up by the madness increase in fuel prices because of saddened current situation. It is too unjustifiable for us not to have another increase soon to deal with this emergency crisis.

The £0.80 increase we had since 2011 now with a new Tariff fare, because of fuel crisis it should be an increase at least an extra a £1. The total of £1.80 (with last increase included) will result in an increase of just over 16 pence per year for the last 11 years until now.

We are now setting out our business case for an increase. It's been over 8 months since we have received tariff increase and although the living cost, council tax, mortgage, car repairs, especially with gas, electricity this month April and fuel prices is gone over the roof in the last few weeks, there were consistent efforts to achieve an increase in an year.

Summary of Business Case from 1st August 2021 to 2nd April 2022

August 2021 Fuel price £1.379 per litre

April 2022 Fuel price £1.799 per litre.

(From August 2021 to April 2022 gone up by 0.42 pence per litre).

The Hackney Carriage tariff fare increase from our association has been agreed for proposing tariff 1 to be raised 2 miles trip from £6.80 fare to £7.80 by staying at the same starting flag at £3.

We worked out for the first 415 yards (379.476 Meters) and for each subsequent 135 yards (123.444 meters) a 2 miles fare to £7.80.

"Proposed by our Hackney Carriage drivers Association
TARIFF 1
STARTING FLAG STAYING THE SAME AT £3.00

FIRST OFF IS 415 YARDS
AND THEN 135 YARDS
FOR EVERY 20 PENCE.
TOTAL £7.80 (2 miles)

TARIFF 1 FLAG £3.00
1 x 415 yards = £0.20
23 x 135 yards= £4.60
2 miles fare total £7.80"

Conclusion

We hope BFC will understand with good cooperation that the Taxi Trade like any other businesses cannot operate without price increases. Since 2020 in August by looking at inflation rates has been increased so much. The consumer prices index (CPI) UK fuel inflation has risen from last August just over 25% more till today and it is likely to increase. The tariff would be based on what the current index is.

We would also like to urge you to consider the recent fuel crisis for the fare increase and not delay this, as you did previously with other matters.

We welcome your feedback.

Kindest Regards,

Manoj on behalf Bracknell Hackney Taxi Drivers Association

BRACKNELL FOREST COUNCIL HACKNEY CARRIAGE FARE CHART effective 01 August 2021
FARES FOR DISTANCE AND TIME

All distance and time charges include uncompleted parts thereof

Tariff 1		Tariff 2		Tariff 3		Extra Charges
Rate for the first mile: £4.50		Rate for the first mile: £6.75		Rate for the first mile: £9.00		
Rate for each mile thereafter: £2.00		Rate for each mile thereafter: £3.00		Rate for each mile thereafter: £4.50		
Hiring when journey commences between 07:00 and 23:00 Monday to Sunday		Hiring when journey commences between 23:00 and 07:00 Monday to Sunday and on Bank and Public Holidays and on Christmas Eve and New Year's Eve from 18:00 until 24:00		Hiring when the journey commences on Christmas Day through to 07:00 on Boxing Day		Fouling of vehicle – interior (£50) Fouling of vehicle – exterior (£10)
£3.00	Maximum Charge up to 450 yards or 1 minute 42.8 seconds or a combination of time and distance	£4.50	Maximum Charge up to 450 yards or 1 minute 42.8 seconds or a combination of time and distance	£6.00	Maximum Charge up to 450 yards or 1 minute 42.8 seconds or a combination of time and distance	
20p	For each subsequent 175 yards or every 40 seconds or part thereof	30p	For each subsequent 175 yards or every 40 seconds or part thereof	40p	For each subsequent 175 yards or every 40 seconds or part thereof	When this vehicle is carrying more than 4 passengers, a surcharge of 50% will be applied to the fare shown on the meter at the end of the journey. This will however not be shown on the taximeter

If the journey takes the taxi outside the Bracknell Forest Council area the driver **MUST** still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started. **These are the maximum fares chargeable.**

Any complaints about a taxi or a driver should be directed to Licensing@Bracknell-Forest.gov.uk quoting of possible the taxi plate number and or the driver's badge number

BRACKNELL FOREST COUNCIL HACKNEY CARRIAGE FARE CHART effective June/ July 2022
FARES FOR DISTANCE AND TIME

All distance and time charges include uncompleted parts thereof

Tariff 1		Tariff 2		Tariff 3		HC:
Rate for the first mile: £5.20		Rate for the first mile: £7.80		Rate for the first mile: £10.40		
Rate for each mile thereafter: £2.60		Rate for each mile thereafter: £3.90		Rate for each mile thereafter: £5.20		Extra Charges
Hiring when journey commences between 07:00 and 23:00 Monday to Sunday		Hiring when journey commences between 23:00 and 07:00 Monday to Sunday and on Bank and Public Holidays and on Christmas Eve and New Year's Eve from 18:00 until 24:00		Hiring when the journey commences on Christmas Day through to 07:00 on Boxing Day		Fouling of vehicle – interior (£50) Fouling of vehicle – exterior (£10)
£3.20	Maximum Charge up to 415 yards or 122.96 seconds or a combination of time and distance	£4.80	Maximum Charge up to 415 yards or 122.96 seconds or a combination of time and distance	£6.40	Maximum Charge up to 415 yards or 122.96 seconds or a combination of time and distance	
20p	For each subsequent 135 yards or every 40 seconds or part thereof	30p	For each subsequent 135 yards or every 40 seconds or part thereof	40p	For each subsequent 135 yards or every 40 seconds or part thereof	When this vehicle is carrying more than 4 passengers, a surcharge of 50% will be applied to the fare shown on the meter at the end of the journey. This will however not be shown on the taximeter

If the journey takes the taxi outside the Bracknell Forest Council area the driver **MUST** still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started. **These are the maximum fares chargeable.**

Any complaints about a taxi or a driver should be directed to Licensing@Bracknell-Forest.gov.uk quoting of possible the taxi plate number and or the driver's badge number

This page is intentionally left blank

To: **Licensing and Safety Committee**
23 June 2022

Hackney Carriage and Private Hire Licensing Policy **Public Protection Manager**

1 Purpose of Report

- 1.1 In July 2020 the Department for Transport issued new guidance in relation to hackney carriage and private hire licensing namely: “Statutory Taxi and Private Hire Vehicle Standards”. This required local authorities to review, revise and update their policies in relation to hackney carriage and private hire licensing.
- 1.2 This has led to a revision of the existing Bracknell Forest Council Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers. The revised policy is based on these documents, but there are significant developments and changes to accommodate the new guidance and other legislative changes.
- 1.3 The draft policy incorporates best practice from across England and Wales and is underpinned by the overriding aim and purpose of hackney carriage and private hire licensing, which is public safety.
- 1.4 The purpose of this report is to provide the Committee with a chance to give initial comments on the draft policy prior to consultation. Members of the Committee will be consulted on the content of the Policy as a matter of course. Members may also wish to add details of any proposed consultees to the list at Item 5.10 in the report below.

2 Recommendations

- 2.1 That the Committee:
 - i. **AGREES** that Officers should consult on the draft Hackney Carriage and Private Hire Licensing Policy set out in Annex A subject to any changes made at this meeting of the Committee, and
 - ii. **RECOMMENDS** that on conclusion of consultation and consideration of responses, the matter to return for further consideration to the 20 October 2022 Licensing and Safety Committee prior to a recommendation being made to Full Council around the adoption of the policy.

3 Reasons for Recommendations

- 3.1 To comply with the DFT Statutory Standards of Vehicle Licensing requirements.
- 3.2 To ensure openness and transparency in the Council’s decision making.
- 3.3 To ensure that those persons affected by the policy have the opportunity to have an input into it.
- 3.4 To reduce the risk of successful challenges to decisions made by the Council if a robust policy were not in place.

4 Alternative Options Considered

4.1 Not Applicable

5 Supporting Information

- 5.1 The Statutory Standards published on 21 July 2020 set out a range of measures to protect taxi and private hire vehicle passengers and in particular those most vulnerable.
- 5.2 Government advice is that licensing authorities should work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.
- 5.3 The Department for Transport will monitor licensing authorities' responses to the Statutory Standards and all authorities are expected to provide updates as to how they intend to implement and develop the standards.
- 5.4 Members received a report in regard to the Statutory Standards in October 2020 setting out the main items contained in it that had to be considered.
- 5.6 Members agreed at the October 2020 Committee meeting to further reports detailing changes to conditions contained in the existing Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers to comply with the statutory standards.
- 5.7 The Statutory Standards promote the existence of a Taxi Licensing Policy. Authorities should produce a 'cohesive policy document' that brings all procedures together (including a convictions policy). When formulating policies, the overriding objective must be to protect the public. Policies should be reviewed every five years.
- 5.7 As a result of this there has been a complete review of the Guidance Notes with a new Policy document being developed.
- 5.8 The draft Policy has been developed in conjunction with West Berkshire and using each of the Authorities best practices and processes where appropriate and improving on these as deemed necessary. Where timescales are not prescribed in legislation the timescales set out in Government Guidance have been put forward in the draft documents. Members will note that there is some red text in the document which highlights areas where Members are specifically being asked for a view on which option, if any, should be included in the draft consultation document.
- 5.9 A briefing for Members was held on 17 May 2022 in relation to the draft policy and matters arising from that briefing have been incorporated into this final draft.
- 5.10 Before determining the policy for any five year period, it is good practice to consult with the trade and persons who may be affected by it including:
- Persons or bodies representative of holders of local hackney carriage, private hire driver vehicle and operators licences together with individual licensees;
 - Persons or bodies representative of businesses and residents in its area;
 - Home to School Transport Contract teams in the Authority;
 - Safeguarding Team of Bracknell Forest Council;
 - Local residents and community associations, together with individual residents;
 - National Federation of Community Organisations;
 - Parish and Town Councils;

- Thames Valley Police;
- All Members of Bracknell Forest Council.

- 5.11 The views of all consultees should be given appropriate weight when the policy is determined. Beyond the statutory requirements, it is for the licensing authority to decide the full extent of its consultation.
- 5.12 It is proposed that the consultation run for a 12 week period from the 07 July 2022 to 29 September 2022. The consultation document will be published on the Public Protection Partnership website and the Bracknell Forest consultation portal. Officers will write to the parties listed in 5.10 above and any additional groups identified at the meeting, to seek their views on the draft policy. The consultation will be supported by a media campaign. A special Taxi Trade meeting has been arranged for the 07 July to discuss the draft policy with the taxi trade.
- 5.13 Officers are recommending that the outcome of the consultation will be reported back to the October Licensing and Safety Committee for discussion. The Committee will then make a recommendation to Full Council on the 30 November 2022.
- 5.13 For reference Officers are proposing to run a similar consultation on the West Berkshire Taxi Policy over similar timescales. It might therefore be useful to share the outcome of the two consultations with both authorities to assist considering examples of best practice and aligning the policies where it is appropriate to do so.

6 Consultation and Other Considerations

Legal Advice

- 6.1 The legal implications are identified within the report.

Financial Advice

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

Other Consultation Responses

- 6.3 Not applicable

Equalities Impact Assessment

- 6.4 The policy has been drafted to take into consideration the Equalities Act 2010 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.

Strategic Risk Management Issues

- 6.5 The purpose of the licensing regime is to protect users of taxi and private hire vehicles but also to ensure that those operating within the regime do so on a level playing field. The Council sets those standards locally and it is imperative that there is clarity and that the standards are applied universally. It is also important that those licensed by the Council are consulted on the terms of the licensing arrangements.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to reduce emissions of CO₂

The reasons the Council believes that this will reduce emissions is that the draft policy, if approved, includes revised standards which will require vehicles to meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.

7 CONSULTATION

7.1 Consultation will take place with all those in point 5.10 and any others the Committee would like added via email, website and letter from 07 July to 29 September 2022.

Background Papers

Statutory Taxi & Private Hire Vehicle Standards Report 22 October 2020

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

Contact for further information

Julia O'Brien 01635 519849, Licensing Public Protection Partnership
Julia.obrien@westberks.gov.uk

Hackney Carriage and Private Hire Licensing Policy 2022 – 2027

June 2022

Contents

1.1	Bracknell Forest	4
1.2	Introduction	4
1.3	This policy applies to the following:	4
1.4	Legislation, Byelaws, Guidance and Policy	5
1.5	General	6
POLICY IN RELATION TO DUAL DRIVER AND PRIVATE HIRE DRIVER LICENCES		6
1.6	General	6
1.7	Pre-requisites to Making an Application	6
1.8	Fitness and Propriety	8
1.9	Test of Fitness and Propriety	12
1.10	Code of Conduct	12
1.11	The National Register of Taxi Licence Revocations and Refusals ..	12
1.12	Licences and Badges	13
1.13	Equality Act 2010	13
1.14	Action Against Licences	14
1.15	Appeals	14
POLICY IN RELATION TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES.....		14
1.16	Single Licences	14
1.17	Character of the Applicant/Proprietor	14
1.18	General	15
1.19	Vehicle Type and Design	16
1.20	Vehicle Standards	16
1.21	Vehicle Standards	17
Insurance		17
Age 18		
Exterior of vehicle		18
Interior of vehicle		19
Taximeters		19
Advertising		19
1.22	Temporary Replacement Vehicle	20
1.23	Disabled Access.....	20
1.24	Vehicle Type Approval	21
1.25	Access for wheelchair users to Taxis and Private Hire Vehicles	22
1.26	Roof Signs.....	22
1.27	Roof Racks.....	23

1.28	Dispensation /Exemption Certificates.....	23
1.29	Novelty Vehicles.....	24
	POLICY IN RELATION TO PRIVATE HIRE OPERATOR LICENCES	24
1.30	General	24
1.31	Operator’s Base	25
1.32	Fitness and Propriety	25
1.33	Disclosure and Barring Service Checks (DBS)	26
1.34	Certificate of Good Conduct.....	27
1.35	Previous Convictions.....	27
1.36	Test of Fitness and Propriety	27
1.37	Drivers and Vehicles	28
1.38	Enforcement and Appeals	28
1.39	Enforcement Options	28
1.40	Appeals	28
	Hackney Carriage and Private Hire Licensing Convictions Policy	29
	Penalty Points Scheme.....	37
	Taxi Drivers’ Code of Conduct.....	47
	Hackney Carriage Vehicle Licence Conditions	61
	Private Hire Vehicle Licence Conditions	69
	Private Hire Operator Conditions	77

1.1 Bracknell Forest

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 towns of Bracknell and Sandhurst and villages of Crowthorne and Binfield along with a number of smaller settlements across Warfield and Winkfield. Bracknell Forest is strategically located and well connected, with London in close proximity and Heathrow Airport just half an hour's drive away. The M3 and M4 motorways are only 7 miles away. It is well connected in other ways, as the borough can boast 96% coverage for superfast broadband, which is perfect for knowledge intensive businesses.

Since 2006, Bracknell alongside Reading have consistently ranked highest in the Demos-PwC good growth for cities index. This is on par with Oxford and is higher than Cambridge or London. Bracknell has particular strengths in skills, jobs, health and income. Over 85% of the Bracknell Forest population is economically active. There's a highly skilled labour force, with 40% of residents in the borough having a Bachelor's degree, higher than the national average of 38.6%. Furthermore, Bracknell Forest is within an hour's reach of several excellent business universities including Reading, Henley Business School, Oxford and Royal Holloway, University of London. Bracknell town centre's extensive regeneration, known as the Lexicon, was completed in September 2017. An investment of £240 million created 580,000 sq ft of new space, establishing a fantastic retail offer of 70 new shops, high quality restaurants and a 12 screen cinema. Bracknell, alongside Reading, was ranked by PwC in 2015 as the best place to live and work in the UK for the fourth year running. With easy access to beautiful countryside, world class golf clubs and Michelin starred restaurants, it is not difficult to see why.

The population of the Borough is 121, 676 (2018).

1.2 Introduction

This policy details the requirements that will need to be met before any Dual or Private Hire Driver Licence, Hackney Carriage or Private Hire Vehicle Licence or Private Hire Operator licence is issued or renewed by Bracknell Forest Council.

The requirements for private hire operators and vehicles that undertake school or community service contracts issued by Bracknell Forest Council are the same as for all other private hire operators and vehicles. However drivers who only undertake work as part of such a contract will be excluded from the requirement to undertake a knowledge test. All other requirements remain in place. This alteration from the usual policy recognises that these drivers will be undertaking journeys on fixed routes. A Bracknell Forest Council private hire driver's licence only will be issued to such people and can only be used when the vehicle is undertaking such a contract.

1.3 This policy applies to the following:

Hackney Carriages: A vehicle available to transport members of the public that has no more than eight seats for passengers, which is licensed to stand or ply for hire. A hackney carriage may stand at designated taxi ranks (referred to in legislation as a "hackney carriage stand") and also on the street ("standing for hire") and/or be hailed in the street by members of the public ("plying for hire"), in both cases within their designated zones. They may also undertake pre-booked journeys.

Private Hire Vehicles: These are licensed to carry no more than eight passengers and must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.

Private Hire Operators: are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.

Hackney Carriage and Private Hire Drivers: Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.

1.4 Legislation, Byelaws, Guidance and Policy

Hackney carriage and private hire activity are governed by two principal pieces of legislation, the [Town Police Clauses Act 1847](#) and the [Local Government \(Miscellaneous Provisions\) Act 1976](#), in both cases as amended by subsequent legislation. These have been interpreted by the senior courts over the years (the High Court and the Court of Appeal, and ultimately, the Supreme Court). In addition, the Council has byelaws relating to Hackney Carriage activity. The Council will in addition have regard to guidance issued by the Department for Transport, and this policy. Each application will be considered on its own merits, taking into account all the relevant circumstances, legislation, guidance and this policy.

Once a licence has been granted, the licensee will be subject to all the above, and the conditions attached to any licence and (in the case of drivers) the [Code of Conduct](#).

A licence will not be issued until the appropriate fee is paid and cleared funds have been received by the Council.

Please Note – It is a criminal offence to carry out private hire or hackney carriage work without the valid licences. Applicants will not be able to start working whilst their application is being processed, they must wait until the licences have actually been granted (unless it is a renewal application and their existing licences are still in effect which will be detailed in the letter acknowledging receipt of the renewal application).

Equality Act 2010

The Council will comply with its duties under the [Equality Act 2010](#). In addition, licensees must comply with their duties under the relevant parts of the legislation.

Data Protection

All information provided by applicants or relating to licensees will be treated in accordance with the Council's retention and disclosure policies under the [Data Protection Act 2018](#), the [General Data Protection Regulations](#) and any other relevant legislation. The Council has a data-sharing protocol with neighbouring local authorities, the police, immigration and border service, social services and other bodies. This allows information to be shared where there is a risk to public safety or criminal activity.

More Information on how personal data will be managed by the Licensing Authority can be found at <https://publicprotectionpartnership.org.uk/about-us/privacy-statement/>

Anyone who is not satisfied with the way that their personal data is being or has been processed can contact the Information Commissioner <https://ico.org.uk/concerns/handling/> or by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

1.5 General

The purpose of licensing hackney carriages and private hire vehicles, drivers and private hire operators is to protect the public. Public protection will be the overriding consideration whenever the Council considers hackney carriage and private hire licensing matters.

Licences are only granted to people who satisfy the Council that they are fit and proper people to hold such a licence. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Council to prove that they are not.

Being a fit and proper person is not simply a question at the time of the application; it is a continuing requirement, and if at any time the conduct or behaviour of the licensee falls below the acceptable standard, action may be taken against the licence.

Holding a hackney carriage or private hire drivers, vehicle or operator licence is a privilege and a responsibility. At all times a licensee's behaviour and conduct must be of the highest standard. The Council will consider all aspects of an applicant/licensee's behaviour; not simply when they are using their licence.

Unacceptable behaviour whilst using the licence will be seen as an aggravating factor. The fact that the licence was not being used at the time will not be seen as any mitigating factor.

All licences can be suspended, revoked or not renewed.

There are rights of appeal against refusals to grant licences, conditions attached to licences, and suspensions, revocations or refusals to renew licences. Details of any right of appeal will be contained in the written notification of the Council's decision.

POLICY IN RELATION TO DUAL DRIVER AND PRIVATE HIRE DRIVER LICENCES

1.6 General

The Council issues dual or combined drivers licences. These enable a licensee to drive a hackney carriage or private hire vehicle licensed by the Council. Drivers' licences will be granted for a period of three years up to the age of 65 unless an applicant requests a licence for a one-year period. From the age of 65 on, licences will only be granted on an annual basis. **The licence fee for years two and three will be waived to bring the payment schedule in line with fee structure of those under the age of 65.**

1.7 Pre-requisites to Making an Application

It is the policy of the Council 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. Additional information about the requirements are set out in paragraph 1.8 (identity) below. Applicants will need to provide evidence that they have:

- (a) A UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for twelve months, after which it must be exchanged for a UK licence) for at least twelve months prior to application (this excludes the holding of a provisional licence).

- (b) Evidence of the right to live and work in the country.
- (c) Evidence of registration with HMRC for tax (in the case of an existing licensee), or an acknowledgement of the need to register for tax (in the case of a new applicant)
- (d) An enhanced criminal record check (DBS) with a check of the child and adult barred list.
- (e) A certificate of their current medical fitness to DVLA Group 2 standard.
- (f) That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency.
- (g) That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for (the requirements are detailed below).
- (h) That the applicant has completed safeguarding and disability awareness training.

All applicants, aside from those who are renewing their licence, will have three calendar months from the initial interview to complete the application process. After this time any incomplete application will be closed and any subsequent application will be treated as a fresh application.

NB – This time limit can be extended in exceptional circumstances, with the prior approval of the Licensing Manager.

The applicant will be given three attempts to pass each of the required tests to become a licensed driver. If they have not passed after the third attempt, no new application will be accepted for a period of three calendar months from the date of the last test. If a new application is then made after the three months, the applicant will be required to pass all the tests required by Bracknell Forest Council at the time of the new application.

An application for the renewal of a licence must be made prior to the expiry of the licence, and in sufficient time to enable it to be processed and renewed before the existing licence expires. If this is not the case, it will be treated as a new application. The licensee can apply in writing to Bracknell Forest Council to request permission for an application, made after the expiry of the licence, to be treated as a renewal application. However permission will only be granted when exceptional circumstances exist, and the application has been made within five working days of the expiry. Bracknell Forest Council will determine whether exceptional circumstances exist.

If the renewed licence has not been granted by the time the current licence expires, the person is no longer a licensed driver and cannot drive either a hackney carriage or private hire vehicle until the new licence is issued.

Or

If the renewed licence has not been granted by the time the current licence expires a short term licence which will be valid for a period of one month may be granted in order to enable the driver to continue working pending the granting of the renewed licence,. Any such short term licence must be clearly issued as being without prejudice to any subsequent decision the Council might take in relation to the renewal application.

Driving as a Private Hire or Hackney Carriage driver without a valid Private Hire or Dual Driver licence is a criminal offence.

Dual Driver Licensees will be required to comply with the current Bracknell Forest Council Hackney Carriage Byelaws in addition to the [Code of Conduct](#) detailed in this policy. A copy of these byelaws can be obtained from the Licensing Team at Bracknell Forest Council.

Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken. This may include taking action against the licence, prosecution of the applicant, reporting the matter to other enforcement agencies including the police.

1.8 Fitness and Propriety

Before Bracknell Forest Council will grant or renew a driver licence, the applicant or licensee must satisfy the following requirements:

Identity

To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

Applicants from outside the UK must provide;

- (a) a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely; or
- (b) a passport with a valid UK visa, which allows the holder to work as a private hire or hackney carriage driver (student visas will not be accepted), and which has at least six calendar months remaining at the time of application.

A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. Bracknell Forest Council reserves the right to verify, at any time, a licensee's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

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 licensee 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 seven days.

HM Revenues and Customs (HMRC) requirements

New applicants for a licence will be required to acknowledge that they have been informed that they must register for tax with Her Majesty's Revenue and Customs (HMRC), before the licence is due to be renewed. This will be affected by the applicant signing a declaration to that effect.

Existing licensees who are applying to renew their licence must ensure that they are registered with HMRC and provide the required code from the HMRC website. Full details of this will be available from the licensing office and on the [website](#).

Disclosure and Barring Service Checks (DBS)

Applicants must provide an Enhanced DBS Certificate which includes a check of the Adult and Child Barred Lists which is no more than one calendar month old at the date of submission of the certificate.

Applicant/licensees will also have to sign up to the [DBS update service](#) to enable the Council to make periodic checks. Any driver that does not sign up to this service will only be granted a licence for six months and a fresh enhanced DBS check will be required on every application for a new licence.

Certificate of Good Conduct

As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than six months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.

NB - Nothing in this policy shall preclude a licensee from being required to undergo a further DBS check at any time as directed by an officer of Bracknell Forest Council.

Previous Convictions

In relation to the consideration of previous convictions and cautions recorded against applicants and licensees, Bracknell Forest Council has adopted the policy set out in [Appendix One](#). Applicants who would like to discuss what effect a conviction or caution might have on their application, can contact the Licensing Service at:

Public Protection Partnership
Theale Library
Church Street
Theale
Berkshire RG7 5BZ

Telephone: 01635 519184

Email: Licensing@Bracknell-Forest.gov.uk

Medical Examination

Each applicant, on first application and at the intervals indicated below, must complete a medical examination by the applicants own GP (or a GP within their own practice) at the applicant's expense. The GP must certify that the applicant meets group 2 medical standards. Once a licence has been granted, medical examinations will be required at the following intervals:

Age	Frequency
On First application for a drivers licence	And thereafter from age 45
Up to and including the age of 45 years	Every 6 years
Over 45 years and up to and including the age of 64 years	Every 3 years
65 years +	Annually

A medical examination may be required at any other time, as determined by the GP or as requested by an officer of Bracknell Forest Council. In addition if an applicant or licensee has been diagnosed with type 1 diabetes requiring insulin, a medical compliance form will need to be completed and issued annually by that person's GP.

Driving Licence

Applicants must have held a full UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for twelve months, after which it must be exchanged for a UK licence) for at least twelve months prior to application (this excludes the holding of a provisional licence).

A photo card driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the Driver and Vehicle Licensing Agency (DVLA) information issued. Any prospective applicant who does not hold a photo card driving licence must obtain one before the application is made. The address on the DVLA licence must be the same as the addresses on any other paperwork submitted with the application. Bracknell Forest Council may carry out spot checks on a random basis to ascertain any changes to the status of the DVLA licence.

Practical Assessments for Licensed Drivers and Applicants

An applicant can complete the steps to this point and the Council will then assess whether a licence could be granted in relation to the driving licence and immigration checks, and whether it would be granted in relation to previous convictions. This will allow an applicant to reduce expenditure on a speculative application until such time as they have been informed that, subject to satisfactory results in the following requirements, a licence will be granted

All applicants are required to have passed a practical driving and wheelchair assessment before applying for a dual driving licence. These assessments must be passed again every six years i.e. before a second three-year driving licence will be issued.

Bracknell Forest Council approves suitable courses from time to time and applicants will be informed of the available courses at the time of application. Applicants can choose which provider they wish to use. Bracknell Forest Council will accept written evidence of passing the particular providers assessment that is not more than three months old at the date of application the current list of approved providers of these courses can be found at [practical-driving-assessment.pdf \(publicprotectionpartnership.org.uk\)](https://practical-driving-assessment.pdf(publicprotectionpartnership.org.uk))

If a licensee is subject to enforcement action in relation to their driving, more than once within a period of twelve calendar months, including road traffic convictions, they will be required to undertake the practical driving assessment within three calendar months. The licence may be suspended until such time as this test has been passed.

Details of Bracknell Forest Council's current providers will be issued on application or will be issued to a driver required to undertake the practical driving assessment as part of enforcement action.

Spoken and Written English

It is essential for public safety that all licensees are able to communicate by speaking and reading in English at an appropriate level. This is equivalent to level B1 on the Common European Framework of Reference for reading, writing, speaking and listening. Licensees must have an appropriate understanding of safety, equality and the regulatory requirements that apply to them. This helps ensure public safety and will enhance levels of customer service.

Speaking and Listening Assessment

The speaking and listening assessment consists of a 15 to 20 minute conversation that will take place at Bracknell Forest Council offices.

The assessment will be undertaken by a secure video or telephone link to our service provider, PeopleCert, and it will cost £36 when taken for the first time and £16 for a re- sit.

Please see [PeopleCert](#)'s website for more information about the test and what to expect on the day. All applicants are advised to review this information prior to sitting the test.

Reading and Writing Assessment

Bracknell Forest Council will use the Safety, equality and regulatory understanding requirement (SERU assessment) to assess applicants' reading and writing skills. The SERU assessment is based on information found in this policy, including the hackney carriage and private hire vehicle conditions, the byelaws and the [Code of Conduct](#).

The assessment will take place at Bracknell Forest Council Offices and the costs will be met by the applicant.

Knowledge of Area

All applicants are expected to have a good knowledge of Bracknell Forest and the surrounding area. They will be required to pass a test on this knowledge prior to a licence being issued. . This test must be passed again every six years i.e. before a second three-year driving licence will be issued.

This requirement does not apply in relation to applicants for private hire drivers' licences to undertake school or community contracts.

Highway Code and Relevant Legislation

All Applicants are expected to have a good knowledge of the [Highway Code](#) and the relevant provisions of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) and the [Town and Police Clauses Act 1847](#). This test must be passed again every six years i.e. before a second three-year driving licence will be issued.

Training in the Assistance of Disabled Persons

All applicants must be able to show that they have undergone training in the assistance of disabled persons, to a standard acceptable to Bracknell Forest Council. Refresher training will be required every three years/ **six years**. The Council identifies training providers (which may include the Council itself) from time to time and applicants will be informed of the available courses and any cost at the time of application. The cost of this training is currently included in the licence fee. If there is more than one provider, applicants can choose which provider they wish to use.

Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training

All new applicants for a driver licence must complete safeguarding, child sexual abuse and exploitation (CSAE) and county lines training prior to the issue of a licence. Existing drivers must complete the training prior to the next renewal of their licence. Refresher training will be required every three years/ **six years**.

1.9 Test of Fitness and Propriety

Once a valid application has been made, the Council will make a decision as to whether or not the applicant/licensee is fit and proper person to hold a dual driver or private hire driver licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the Council's standards. The test used will be:

“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Council to prove that they are not.

1.10 Code of Conduct

The Council has a [Code of Conduct](#) for taxi drivers. All drivers must adhere to this at all times. Failure to do so may lead to action being taken against the driver's licence.

1.11 The National Register of Taxi Licence Revocations and Refusals

The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3) a mechanism for licensing authorities to share details of individuals who have

had a hackney carriage or private hire driver licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Where a hackney carriage or private hire driver licence is revoked, or an application for one refused, the Council will automatically record this decision on NR3.

All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the Council will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- Name
- Date of birth
- Address and contact details
- National Insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for a hackney carriage and private hire driver licence. Further details can be found [here](#).

Information will be processed in accordance with the [Data Protection Act \(DPA\)](#) and [General Data Protection Regulation \(GDPR\)](#). Any searches, provision or receipt of information of or under NR3 are necessary for the Councils statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

1.12 Licences and Badges

Drivers are issued with two badges and an armband. One of the badges must be displayed in the armband which must be worn on the left-hand arm of the driver so it is visible to passengers in the vehicle. The other badge must be displayed within the vehicle so it is visible to passengers. Both the badges and the armband remain the property of the Council and must be returned immediately on expiry, suspension or revocation of the licence.

1.13 Equality Act 2010

Drivers must comply with the requirements of the [Equality Act 2010](#). This includes carrying assistance dogs with their passenger and providing mobility assistance to disabled and wheelchair using passengers (in the case of a listed wheelchair accessible vehicle). This does

not apply to drivers who have been granted an exemption from those requirements by the Council. Details of the exemption requirements and processes are available on the website.

In addition, all drivers at all times must ensure that they do not discriminate unlawfully against any person.

1.14 Action Against Licences

Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the licensee 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; has been convicted of an immigration offence or had to pay an immigration penalty, or any other reasonable cause.

A suspension or revocation can take immediate effect if that is necessary in the interest of public safety under section 61(2B). This will be clearly detailed in the decision notice.

1.15 Appeals

There is a right of appeal to the Magistrates' Court, and further right of appeal to the Crown Court in relation to any refusal to grant or renew a driver's licence, or suspension or revocation of a drivers licence. Full details about how to appeal will be contained in any decision notice.

POLICY IN RELATION TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES

1.16 Single Licences

Applications will not be accepted if the vehicle is already licensed by any other licensing authority (council or Transport for London).

1.17 Character of the Applicant/Proprietor

In addition to the vehicle itself, the Council will take the character of the applicant or existing proprietor into account when determining an application for the grant or renewal of a hackney carriage or private hire vehicle licence. Applicants for the grant or renewal of a vehicle licence must produce a basic DBS certificate which is not more than one month old, and provide details of all convictions (spent and live), cautions, fixed penalty notices, parking fines, Anti-Social Behaviour Orders, Community Protection Notices, injunctions, restraining orders and any other matter affecting their character on the application form and statutory declaration. This requirement does not apply if the applicant already holds a drivers licence issued by Bracknell Forest Council.

The Council will then use the following test to determine whether the applicant/licensee is a suitable person to hold a vehicle licence:

“Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”

This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Council to prove that they are not.

1.18 General

A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted.

If the application is not made in time to enable the vehicle test to be undertaken and all relevant processes to be completed before the expiry of the current vehicle licence, there will be a period of time during which the vehicle will be unlicensed and cannot be used as a hackney carriage or private hire vehicle. If the application is not made before the expiry of the current licence, but is made within five working days after expiry, the licence will only be renewed in exceptional circumstances. Using a vehicle, as a private hire vehicle or hackney carriage, when it does not have a valid Private Hire Vehicle or Hackney Carriage Proprietors Licence is a criminal offence.

Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken. This may include taking action against the licence, prosecution of the applicant, reporting the matter to other enforcement agencies including the police.

It should be noted that once a licence has been granted, that licence relates to that particular vehicle. The licence and the vehicle must be owned by the same person, and cannot be separated. In this context, "ownership" includes leasing a vehicle from a leasing company, but not from an individual or any former or current licensee. Evidence of such ownership will be required to accompany the application and on every renewal.

If a licensee wishes to change their vehicle during the currency of the licence, the existing licence must be surrendered and a new application made for the replacement vehicle.

A licensee can transfer the licence to another person during the currency of the licence, and the Council will acknowledge that transfer and register the new licensee. The character of the new licensee will be considered when application is made to renew the licence, and may be considered before that time. If the Council is not satisfied that the new licensee is a fit and proper person the licence will not be renewed or, in the case of an earlier review, action will be taken against that licence.

In order for an application to be considered the applicant must submit the following to the licensing authority:

- The completed vehicle licence application form.
- Application Fee.

As the vehicle cannot be separated from the licence, the vehicle must be owned or leased by the licensee. Proof of ownership of the vehicle must include:

- The original of the Vehicle Registration Document (Log Book/V5), certificate of registration for the vehicle (the new keeper's supplement section of the V5 document)

will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the Council at the time of application).

- Receipt for the purchase of the vehicle, or documentary evidence of any leasing arrangement with a vehicle leasing company must also be provided where the applicant does not own the vehicle. Any lease must be from a commercial leasing company, and leasing arrangements from individuals will not be accepted.
- The original insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for use as a Hackney Carriage or as a Private Hire vehicle (as appropriate).
- Confirmation from the Council appointed garages that the vehicle has passed the Council test and vehicle examination requirements.
- Current MOT Certificate.

1.19 Vehicle Type and Design

All vehicles which are the subject of a licence application must have an appropriate 'type approval' which is one of the following:

- European Whole Vehicle Type Approval;
- British National Type Approval;
- Provisional GB Type Approval;
- GB Type Approval or
- Individual Vehicle Approval.

All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to eight passengers not including the driver; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Where a vehicle has been altered, adapted or modified ONLY Type Approval Certificates granted after alteration, adaptation or modification will be accepted.

With the exception of vehicles modified to carry wheelchairs, vehicles which have been modified in any way from the manufacturer's standard construction will not be considered suitable for licensing purposes. Exceptions may be made depending upon the nature of the modification.

Any vehicle which resembles a hackney carriage licensed by the Council will not be considered for licensing as a private hire vehicle.

1.20 Vehicle Standards

No vehicle will be licensed unless it:

- i. has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a Bracknell Forest Council nominated garage.
- ii. has provision for every passenger to wear a seat belt. A sign must be displayed inside the vehicle requiring seat belts to be worn.

The Council licences three different types of vehicle:

- Wheelchair Accessible Vehicles (WAV);
- those which are not; and
- stretched limousines.

In respect of all vehicles, there must be a minimum seating capacity for one adult passenger, and vehicles that seek more passengers must provide a width of at least 410mm per person across any seat which accommodates more than one person.

There must be adequate legroom in front of any passenger seat and adequate headroom above any passenger seat. Adequate means that a six foot tall person can sit comfortably.

The Council does not maintain a list of acceptable vehicles but it is recommended that prior to purchasing any such vehicle, advice be sought from the Licensing Team.

All licensed vehicles (except for private hire vehicles which are granted a dispensation or exemption from displaying signage (details in paragraph 1.28 (Dispensation /Exemption Certificates) below) 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.

Where vehicles which are currently licensed have factory tinted/privacy glass fitted and are able to provide documentary evidence that this was fitted at the time of manufacturing and has not been replaced since, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

No aftermarket tinted film can be attached to the windows of any licensed vehicle.

Any vehicles that have been involved in an accident, which have required repair, may have to pass a further inspection at one of our nominated testing stations.

1.21 Vehicle Standards

The term “stretched limousine” in this policy will be taken to mean any vehicle that has been modified after manufacture with an additional body section.

Where any screen is fitted between the driver and the rear passenger compartment, passengers must be able to communicate with the driver at all times by means of an intercom system or suitable holes in the screen.

The seating in the vehicle must all face either forwards or backwards and a vehicle will not be licensed if any sideways facing seats remain.

Insurance

Before a vehicle licence will be issued, evidence of comprehensive insurance for either hackney carriage or private hire use (as appropriate) must be produced; this must be in the form of original documents, photocopies will not be accepted.

Age

Vehicles up to five years old from the first date of registration or which have travelled less than 25,000 miles since that date will be subject to an inspection before grant or renewal, and at six months or 25,000 miles whichever occurs first after the date of grant or renewal at one of Bracknell Forest Council's nominated testing stations. Where vehicles are five years or older from the date of first registration or which have travelled more than 25,000 miles since that date, they will be subject to an inspection before grant or renewal and then at four monthly or 15,000 mile intervals for the duration of the licence. If an inspection is not carried out in the month that it is due, the licence will be suspended until such a test has been passed.

All vehicles must meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.

This requirement can be waived in respect of specialist vehicles which have been modified or adapted to undertake particular local education authority contracts.

All applications for grant or renewal of vehicle licences must be accompanied by documentary evidence that the vehicle has been regularly serviced and maintained in line with the manufacturer's servicing schedule.

In addition, all vehicles must meet the following minimum standards:

Exterior of vehicle

The exterior paintwork on the vehicle must not:

- i. show signs of rusting;
- ii. be faded or show signs of mismatched paint repairs;
- iii. have five or more stone chips greater than 2mm in length in any direction;
- iv. have eight or more stone chips of any size;
- v. have any scratches, cracks or abrasions where the top layer of paint has been removed.

The exterior bodywork of the vehicle must not:

- i. have two or more dents greater than 10mm in length in any direction;
- ii. have four or more dents less than 10mm in length in any direction;
- ii. have fittings that are missing, broken or damaged.

The vehicle must not have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.

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.

The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

Interior of vehicle

The seating and carpet areas of the vehicle must not show signs of:

- i. staining;
- ii. damp;
- iii. fraying or ripping of the material;
- iv. seat covers that are loose or badly fitted.

The seats must provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.

Interior panels and fittings within the vehicle must not be damaged nor show excessive wear, or staining.

The interior of the vehicle must not have damp or other obnoxious smells.

The emissions limits detailed above do not apply to stretched limousines, vintage cars or novelty vehicles (for example a fire engine), which have been adapted to become private hire or hackney carriage vehicles.

Taximeters

All hackney carriages must be fitted with a taximeter approved by Bracknell Forest Council. The Council will specify approved taximeters from time to time and details will be available on the website.

The taximeter must be set to a rate not exceeding that specified in the council table of fares.

The taximeter must be used for all journeys charged by time and/or distance, and it is recommended that it is activated for all journeys within the district where a fixed fee has been agreed to avoid any risk of overcharging by the driver.

Private hire vehicles may be fitted with a taximeter (at the discretion of the vehicle proprietor). Any such metre must be approved by Bracknell Forest Council in accordance with the above requirement for hackney carriages.

Advertising

Advertising on the outside of any licensed vehicle is restricted to the name and telephone number of the owner or operator of the Hackney Carriage/Private Hire Vehicle, such advertisements must not exceed 50cm x 25cm and can only be affixed to the front and rear passenger doors, the boot, and the bonnet. Applications for departures from this limitation can be made in writing to Bracknell Forest Council's Licensing Team.

In addition, wheelchair accessible hackney carriages and private hire vehicles may carry all over "wrap" type advertising. This must be approved, in writing, by Bracknell Forest Council before the advertising is applied and any advertising must be in accordance with the specified advertising criteria to be agreed.

Any advertisements on any vehicles must be legal and comply with the [advertising standards agency code of practice](#).

1.22 Temporary Replacement Vehicle

If a licensed hackney carriage or private vehicle has been involved in an accident or is otherwise incapacitated, an application can be made for a replacement vehicle to be licensed on a temporary basis. The existing vehicle licence will be suspended and the replacement vehicle will be granted the same licence number. The temporary period will be determined by the Council when the application is made and will be based upon the estimated time for the repair of the original vehicle. No temporary licence will be granted for a period exceeding three months. Any replacement vehicle must meet the Council's specification for hackney carriage or private hire vehicles and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.

1.23 Disabled Access

Vehicle Standards

Hackney carriage licence/plates have been granted to non - wheelchair accessible vehicles (suitable saloon, estate car or multipurpose vehicle). Provided those licences remain in force, similar vehicles will be licensed. However, if the vehicle licence lapses the acquired rights will be lost and a new application for wheelchair accessible vehicle will have to be made.

It is therefore essential that licensees ensure that complete renewal applications are made before the expiry of the current vehicle licence.

Wheelchair accessible private hire vehicles must also comply with the following specification in addition to those detailed above;

- i. Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- ii. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.
- iii. The clear height of the doorway must be not less than 1.2 metres.
- iv. Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.
- v. The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
 - a) be not more than 380mm from the ground, (measured at the centre of the tread width);

- b) the surface shall be covered in a slip-resistant material;
- c) have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements:

- i. not be more than 380mm in height from the ground, (measured at the centre of the step width);
- ii. not be less than 250mm deep;
- iii. the surface shall be covered in a slip-resistant material;
- iv. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- v. not be capable of operation whilst the vehicle is in motion;
- vi. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
- vii. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.

The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.

Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.

A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

1.24 Vehicle Type Approval

All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, re-tested 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 vehicles 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.

1.25 Access for wheelchair users to Taxis and Private Hire Vehicles

See Guidance at: [Wheelchair access in taxis and private hire vehicles - GOV.UK](https://www.gov.uk/guidance/wheelchair-access-in-taxis-and-private-hire-vehicles)

1.26 Roof Signs

No roof sign can be fitted to, attached, displayed or used on any private hire vehicle.

A single roof sign must be fitted to each hackney carriage and meet the following conditions and specification:

- The roof sign must be connected to the taximeter to allow it to be automatically controlled.
- The roof sign must be lit when the taximeter is not active and not lit when the taximeter is in use.
- Roof signs must be kept clean and in good repair and at all times be securely mounted on the vehicle roof, with the main face showing the Council logo facing forward. The sign is to be positioned forward of the pillar between the front and rear doors (the B post), wherever possible. Vehicles with glass or fibreglass roofs or similar must attach the sign at the foremost point on the roof, where suitable magnetic adhesion is possible.

The proprietor must provide a roof sign to the following specification (unless the vehicle is a London Cab or other similar vehicle which was manufactured as a taxi and produced with a built in sign):

- The roof sign must have dimensions of 60.5cms long, 17.5cms wide at the middle point, 11cms high at the rear middle point and 3cms high at the front middle point. These dimensions do not include any raised lip or edging. Reference should also be made to any illustrative art work, or model signs, which can be provided by the Licensing Team if required.
- The roof sign must be white in background colour. When lit, the sign must show red to the rear but not red to the front and sides.
- The front face of the roof sign must show the words "TAXI LICENSED BY" followed by the Bracknell Forest Council Corporate Logo.
- The licence number must be shown, within a circle, on both sides of this wording.
- TAXI must be in capitals, in Arial font and approximately 65mm in height. The circles must be approximately 135mm in diameter and have the number cut out, 45mm high in Arial font.
- The near side of the sign must show a wheelchair logo in white on a blue background. The wheelchair logo must be in reflex blue. The logo must be 100mm square. The words and the circles must be in the green Pantone code 371.
- Vehicles with raised roofs which are licensed as wheelchair accessible taxis must have a roof sign of the same dimensions and design.
- The rear face of the roof sign on all vehicles must show the licence number (once only) to the same specifications as on the front.
- The number may be positioned anywhere on the rear face at the discretion of the licensee. The licensee may use the remaining space for a name and/or telephone number which can include the word "TAXI". This text does not have to be green, (although the number does).

All inappropriate or unauthorised signage will be required to be removed.

It may be necessary for some wheelchair accessible taxis to display the sign on the front bulkhead of the vehicle due to height restrictions. Other than this variation, there can be no other variations from the specification.

In the event of the Council's Licensing Officers not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will have been breached and the proprietor requested to remedy the defect. The licensee of the vehicle may then be subject to a penalty within the [Penalty Points Scheme](#) and if not suitably rectified may have the sanction of law imposed.

Vehicles which are purchased as custom constructed taxis that have a sign provided by the manufacturer, which is not a sign fitted into the fabric of the vehicle, must comply with the above specification.

1.27 Roof Racks

If required to carry additional luggage, a roof rack or roof box can be used. It must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.

In the case of a hackney carriage, a second roof sign must be fitted to enable the roof signs to be seen. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box).

Trailers cannot be used with any licensed hackney carriage or private hire vehicle.

1.28 Dispensation /Exemption Certificates

There are two different circumstances in which the Council will consider granting an exemption from the requirement for a private hire vehicle to display the plates and additional signage (which will also remove the need for the driver to be wearing their badge). If an exemption certificate is granted, the vehicle cannot be used for regular private hire work: it can only be used under these specified contracts.

School Contracts

Vehicles that are used exclusively to transport passengers under a contract entered into with a local education authority may be granted an exemption. This is in recognition of the fact that so far as is possible, children who are transported by such vehicles should not be identified or stigmatised. An operator will need to demonstrate the existence of one or more contracts with education authorities or other educational establishments, and where the operator does not own the vehicle, will also have to demonstrate a contract with the vehicle owner. All such contracts must specify which vehicles will be used to discharge those contracts. The other requirements pertaining to vehicles will still however need to be met.

Executive Hire

This term is used in relation to vehicles that are used exclusively for contracts made between an operator and other businesses (excluding sub-contracting private hire bookings). This type of

activity includes chauffeur services. An operator will need to demonstrate the existence of one or more contracts with identified businesses. To qualify for the exemption, any such contract must be for a minimum period of three months.

The operator can hold more than one contract, but where that is the case the operator must explain how those contracts will be serviced with the specified vehicle and where the operator does not own the vehicle, will also have to demonstrate a contract with the vehicle owner. All such contracts must specify which vehicles will be used to discharge those contracts. It is not possible to specify the makes and models of vehicles that will be considered for an executive hire exemption, but in general they must be luxury vehicles that provide significant amounts of space and comfort for passengers. Examples would include vehicles made by Rolls-Royce, Bentley, and vehicles of a similar nature to Mercedes S class, BMW 7 series, Jaguar XF and Range Rover.

An application for an exemption in either category must be made in writing on the form provided by the Council. There is no right of appeal against a refusal to grant an exemption certificate.

If an exemption certificate is granted, a notice will be issued by the Council which must be carried in the glove compartment of the vehicle at all times. In addition, the vehicle plate must be fixed inside the boot lid/tailgate in such a way that it can be examined by an authorised officer of the Council or a police officer.

The identification cards provided by Bracknell Forest Council, must be displayed in the front and rear windscreen of the vehicle.

Any exemption certificate that is issued will only last for the duration of the vehicle licence and a further exemption certificate will be required when the licence is renewed. Bracknell Forest Council must be issued with records relating to the contracted work undertaken by that particular vehicle when a renewal application is submitted.

1.29 Novelty Vehicles

The Council will consider applications for private hire vehicle licences for “novelty vehicles”. These are vehicles other than regular saloon, estate, people carrier or SUV (sport utility vehicles) and may include vintage or classic cars, fire engines, military vehicles, but this is not an exhaustive list.

Any such vehicle must have passenger seats and seat belts for each seat unless these were not fitted at the time of manufacture.

All other requirements will apply, and the vehicles will be subject to six monthly tests.

POLICY IN RELATION TO PRIVATE HIRE OPERATOR LICENCES

1.30 General

A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately.

Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current operator’s licence,

there will be a period of time during which the operator will be unlicensed and cannot make a provision for the invitation of bookings for private hire vehicle. If the application is not made before the expiry of the current licence, but is made within five working days after the expiry, the licence will only be renewed in exceptional circumstances.

Operating Private Hire Drivers and Vehicles without a valid licence is a criminal offence.

Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken.

1.31 Operator's Base

An operator's licence relates to one or more addresses (bases) within the Bracknell Forest Council area. Every address that is being used must be detailed on the licence, and if a licence does not relate to the address or addresses being used, that licence is void. Continued use of that licence will be a criminal offence.

An operator who has more than one operating office or base within Bracknell Forest does not require a separate licence for each premises, but must submit a list to Bracknell Forest Council containing all the addresses from which they run their business. An updated list must be sent to the Council whenever any of those addresses change.

Planning permission or a Certificate of Lawful Use for the use or change of use of premises, whether home or commercial is not required before an application can be made for an operator's licence. However it may be unlawful to use those premises as an operator's base and advice, should be sought from Bracknell Forest Council's Development Control Service if required.

Anyone who is making a provision for the invitation of bookings (evidenced by a private hire office or base) in more than one local authority area will be required to hold an operator's licence with the local authority in each of those areas.

1.32 Fitness and Propriety

Before Bracknell Forest Council will grant or renew an operator licence, the applicant or licensee must satisfy the following requirements.

Identity

To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

Applicants from outside the UK must provide:

- a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely; or
- a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.

A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. Bracknell

Forest Council reserves the right to verify, at any time, a Licensee's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

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 and/or work in the UK, the licence will cannot be granted for longer than the period of permission to remain and/or work. Bracknell Forest Council, may grant a licence for a shorter period. The licence may be extended should the applicant's right to remain and/or work 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 licensee 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 seven days.

1.33 Disclosure and Barring Service Checks (DBS)

An applicant must provide a basic DBS check which is no more than one calendar month old at the time of application. In addition, the Council will require an applicant to complete an application form/statutory declaration listing all criminal convictions (including spent convictions, and other non-criminal matters) to enable the Council to consider the applicant's fitness and propriety.

Licensees must provide a basic DBS which is not more than 30 days old on or before each anniversary of the grant of the licence. Failure to do so will lead to the licence being suspended.

Where an application is made by a partnership, limited liability partnership or limited company, the same requirements apply to all partners, directors and secretary (if any).

This requirement will not apply to any applicant who already holds a drivers licence with this Council

Where a licence is held by a partnership, limited liability partnership or limited company, the Council must be notified within one week of any change of partners, directors or secretary. In those circumstances a basic DBS not more than one calendar month old must be provided with that notification.

Operators must maintain and apply a previous convictions policy in the same terms as the one contained within this policy for all staff that they use. This includes obtaining and providing a basic DBS certificate not more than one month old at the point of first engagement by the operator and

a requirement in the contract of employment/service to notify the operator of any subsequent arrest, charge or conviction within seven days of the event. This applies to all employees, workers and independent contractors. The operator must not engage the services of any person whose previous convictions or other matters lie outside that policy without the prior written authorisation of the Council.

1.34 Certificate of Good Conduct

As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than six months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.

NB - Nothing in this policy shall preclude a licensee from being required to undergo a further DBS check at any time as directed by an officer of Bracknell Forest Council.

1.35 Previous Convictions

In relation to the consideration of previous convictions and cautions recorded against applicants and licensees, Bracknell Forest Council has adopted the policy set out in [Appendix One](#). Applicants who would like to discuss what effect a conviction or caution might have on their application, can contact the Licensing Team at:

Theale Library
Church Street
Theale
Berkshire RG7 5BZ

Telephone: 01635 519184

Email: Licensing@Bracknell-Forest.gov.uk

1.36 Test of Fitness and Propriety

Once a valid application has been made, the Council will make a decision as to whether or not the applicant/licensee is a fit and proper person to hold a private hire operator's licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the Council's standards. The test used will be:

“Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Council to prove that they are not.

1.37 Drivers and Vehicles

The operator must ensure that any private hire driver or private hire vehicle operated, employed or used by them holds a current private hire driver or vehicle licence issued by Bracknell Forest Council. The operator must hold the licence for the duration of the time that the driver or vehicle is being operated by that operator.

1.38 Enforcement and Appeals

This policy will be considered in conjunction with the Council's Enforcement Policy. The Council will ensure that all licensees comply with the law and conditions attached to their licences.

1.39 Enforcement Options

Bracknell Forest Council aims to maintain a consistent approach when making all decisions in relation to Hackney Carriage and Private Hire licensing. In order to maintain a consistent approach, this policy is always considered, in addition to the Council's Enforcement Policy, and followed where appropriate. In reaching any decision Bracknell Forest Council will also have regard to the following:

- i. the seriousness of any offences;
- ii. the licensee's past history;
- iii. the consequences of non-compliance;
- iv. likely effectiveness of the various enforcement options;
- v. danger to the public.

Once Bracknell Forest Council has considered all the evidence and relevant information, the following options will be considered:

- i. take no action;
- ii. impose penalty points on the licence (see [Appendix Two](#));
- iii. suspend the licence;
- iv. revoke the licence;
- v. prosecute.

1.40 Appeals

If a licence application or renewal is refused or enforcement action is taken, the applicant or licensee will be informed in writing. That notification will detail the rights of appeal and the appropriate court in which an appeal should be brought.

Hackney Carriage and Private Hire Licensing Convictions Policy

(Adopted October 2019)

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 or not an applicant or an existing licensee 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.

2. General Policy

- 2.1. Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998).]

3. Powers

- 3.1. The [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#) excludes applicants or holders of a private hire vehicle or hackney carriage driver's licence from the provisions of the Rehabilitation of Offenders Act 1974. This means that the Council can take account of all convictions, whether spent or not. Therefore the Council will have regard to all relevant convictions. As detailed below, this will be particularly important where there is a long history of offending or a recent pattern of repeat offending.
- 3.2. 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.

4. Consideration of Disclosed Criminal History

- 4.1. Applicants can discuss what effect their offending history may have on any application by contacting the Licensing Team in confidence for advice.
- 4.2. Applicants for the grant or renewal of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). This must include a check of the adult and child barred lists. Drivers will then be required to sign up to the DBS update service. If a driver refuses to sign up to the update service, a drivers licence will only be granted for six months and a fresh application (together with fees etc) will have to be made.
- 4.3. Applicants for the grant of hackney carriage or private hire vehicle licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate to accompany every application and renewal of the vehicle licence.
- 4.4. Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate annually throughout the currency of the licence.

- 4.5. The Council 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 Council or other licensing authorities, and information disclosed by the police.
- 4.6. It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly when 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 application will normally be refused, and if the licence has been granted it will normally be revoked.
- 4.7. The sole purpose of hackney carriage and private hire licensing is to protect the public. That is the only consideration the Council can take into account when determining an application for a licence or whether to take action against an existing licence (suspend, revoke or refuse to renew).
- 4.8. Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.9. The purpose of this policy is to lay down guidelines as to what Bracknell Forest Council regards as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the Council in determining whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.
- 4.10. Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see [Local Government \(Miscellaneous Provisions\) Act 1976](#)¹ ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.11. There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.12. “Fit and proper” means that the individual (or in the case of a private hire operator’s licence or vehicle proprietors licence, the limited company together with its directors and secretary, or all members of a partnership¹) is “safe and suitable” to hold the licence.
- 4.13. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

¹ Section 57(1) and 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.14. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction². Fixed penalties and community resolutions will also be considered in the same way as a conviction³.
- 4.15. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.16. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Council to decide what action to take in the light of these guidelines.
- 4.17. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.18. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.19. As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.20. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.21. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

² This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

³ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

- 4.22. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.23. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.24. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.25. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.26. Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the Council will take that conviction into account and use this policy as an indication of the approach that should be taken.
- 4.27. This policy does not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

5. Drivers

- 5.1. As the Council issues dual licences (permitting the licensee to drive either a hackney carriage or private hire vehicle, referred to as a taxi driver's licence) and the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 5.2. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 5.3. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 5.4. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed, or completion of any disqualification from driving) before a licence will be granted.

6. Crimes Resulting in Death

- 6.1. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

7. Exploitation

- 7.1. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

8. Offences Involving Violence

- 8.1. Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.

9. Possession of a Weapon

- 9.1. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

10. Sex and Indecency Offences

- 10.1. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 10.2. In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

11. Dishonesty

- 11.1. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

12. Drugs

- 12.1. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.
- 12.2. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have

to undergo drugs testing at the time of application and every subsequent renewal at their own expense to demonstrate that they are not using controlled drugs.

13. Discrimination

- 13.1. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

14. Motoring convictions

- 14.1. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.
- 14.2. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

15. Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 15.1. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 15.2. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

16. Other Motoring Offences

- 16.1. A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has seven or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.
- 16.2. A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

17. Hackney Carriage and Private Hire Offences

17.1. Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

18. Vehicle Use Offences

18.1. Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

19. Private Hire Operators

19.1. A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

19.2. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

19.3. Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council’s overall criteria, that will lead to the operator’s licence being revoked.

19.4. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

20. Vehicle Proprietors

20.1. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

20.2. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

20.3. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

21. Licences Issued by Other Licensing Authorities

- 21.1. Applicants who hold a licence with another Council should not automatically assume that their application will be granted by this Council. 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 may not bar an applicant permanently from becoming licensed. However as public safety is the sole consideration, applicants with criminal convictions must recognise that the Council will give careful and serious consideration to any such application. In truly exceptional circumstances there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.
- 22.2. It is the view of the Council that any person who has criminal convictions and therefore has to wait before an application is successful is more likely to value their licence and act accordingly.

Penalty Points Scheme

1. Penalty Points Scheme

- 1.1. Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the [Town Police Clauses Act 1847](#), [Local Government \(Miscellaneous Provisions\) Act 1976](#), Council Byelaws (in respect of hackney carriages) and the Policy and Conditions set by the Council.
- 1.2. The primary objective of the Penalty Points Scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
- 1.3. The Penalty Points Scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other actions.
- 1.4. The Scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach those conditions of licence, and following complaints from the public.
- 1.5. Licensees involved will be asked to attend the offices for an interview. Once investigations are completed, letters will be sent out detailing the outcome and a permanent record will be kept on the person's file. The outcome of investigations may result in officers determining that:
 - (a) no further action be taken;
 - (b) penalty points be imposed;
 - (c) a formal warning be issued,
 - (d) the licensee be referred to the Licensing Committee/Officers and/or prosecution.
- 1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to a senior officer. At that hearing the officer can remove the penalty points, uphold the penalty points, increase the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution. Drivers must appeal any points issued by Officers to the senior officer within 21 days of receipt of the written notification of the imposition of penalty points. Details of the appeal mechanism will be contained in the written notification.
- 1.7. Penalty points remain live or current for twelve months from the date the penalty points were imposed. If the decision was appealed to the Licensing Committee/senior officer, and the committee/senior officer uphold an imposition of points, those points will remain live for twelve months from the date of the committee/senior officer decision. The twelve month period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

- 1.8. Where a licensee accumulates more than twelve penalty points in any twelve month period, the matter will be referred to the Licensing Committee/senior officer for the committee/officer to decide whether the driver remains a fit and proper person. The Licensing Committee/senior officer may then suspend or revoke a licence, or issue a warning to the licensee, depending upon the circumstances. Periods of suspension of a licence by a committee/senior officer will be dependent on the nature of the breaches of the legislation/conditions/behaviour and the compliance history of the individual. Suspension periods will normally vary between seven and thirty one days.
- 1.9. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and conditions.
- 1.10. If points are issued to a proprietor/driver for a matter which is also a criminal offence which the Council could prosecute for, e.g. not wearing a driver's badge, failure to maintain operator's records, those person(s) will not then be the subject of a prosecution by the Council.

2. List of Offences/Breach of Vehicle Licence Conditions/Byelaws

Condition Number	Offence	Code	Points
TBC once text finalised	Failure to supply interim MOT test when vehicle is over six/twelve years of age	V1	4
	Failure to have or maintain illuminated markings at entrances and exits	V2	2
	Failure to have/maintain grab handles	V3	2
	Failure to have a means of loading wheelchairs into the vehicle, available at all times.	V4	2
	Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority	V5	4
	Failure to keep a wheelchair access vehicle available without modification at all times	V6	2
	Failure to provide an annual LPG safety compliance Certificate	V7	4
	Failure to maintain seat belts in a safe condition	V8	4
	Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	V9	4
	Failure to display approved roof sign	V10	2
	Failure to maintain roof sign in working order	V11	2
	Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.	V12	2

Condition Number	Offence	Code	Points
	Failure to display front door signs.	V13	4
	Displaying incorrect signs i.e. wrong wording or magnetic	V14	4
	Displaying other sign on front door	V15	4
	Private hire vehicles advertising incorrectly	V16	4
	Display sign that does not comply	V17	4
	Display web site address large lettering than permitted	V18	4
	Failure to display three or more “no smoking” signs in the vehicle	V19	4
	Private hire displaying the word taxi	V20	4
	Incorrectly displaying licence plate	V21	4
	Failure to return plate on expiry of licence if requested to do so by Licensing Staff	V22	4
	Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	V23	2
	Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	V24	2
	Advertising on vehicle without written authorisation from the Licensing Authority	V25	4
	Failure to submit taximeter for testing when requested to do so by Licensing Authority	V26	2
	Tampering or allowing an unauthorised person to tamper with taximeter	V27	4
	Failure to display a statement of fares inside the HC	V28	2
	Wilfully or neglectfully causing letters or figures in the statement to be obscured	V29	2
	Failure to deposit copy of statement of fares which differ from the approved fares	V30	2
	Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	V31	2
	Failure to supply steering geometry and alignment reports following an accident if required	V32	2
	Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks	V33	2
	Failure to have insurance for the licensed vehicle	V34	12
	Failure to provide evidence of insurance prior to expiry	V35	6

Condition Number	Offence	Code	Points
	Failure to keep copy of insurance/cover note in the vehicle	V36	2
	Failure to notify Licensing Authority of change of insurer or particulars within two working days.	V37	2
	Failure to produce details to the Licensing Authority of drivers permitted to drive	V38	2
	Failure to notify change of drivers	V39	2
	Failure to notify Licensing Authority of change of address or other contact details	V40	2
	Failure to carry a suitably marked approved fire extinguisher within the vehicle	V41	2
	Failure to carry marked first aid equipment as specified in conditions	V42	2
	Failure to obtain written permission to use trailers on Licensed vehicles	V43	12
	Failure to present vehicle and trailer for inspection	V44	4
	Using a dual driver without the appropriate DVLA category code to tow a trailer	V45	6
	Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	V46	2
	Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence	V47	2
	Failure to maintain a reasonable standard of behaviour	V48	2
	Failure to provide information requested by an authorised officer	V49	4
	Failure to provide assistance to an authorised officer	V50	4
	Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (1 st instance)	V51	6
	Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (2 nd instance)	V52	12
	Failure to show evidence of continuous MOT, interim MOT or insurance.	V53	12
	Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	V54	4
	Failure to have three CCTV signs	V55	2
	Failure to check CCTV weekly	V56	2
	Disconnecting CCTV system	V57	4
	Obstructing CCTV Camera	V58	2

Condition Number	Offence	Code	Points
	Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	V59	12

3. Breaches of Dual Driver Licence Code of Conduct

Condition Number	Offence	Code	Points
TBC once text finalised	Driver not clean and respectable in their dress	D1	2
	Driver not complying with the Dual Drivers Dress Code	D2	2
	Driver not behaving in a civil and orderly manner	D3	3
	Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	D4	2
	Driver smoking/vaping/similar whilst in the vehicle	D5	4
	PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking	D6	3
	Driver of PH vehicle plying for hire	D7	4
	Driver calling out or influencing person to travel in their vehicle for gain without a prior appointment	D8	3
	Failure to have in possession drivers badge whilst driving a licensed vehicle	D9	2
	Not displaying second badge in the vehicle which is visible to passengers being conveyed in the vehicle	D10	2
	Failure to surrender drivers badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	D11	2
	Failure to supply annual self-declaration and fee (1 st Occasion)	D12	6
	Failure to supply annual self-declaration and fee (2 nd occasion)	D13	12
	Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	D14	2
	Failure of driver to check vehicle proprietor has insurance on the vehicle	D15	2
	Driver carrying greater number of persons than the number specified on the licence	D16	12
	Carrying other persons in the vehicle without the consent of the hirer	D17	2

Condition Number	Offence	Code	Points
	Carrying a member of family/friend in a licensed vehicle when it is for hire/hired	D18	2
	Failing to carry or ensure safety of passenger luggage	D19	4
	Failing to offer reasonable assistance with luggage	D20	2
	Failing to take steps to ensure passenger safety	D21	6
	Failing to ensure passengers are dropped off safely, at the correct destination	D22	2
	Failing to search vehicle after journey	D23	2
	Failing to hand found property to the police	D24	2
	Failing to operate taxi meter correctly	D25	4
	Failing to use taximeter on pre-booked journey or fail to charge fee less than meter fee	D26	2
	Charging more than the metered fare	D27	4
	Tampering or allowing tampering of a taximeter	D28	4
	Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D29	2
	Demanding more than the previously agreed fare	D30	4
	Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet	D31	4
	Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	D32	4
	Failure to notify proprietor of complaints made by the passengers	D33	2
	Failure to notify passengers of their right to refer their complaint to the Licensing Authority	D34	2
	Failure to attend at appointed time or place without sufficient cause	D35	2
	Unnecessarily prolonging journey in distance or time	D36	4
	Failure to provide copy of dual drivers licence to operator	D37	2
	Failure to ensure insurance cover for driver to drive vehicle	D38	4
	Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	D39	2
	Failure to notify Licensing Authority of change of address/telephone number within 7 days	D40	4

Condition Number	Offence	Code	Points
	Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence	D41	12
	Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence	D42	6
	Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	D43	12
	Failure to notify Licensing Authority in writing within 7 days of serious injury or illness	D44	12
	Failure to notify the Licensing Authority of a DVLA notifiable condition	D45	12
	Failure to carry assistance dog without exemption	D46	4
	Making additional charge for carrying assistance dog	D47	4
	Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	D48	4
	Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	D49	2
	Failure to keep vehicle reasonably clean	D50	2
	Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so	D51	4
	Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D52	2
	Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	D53	4
	Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	D54	2
	Failure to comply the regulations governing the wearing of seat belts	D55	4

4. Breaches of Operator Licence Conditions – Private Hire

Condition Number	Offence	Code	Points
TBC once text finalised	Operating more vehicles than stated on licence	O1	2
	Failure to obtain and maintain insurance on vehicle	O2	12
	Failure to produce evidence of insurance cover to the Licensing Authority	O3	6
	Fail to provide valid insurance on expiry for any premises where the public have access	O4	6
	Failure to notify the Licensing Authority of change of insurer within 2 days	O5	2
	Failure to provide evidence of public liability insurance for premises	O6	2
	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	O7	2
	Failure to provide a prompt, efficient or reliable service	O8	2
	Failure to attend a booking at appointed time or place without sufficient cause	O9	2
	Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	O10	12
	Failure to have necessary documents and equipment	O11	2
	Operating the business from a premises outside the District	O12	12
	Failure to keep booking or waiting areas which the public have access to, clean, adequately heated, ventilated and lit	O13	2
	Failure to provide seating facilities in waiting areas	O14	2
	Failure to have in place planning permission if required at operators address	O15	2
	Failure to comply with planning permission or licence conditions for number of vehicles permitted	O15	2
	Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence	O16	4
	Failure to notify Licensing Authority of change of address	O17	2
	Failure to notify the Licensing Authority within seven days of any convictions imposed on them, during the period of the licence	O18	6

Condition Number	Offence	Code	Points
	Failure to keep proper records for a period of not less than six months	O19	3
	Failure to keep proper records	O20	2
	Failure to keep entries correctly	O21	2
	Failure to notify details of security arrangements	O22	2
	Failure to keep records of private hire vehicles operated	O23	2
	Displaying the word Taxi or Cab on a private hire vehicle	O24	2
	Failure to keep records of all drivers employed or failure to produce details of the drivers	O25	2
	Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator	O26	2
	Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	O27	2
	Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	O28	2
	Using unlicensed drivers to drive a Licensing Authority licensed vehicle	O29	12
	Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	O30	2
	Late to provide evidence of insurance or interim MOT (1st Occasion)	O31	6
	Late to provide evidence of insurance or interim MOT (2nd Occasion)	O32	12
	Failure to carry out or provide the required DBS checks on dispatch staff	O33	12
	Failure to record, maintain or provide details of checks on dispatch staff in a register	O34	12
	Failure to make appropriate checks of any operator for which work is outsourced	O35	12
	Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	O36	12
	Failure to require notification of convictions as part of the contract of employment	O37	12
	Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition	O38	12

5. Breaches of Council Byelaws Relating To Hackney Carriages

Condition Number	Offence	Code	Points
TBC once text finalised	Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	B1	2
	Causing or permitting the carriage to stand or ply for hire with an illegible plate	B2	2
	Failure to furnish the hackney carriage in accordance with requirements of the Byelaw	B3	2
	Failure to provide a taximeter in accordance with the requirements of the Byelaw	B4	2
	Failure to operate taximeter in accordance with requirements of the Byelaw.	B5	2
	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	B6	4
	Failure to proceed to another rank when at the time of arrival rank is full	B7	2
	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	B8	2
	A proprietor or driver using the services of a person to importune a person to hire the vehicle	B9	2
	Failure by driver to take reasonable precautions to ensure the safety of passengers	B10	4
	Driver or proprietor allowing more persons to be conveyed than the licence allows	B11	12
	Failure by driver to carry the badge provided by the Licensing Authority when plying for hire	B12	2
	Failure to provide when requested reasonable assistance with luggage	B13	2
	Failure to display statement of fares inside the carriage in a legible state	B14	2
	Failure to notify lost property to the Police within 48 hours of discovery	B15	2

Taxi Drivers' Code of Conduct

1. Scope

- 1.1. This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi driver's licence, suspension, revocation or refusal to renew your licence.
- 1.2. You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person. You must ensure that you do not act in any way, at any time that might affect that. The Council will consider all your behaviour, and that is not limited to the times when you are driving a hackney carriage or private hire vehicle.
- 1.3. When you are driving a hackney carriage or private hire vehicle, that remains a Bracknell Forest Council licensed vehicle and you remain a Bracknell Forest Council licensed taxi driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use). This Code of Conduct applies across the whole of the United Kingdom.

2. Your Taxi Drivers Licence And Badge

- 2.1. You have been issued with two copies of your drivers badge and a coloured armband. You must wear one driver's badge in the armband on your left upper arm at all times when you are driving or working with a private hire vehicle or hackney carriage and failure to do so is a criminal offence [under s54 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#)] when using a private hire vehicle and byelaw No 13 when using a hackney carriage]. You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi driver.
- 2.2. You must return your licence, badge and armband to the Licensing Team of the Council within 72 hours if:
 - (a) you change your home or business address;
 - (b) the licence expires, is suspended or revoked;
 - (c) you lose the right to work in the UK, or the right to remain in the UK;
 - (c) you wish to surrender your Taxi Driver Licence;
 - (d) you are required to do so by an "Authorised Officer of the Council".
- 2.3. In the event of the loss of your licence, badge or armband you must report the loss to the Licensing Team immediately.

3. Deposit Of Taxi Driver Licence When Working For Others

- 3.1. You must give your taxi driver licence to the private hire operator when driving private hire vehicles, or proprietor of any hackney carriage which you will be using. They will keep your licence while you are driving for them.

4. Production Of Documents

- 4.1. If an Authorised Officer of the Council, an Authorised Officer of another Council with which Bracknell Forest Council has a reciprocal arrangement or a police officer asks you, you must produce:

- (a) your DVLA driving licence;
- (b) your Taxi Driver Licence;
- (c) the vehicle registration document;
- (d) a valid certificate of insurance;
- (e) MOT certificate (if relevant).

within five days of the request being made at the location that they specify.

5. Medical Condition

- 5.1. You must notify the Council, in writing within 14 days of any change in your medical condition that may adversely affect your ability to drive private hire or hackney carriage vehicles.
- 5.2. You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.
- 5.3. If, at any time you feel unwell you must discontinue work until such time as you feel better and able to return to work.

6. Declaration Of Conviction / Caution / Penalty

- 6.1. You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders), CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions, restraining orders to Bracknell Forest Council on your initial application form.
- 6.2. If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of an CBO or CPN, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details, in writing and within 72 hours of the event.

7. Driving

- 7.1. You must comply with all road traffic regulations at all times.

- 7.2. You must comply with all legislation and conditions relating to the [hackney carriage](#) or [private hire](#) vehicle that you are driving at all times.
- 7.3. You must not sound your vehicle horn –
- (a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there
 - (b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road
 - (c) on any road in a built up area between 23h30 and 07h00.
- 7.4. Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.
- 7.5. You must not drive any hackney carriage or private hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that your driving and behaviour on the road is of the highest standard.
- 7.6. When parking, or otherwise waiting for either a hiring (hackney carriage), a booking to be communicated to you (private hire and hackney carriage) or attending for a pre-booked hiring (private hire and hackney carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).
- 7.7. When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.
- 7.8. When driving a hackney carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area. Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter unless an agreement was made between yourself and the hirer before the hiring commenced.
- 7.9. When driving a private hire vehicle you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) or as agreed between the hirer and the operator.
- 7.10. You must stop the engine of the vehicle at all times when the vehicle is stationary otherwise than through the necessities of traffic.
- 7.11. It is a criminal offence to hold and use a mobile phone or other handheld device whilst driving. In addition this will be regarded as a serious breach of the Code of Conduct.

8. Data Protection

- 8.1. You must ensure that you have the correct safeguards for storing personal data that comply with the [Data Protection Act 2018](#) and the [General Data Protection Regulations \(GDPR\)](#). This will include details of hirers (pre-booked hackney carriages) and also any dash cam footage (the use of dash cams is considered in relation to vehicle licences).

9. Conduct And Behaviour

- 9.1. You must be honest and trustworthy at all times.
- 9.2. You must be polite and courteous to your passengers, other road users and the public generally.
- 9.3. You must not use abusive or foul language, spit or smoke in or near the vicinity of your vehicle.
- 9.4. You must not use aggressive language or behaviour, or engage in any violent conduct.
- 9.5. You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.
- 9.6. If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including the date, pick up point and destination, vehicle licence number, operators name and driver name or licence number. You must then sign the receipt.
- 9.7. You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.
- 9.8. If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.
- 9.9. You must treat everybody decently, equally and fairly.
- 9.10. You must at all times treat passengers, any potential passenger, members of the public, police officers and police community support officer, council officers and all other public servants (NHS staff, fire fighters, HMRC staff etc) with courtesy and respect.
- 9.11. You must not discriminate against any person because of their age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation which are the protected characteristics under the Equality Act 2010.
- 9.12. You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).
- 9.13. You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.
- 9.14. You must not obtain the telephone numbers of, or engage in any form of social media contact with anybody under the age of 18.

- 9.15. You must not engage in any kind of sexual activity within or in the vicinity of your licensed vehicle.
- 9.16. You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.
- 9.17. You must always pick up your passengers on time unless unavoidably delayed. If the hiring has been arranged via a private hire operator or other third party, you must immediately contact that operator or third party to inform them of the delay and your estimated time of arrival.
- 9.18. You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.
- 9.19. You must maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately. If this is out of hours you can still email the Council on Licensing@Bracknell-Forest.gov.uk or leaving a message on the answerphone at 01635 519184.
- 9.20. You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

10. Personal Appearance And Dress Code

- 10.1. You must maintain good standards of personal hygiene at all times.
- 10.2. You must always be clean and respectable in your dress and present a professional image. To achieve this you must comply with the following dress code which will also ensure that public and driver safety is not compromised.

Acceptable standards of dress

- 10.3. Collared shirts, blouses, polo shirts, or sweat shirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.
- 10.4. Shirts or blouses may be worn with a tie or open necked.
- 10.5. All clothing must be clean, of smart appearance and in good condition.

Trousers, shorts and skirts

- 10.6. Trousers can be either full length or shorts.
- 10.7. Skirts must be no shorter than 5cm above the knee (when standing) and can be of any longer length, but must not impede the safe operation of the pedals.
- 10.8. Trousers, shorts or skirts must be tailored and made of one colour of material.

Footwear

- 10.9. Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

Unacceptable standards of dress

- 10.10. Anything not conforming to the above, including:
 - (a) Clothing not being kept in a clean and fresh condition or any items which have holes or rips.
 - (b) Words or graphics on any clothing that is of an offensive or suggestive nature.
 - (c) Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
 - (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
 - (e) Not having either the top or bottom half of your body suitably clothed.
 - (f) No baseball caps or hoods worn up whilst in the vehicle.

11. Use Of The Vehicle

- 11.1. Private hire vehicles and hackney carriages are smoke free vehicles at all times under the [Health Act 2006](#). It is a criminal offence to smoke in a private hire vehicle at any time (section 7) or to allow a person to smoke in a private hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the [Code of Conduct](#).
- 11.2. You must not eat in the vehicle at any time, or allow passengers to eat in the vehicle at any time.
- 11.3. Animals must not be carried in private hire vehicles or hackney carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control, and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is

an estate car or hatchback and the animal can be seen from outside the vehicle through a window.

- 11.4. You must not carry more passengers than the maximum number prescribed by the conditions attached to the hackney carriage, your private hire vehicle licence and displayed on the vehicle plate.
- 11.5. You must carry a reasonable amount of luggage and assist passengers in loading it and unloading it from the vehicle.
- 11.6. You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
- 11.7. You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than two passengers may be carried.
- 11.8. You must not carry any child below the age of ten years in the front of the vehicle.
- 11.9. Hackney carriages and private hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adult's own risk. Children under three years of age can travel unrestrained in a hackney carriage or private hire vehicle if the appropriate restraint is not available. Children over three years of age and below eleven years of age or shorter than 135cms (approx. 4ft 6in) can use adult seat belts if the appropriate restraint is not available. Children over eleven years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts.

12. Insurance

- 12.1. It is your responsibility to ensure that the correct policy of insurance is in force for any hackney carriage or private hire vehicle that you are driving.

13. Vehicle Checks

- 13.1. Before using a hackney carriage or private hire vehicle for the first time each day, you must undertake a "walk around check". This requires that you ensure that the vehicle is roadworthy and fit for use as a hackney carriage or private hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.
- 13.2. Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.

- 13.3. If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.
- 13.4. You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire Operator [does not apply to hackney carriages].

14. Lost Property

- 14.1. After every hiring, you must search the vehicle for any misplaced or lost property.
- 14.2. If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 48 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner, and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.

15. Taximeters In Private Hire Vehicles [Taximeter Use In Hackney Carriages Is Governed By The Byelaws]

- 15.1. You may use a meter in the private hire vehicle only if it is constructed, attached and maintained in compliance with the [Private Hire Vehicle Licence Conditions](#).
- 15.2. Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.
- 15.3. You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).
- 15.4. You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.
- 15.5. You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
- 15.6. You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
- 15.7. You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse, or alter any meter with the intent to mislead.

16. Plying For Hire When Driving A Private Hire Vehicle [Does Not Apply When Driving A Hackney Carriage]

- 16.1. You must not pick up passengers who have not pre-booked with your operator.
- 16.2. You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.
- 16.3. You must not park or wait on or near any hackney carriage rank, or drop passengers off on a hackney carriage rank.

17. Fares When A Hackney Carriage Is Used For Pre-Booked Work

- 17.1. A hackney carriage can be used for pre-booked work both within Bracknell Forest and elsewhere. When the journey is wholly within the zone/county, or commences or ends in Bracknell Forest the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside Bracknell Forest the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

18. Legal Requirements (Contained In National Legislation) When Driving A Hackney Carriage

Your taxi Driver Licence and Badge

- 18.1. When driving a hackney carriage you must wear one copy of your badge in the issued armband, on your left upper arm at all times whilst you are working as a hackney carriage driver. You commit a criminal offence if you do not do so, for which you might be prosecuted (Hackney Carriage Byelaw 13.)

Disability Discrimination

- 18.2. When driving a hackney carriage you must carry an assistance dog and allow it to remain with its owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 [Equality Act 2010](#)).
- 18.3. When you are driving a hackney carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.
- 18.4. The duties are—
- (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 in reasonable comfort;
 - (e) to give the passenger such mobility assistance as is reasonably required.
- 18.5. And mobility assistance is assistance—
- (a) to enable the passenger to get into or out of the vehicle;
 - (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - (c) to load the passenger's luggage into or out of the vehicle;
 - (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

- 18.6. In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair using passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

Conduct

- 18.7. You must not drive a hackney carriage at any time if you do not hold a taxi drivers licence, or if your licence has been suspended (section 47 [Town Police Clauses Act 1847](#)).
- 18.8. You must not lend your taxi drivers licence to anybody else (section 47 Town Police Clauses Act 1847)
- 18.9. When driving a hackney carriage you must accept a hiring from a hackney carriage stand (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 Town Police Clauses Act 1847)
- 18.10. When driving a hackney carriage if you agree to charge a fare lower than that shown on the meter for a journey in a hackney carriage then you cannot charge more than that agreed fare (section 54 Town Police Clauses Act 1847)
- 18.11. When driving a hackney carriage you must not charge more than the fare shown on the meter of a hackney carriage for a journey wholly within the Council's area, irrespective of how the journey was arranged (section 55 Town Police Clauses Act 1847)
- 18.12. When driving a hackney carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 Town Police Clauses Act 1847).
- 18.13. When driving a hackney carriage if you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your hackney carriage (section 57 Town Police Clauses Act 1847).
- 18.14. When driving a hackney carriage you must not charge more than the fare shown on the meter for a journey within the district (section 58 Town Police Clauses Act 1847).
- 18.15. When driving a hackney carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 Town Police Clauses Act 1847).
- 18.16. You must not drive any hackney carriage without the consent of the hackney carriage proprietor (if that is not yourself) (section 60 Town Police Clauses Act 1847)
- 18.17. You must not leave a hackney carriage unattended at a hackney carriage stand (section 62 Town Police Clauses Act 1847)
- 18.18. You must not prevent any other driver of a hackney carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 Town Police Clauses Act 1847)

- 18.19. When driving a hackney carriage you must produce your taxi driver's licence if requested to do so by an authorised officer of the Council (or another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 18.20. You must return your driver's licence to the Council within seven days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
- 18.21. You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
- 18.22. You must return your licence, drivers badge(s) and armband to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 18.23. When driving a hackney carriage you must not charge more than the fare shown on the meter of a hackney carriage for a journey that ends outside the Council's area unless a different fare was agreed in advance (s66 Local Government (Miscellaneous Provisions) Act 1976).
- 18.24. When driving a hackney carriage you must not charge more than the metered fare for a pre-booked journey which is wholly within, or starts or finishes within the Council's area. (s66 Local Government (Miscellaneous Provisions) Act 1976).
- 18.25. You must use the shortest available reasonable route for all journeys by hackney carriage, subject to any directions given by the hirer. (s69 Local Government (Miscellaneous Provisions) Act 1976).
- 18.26. You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976 and **Hackney Carriage Bylaw 6??**).
- 18.27. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).
- 18.28. When driving a hackney carriage you must not conceal or obscure the number of the hackney carriage whilst standing or plying for hire (Hackney Carriage Bylaw 2).
- 18.29. When driving a hackney carriage you must not activate the taximeter when standing or plying for hire, but you must activate the meter before the journey commences but not until passengers are properly seated and secured. At the end of the journey you must stop the meter. This should be before passengers alight from the vehicle. (Hackney Carriage Bylaw 5).
- 18.30. When driving a hackney carriage and you are plying for hire you must proceed to a hackney carriage stand (rank) and if that rank is full, proceed to another stand. When you arrive at a stand that is not full you must position the vehicle behind the rearmost vehicle

on the stand and move forward as space becomes available (Hackney Carriage Bylaw 7).

- 18.31. You must not use the services of any other person to importune (encourage forcefully) anyone to hire your hackney carriage (Hackney Carriage Bylaw 8).
- 18.32. When driving a hackney carriage you must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the Hackney carriage (Hackney Carriage Bylaw 9).
- 18.33. When driving a hackney carriage if you have been pre-booked you must attend at the appointed time and place (Hackney Carriage Bylaw 10).
- 18.34. When driving a hackney carriage you must not carry more passengers in the hackney carriage than the conditions attached to the vehicle licence permit (Hackney Carriage Bylaw 12).
- 18.35. When driving a hackney carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Bylaw 14).
- 18.36. When driving a hackney carriage you must search the vehicle for lost property after every hiring (Hackney Carriage Bylaw 18).
- 18.37. When driving a hackney carriage you must take any lost property which is not been claimed within 48 hours to any staffed police station within Bracknell Forest (Hackney Carriage Bylaw 19).

19. Legal Requirements (Contained In National Legislation) When Driving A Private Hire Vehicle

Your taxi Driver Licence and Badge

- 19.1. When driving a private hire vehicle you must wear one copy of your badge in the issued armband, on your left upper arm at all times whilst you are working as Private Hire Driver. You commit a criminal offence if you do not do so, for which you might be prosecuted (s54 Local Government (Miscellaneous Provisions) Act 1976)

Disability Discrimination

- 19.2. When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with its owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 170 Equality Act 2010).
- 19.3. When you are driving a private hire vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

19.4. The duties are—

- (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.

19.5. And mobility assistance is assistance—

- (a) to enable the passenger to get into or out of the vehicle;
- (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- (c) to load the passenger's luggage into or out of the vehicle;
- (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

19.6. In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair using passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

19.7. You must not drive a private hire vehicle at any time when your taxi drivers' licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).

19.8. When driving a private hire vehicle you must produce your taxi drivers licence if requested to do so by an authorised officer of the Council (or another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).

19.9. You must return your driver's licence to the Council within seven days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).

19.10. You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).

19.11. You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).

19.12. When driving a private hire vehicle you must use the shortest available reasonable route for all journeys by private hire vehicle, subject to any directions given by the hirer. (s69 Local Government (Miscellaneous Provisions) Act 1976).

19.13. You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976)

- 19.14. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976)
- 19.15. You must not drive any private hire vehicle with any roof sign which includes the words “taxi”, “cab” or “hire”, any similar words or anything which would indicate the vehicle is a hackney carriage (section 64 Transport Act 1980).

Hackney Carriage Vehicle Licence Conditions

In these conditions which are imposed under the provisions of section 47 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Council” will mean Bracknell Forest Council.

“the Proprietor” means the person who has been granted the licence by Bracknell Forest Council under section 37 of the [Town Police Clauses Act 1847](#)

“the Vehicle” means the vehicle that is specified on the licence granted under section 37 of the Town Police Clauses Act 1847.

The following conditions will be attached to every hackney carriage (proprietors) vehicle licence unless specifically altered by the Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

General

1. The licensee must notify the Council of the location where the vehicle is kept regularly when not in use (excluding occasional locations that may be used e.g. for servicing and holidays) and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.
2. If the vehicle is licensed by any other Council, the proprietor must immediately stop carrying out any work under their Bracknell Forest Council licence. They must return the licence issued by Bracknell Forest Council to the Licensing Team of Bracknell Forest Council within five working days.

Identification Plates and Cards

3. The identification plate, additional signage and all fare cards and licence cards remain the property of the Council at all times, and must be returned on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Council informed within 24 hours.
4. The plate must be securely fixed to the rear exterior of the vehicle using the Council’s approved backing plate and permanent fixings. Velcro, adhesive, magnets and brackets are not acceptable. The security of the plate will be checked as part of the scheduled vehicle test and at any spot checks. The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.
5. All vehicles must display the roof sign correctly at all times. Such signs must be securely affixed by means of magnets unless they are an integral part of the vehicle.
6. All vehicles must display the additional signage correctly at all times.

7. All vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.

Maintenance of Vehicle

8. The vehicle, along with all its fittings and equipment must at all times be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with. This includes (but is not limited to) the following:
 - (a) The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the Council.
 - (b) Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.
 - (c) The roof sign must be kept clean, free from obstruction and the illumination must operate correctly when linked to the taximeter.
 - (d) The roof (including any sunroof or removable covering) must be watertight.
 - (e) Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi- meters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.
 - (f) The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive deterioration or wear.
 - (g) The floor must be covered with carpet, mat or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, excessive deterioration and wear.
 - (h) The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs
 - (i) The doors, windows and seats must function in accordance with the original manufacturer's specification.
 - (j) The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record

must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

- (k) If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.
9. If a vehicle fails a hackney carriage test, an authorised officer of the Council at the test station will issue a suspension notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. That will immediately suspend the vehicle licence, from which point it cannot be used as a hackney carriage. The proprietor/driver will be invited to surrender the vehicle plate. If the plate is not surrendered, a "licence suspended" sticker will be affixed to the plate which will mean that the proprietor must purchase a new plate when the suspension is lifted. That suspension notice will be lifted when the vehicle is presented for a retest and that test is passed. If the suspension notice is not lifted within a period of two calendar months from the date on which it was issued, the vehicle licence will be deemed to be revoked. In that circumstance, any acquired rights will be lost.
 10. The proprietor of the vehicle must provide a copy of all Hackney Carriage Test certificates to the Council within seven days of receiving them.
 11. If the vehicle has been involved in an accident then the proprietor must notify the Council within two days and at the discretion of the Council, the vehicle may have to undergo a further inspection at one of the Council's nominated testing stations.

Doors

12. All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.
13. Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified or adapted to carry wheelchair using passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

Ventilation

14. The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver or passengers.

Wheelchair Accessible Vehicles (WAV's)

15. The following conditions apply to all hackney carriage vehicles which are built or adapted for the carriage of wheelchair using passengers.
 - (a) All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair using passengers must at all times function correctly and must be used in accordance with the manufacturer's instructions.
 - (b) Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

- (c) All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.
 - (d) The manufacturer's seat belt for the wheelchair using passenger must always be used when a wheelchair is being carried.
 - (e) Access ramps or lifts must be securely fixed to the vehicle prior to use and must at all times display information prescribed by other legislation and manufacturers markings.
 - (f) Ramps, steps and lifts must be securely stored in the vehicle before driving off.
16. The licensee must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair using passengers in safety and comfort.

Seatbelts

17. Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

Tyres

18. All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2mm tread depth at all times.
19. Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
20. The vehicle must be equipped at all times with, a spare wheel or other manufacturer's standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).
21. All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturer's minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
22. 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the spare wheel must be replaced before another journey carrying passengers commences.

Alteration of Vehicle

23. No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the written approval of the Council at any time while this licence is in force.
24. No fixtures or fittings, except those approved in writing by the Council can be attached to the outside of the vehicle.
25. All glazing must at all times comply with [The Road Vehicles \(Construction and Use\) Regulations 1986](#) regulation 32 with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

Seats and Passengers

26. In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.
27. A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.
28. Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.

Advertising

29. Advertising on the outside of the vehicle is restricted to the name and telephone number of the Proprietor or operator of the vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the vehicle, unless written permission is obtained from the Council.

Luggage

30. Luggage and storage areas must be kept as free space for passenger's luggage.
31. Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.
32. Vehicles with open luggage space such as estate cars must be fitted with a suitable guard between the luggage space and the passenger compartment which must be in use whenever passengers are carried.
33. Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever passenger's luggage is being carried.

Safety Equipment

34. **Fire Extinguisher** - A fire extinguisher must be provided to meet BS EN 31996 1Kg and maintained at all times and be readily available for use. The fire extinguisher must be clearly and permanently marked with the vehicle registration and vehicle licence number. This must be securely fixed in the vehicle and must not be located in the passenger compartment, unless the vehicle is a purpose built taxi, which has a purpose-built fire extinguisher compartment already in the vehicle. Clear signage must be displayed to alert passengers to the location of the fire extinguisher.
35. **First Aid Kit** - A first aid kit must be readily available at all times. The first aid kit must be stocked to the same level and quantity as originally supplied and be of a suitable and comprehensive type that meets the requirements of British Standard BS8599-2 (medium sized kit) and be permanently and legibly marked with the registration number or licence number of the vehicle.
36. **Radio Equipment** - The proprietor must ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

Taximeter

37. The proprietor must ensure the vehicle is fitted with a taximeter approved by the Council, and that meter must be kept in good repair and proper working order at all times. The taximeter must be set for the current tariff set by the Council or a continually lower rate, and must be sealed to prevent unauthorised adjustment of that meter.
38. All taxi meters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licensee must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.
39. The taxi-meter must be fitted with a mechanism which will start the taximeter and make the word "HIRED" to appear on the display, and a means of stopping the taximeter from recording time and distance so that for that period no fare is recorded.
40. When the taxi-meter is recording a fare, that must be displayed clearly, legibly and unambiguously on the meter display which must be sufficiently illuminated to enable it to be easily read in all conditions.
41. The word "FARE" must be printed alongside the display.
42. The taxi-meter must be located so that the entire display is plainly visible to any person travelling in the vehicle. The mechanism for activating the meter must be linked to the roof sign to ensure that when the meter is activated the roof sign light is switched off. It must not be possible to illuminate the roof sign by any other means.
43. If a fare has not been agreed between the driver (or booking agent) and the customer then the fare charged must be that which is shown on the meter.

44. The proprietor must ensure that a copy of the current fare table supplied by the Council is displayed inside the vehicle at all times and that table is not concealed from view or rendered illegible. If the meter is set to a lower rate, an additional fare table detailing the lower rate must also be displayed.
45. At all times, vehicles must be fitted with a roof sign that complies with the dimensions and specification detailed in the Hackney Carriage Policy, together with any other additional signage that is so specified.

Insurance

46. At all times during the currency of this licence the proprietor must maintain a policy of insurance complying with the requirements of Part VI of the [Road Traffic Act 1988](#) which covers hackney carriage use.
47. The proprietor must produce to the Council a new Certificate of Insurance or cover note within two working days of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents, photocopies will not be accepted.

Vehicle Damage

48. The proprietor must, as soon as reasonably practicable, but in any case within 72 hours, notify the Council, in writing on the Council's prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle must not be used until the Council have inspected the vehicle.
49. A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determined that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 Local Government (Miscellaneous Provisions) Act 1976 will be issued.

Roof Racks and Roof Boxes

50. Where a roof rack is used it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and all luggage must be covered with a waterproof cover.
51. Where a roof box is used, it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and must be properly closed and secured.
52. When either a roof rack or roof box is fitted, a second roof light must be fitted to the roof of the vehicle to enable the front and rear of the lights to be clearly seen ahead of and behind the roof rack or roof box. (This does not apply to purpose-built vehicles with an integral front facing roof sign). The second sign must be removed when the roof rack or roof box is removed.

Deposit of Licence

53. The proprietor must not allow the vehicle to be driven by any person who does not hold a current Dual Driver Licence issued by the Council.
54. If the proprietor permits or employs any person to drive the vehicle, that person must deposit their Dual Driver Licence with the proprietor who must, retain and safely store it until such time as the driver ceases to be permitted to drive the vehicle, at which point it must be returned to the driver.

Display of Conditions

55. The proprietor of this vehicle must have a copy of these conditions within the vehicle for inspection by those passengers at all times.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

Private Hire Vehicle Licence Conditions

In these conditions which are imposed under the provisions of section 48(2) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Council” will mean Bracknell Forest Council.

“the Proprietor” means a person who has been granted a licence by Bracknell Forest Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“the Vehicle” means the vehicle that is specified on the licence granted under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

The following conditions will be attached to every private hire vehicle unless specifically altered by the Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

General

1. The licensee must notify the Council of the location where the vehicle is kept regularly when not in use (excluding occasional locations that may be used e.g. for servicing and holidays) and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.
2. If the vehicle is licensed by any other Council, the Proprietor must, immediately stop carrying out any work under their Bracknell Forest Council licence. They must then, return the licence issued by Bracknell Forest Council to the licensing department of Bracknell Forest Council within five working days.

Identification Plates and Cards

3. The identification plate, additional signage and licence cards remain the property of the Council at all times and must be returned on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Council informed within 24 hours.
4. The plate must be securely fixed to the rear exterior of the vehicle using the Council’s approved backing plate and permanent fixings. Velcro, adhesive, magnets and brackets are not acceptable. The security of the plate will be checked as part of the scheduled vehicle test and at any spot checks. The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.
5. All vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.
6. If the proprietor has a dispensation/exemption certificate in relation to contract work, the vehicle will still need to display the licence cards on the front and rear windscreens of

vehicle. The licence plate must be carried in the boot of the vehicle at all times, and the dispensation certificate granted by the Council must be carried in the glove compartment.

Maintenance of Vehicle

7. The vehicle, along with all its fittings and equipment, must at all times be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with. This includes (but is not limited to) the following:
 - (a) The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the Council.
 - (b) Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.
 - (c) The roof (including any sunroof or removable covering) must be watertight.
 - (d) Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi- meters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.
 - (e) The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive deterioration or wear.
 - (f) The floor must be covered with carpet, mat or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, excessive deterioration and wear.
 - (g) The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs.
 - (h) The doors, windows and seats must function in accordance with the original manufacturer's specification.
8. The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
9. If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

10. If a vehicle fails a private hire vehicle test, an authorised officer of the Council at the test station will issue a suspension notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. That will immediately suspend the vehicle licence, from which point it cannot be used as a private hire vehicle. The proprietor/driver will be invited to surrender the vehicle plate. If the plate is not surrendered, a “licence suspended” sticker will be affixed to the plate which will mean that the proprietor must purchase a new plate when the suspension is lifted. That suspension notice will be lifted when the vehicle is presented for a retest and that test is passed. If the suspension notice is not lifted within a period of two calendar months from the date on which it was issued, the vehicle licence will be deemed to be revoked.
11. The proprietor of the vehicle must provide a copy of all Private Hire Test certificates to the Council within seven days of receiving them.
12. If the vehicle has been involved in an accident then the proprietor must notify the Council within two days and at the discretion of the Council, the vehicle may have to undergo a further inspection at one of the Council’s nominated testing stations.

Doors

13. All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.
14. Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified or adapted to carry wheelchair bound passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

Ventilation

15. The driver’s window and all passenger windows must function correctly and be capable of being opened and closed by the driver or passengers.

Wheelchair Accessible Vehicles (WAV’s)

16. The following conditions apply to all private hire vehicles which are built or adapted for the carriage of wheelchair bound passengers:
 - (a) All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair bound passengers must at all times function correctly and must be used in accordance with the manufacturer’s instructions.
 - (b) Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.
 - (c) All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.

- (d) The manufacturer's seat belt for the wheelchair bound passenger must always be used when a wheelchair is being carried.
 - (e) Access ramps or lifts must be securely fixed to the vehicle prior to use and must at all times display information prescribed by other legislation and manufacturers markings.
 - (f) Ramps, steps and lifts must be securely stored in the vehicle before driving off.
17. The licensee must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort.

Seatbelts

18. Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

Tyres

19. All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2mm tread depth at all times.
20. Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
21. The vehicle must be equipped at all times with, a spare wheel or other manufacturer's standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).
22. All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturer's minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
23. 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the spare wheel must be replaced before another journey carrying passengers commences.

Alteration of Vehicle

24. No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the written approval of the Council at any time while the licence is in force.

25. No fixtures or fittings, except those approved in writing by the Council, can be attached to the outside of the vehicle.
26. All glazing must at all times comply with [The Road Vehicles \(Construction and Use\) Regulations 1986](#) regulation 32 with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

Seats and Passengers

27. In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.
28. A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.
29. Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.
30. Any drinking vessels provided by the proprietor or driver of the vehicle must be made of either toughened glass or plastic.
31. If any passenger is under the age of 18 years no alcohol in open vessels can be carried in the vehicle.
32. The proprietor must ensure that there is sufficient means by which any person in the vehicle may communicate with the driver.

Advertising

33. The proprietor must not display or permit to be displayed on or from the vehicle any sign or notice which consists of or includes the word "Taxi" or "Cab" whether in the singular or plural or "Hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word.
34. Advertising on the outside of the vehicle is restricted to the name and telephone number of the proprietor or operator of the vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the vehicle, unless written permission is obtained from the Council.

Luggage

35. Luggage and storage areas must be kept as free space for passengers' luggage.
36. Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.
37. Vehicles with open luggage space, such as estate cars, must be fitted with a suitable guard between the luggage space and the passenger compartment which must be in use whenever passengers are carried.

38. Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever a passenger's luggage is being carried.

Safety Equipment

39. **Fire Extinguisher** - A fire extinguisher must be provided to meet BS EN 31996 1Kg and maintained at all times and be readily available for use. The fire extinguisher must be clearly and permanently marked with the vehicle registration and vehicle licence number. This must be securely fixed in the vehicle and must not be located in the passenger compartment. Clear signage must be displayed to alert passengers to the location of the fire extinguisher.
40. **First Aid Kit** - A first aid kit must be readily available at all times. The first aid kit must be stocked to the same level and quantity as originally supplied and must be of a suitable and comprehensive type that meets the requirements of British Standard BS8599-2 (medium sized kit) and be permanently and legibly marked with the registration number or licence number of the vehicle.

Radio Equipment

41. The proprietor must ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition, and maintained in proper working order.

Taximeter (if fitted)

42. If the private hire vehicle is fitted with a taximeter it must be of a type approved by the Council, and that meter must be kept in good repair and proper working order at all times.
43. All taxi meters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licensee must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.
44. The taxi-meter must be fitted with a mechanism which will start the taximeter and make the word "HIRED" to appear on the display, and a means of stopping the taximeter from recording time and distance so that for that period no fare is recorded.
45. When the taxi-meter is recording a fare, that must be displayed clearly, legibly and unambiguously on the meter display which must be sufficiently illuminated to enable it to be easily read in all conditions.
46. The word "FARE" must be printed alongside the display.
47. The taxi-meter must be located so that the entire display is plainly visible to any person travelling in the vehicle.

48. If a fare has not been agreed between the operator and the customer then the fare charged must be that which is shown on the meter.
49. The proprietor must ensure that a notice detailing the fares charged by the operator is displayed inside the vehicle at all times and that table is not concealed from view or rendered illegible. It must also contain a statement that the Council has no control over private hire fares.

Vehicle Insurance

50. At all times during the currency of the licence, the proprietor must maintain a Policy of Insurance complying with the requirements of Part VI of the [Road Traffic Act 1988](#) which covers private hire use.
51. The Proprietor must produce to the Council a new Certificate of Insurance or cover note within two working days of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents. Photocopies will not be accepted.

Vehicle Damage

52. The proprietor must, as soon as reasonably practicable, but in any case within 72 hours, notify the Council, in writing on the Council's prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle must not be used until the Council have inspected the vehicle.
53. A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determined that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 will be issued.

Roof Racks and Roof Boxes

54. Where a roof rack is used it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and all luggage must be covered with a waterproof cover.
55. Where a roof box is used, it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and must be properly closed and secured.

Deposit of Licence

56. The proprietor must not allow the vehicle to be driven by any person who does not hold a current Private Hire/Dual Driver Licence issued by the Council.
57. If the proprietor permits or employs any person to drive the vehicle, they must inspect and make a copy of that person's Dual Driver Licence or Private Hire Licence and retain and safely store that copy, until such time as the driver ceases to be permitted to drive the vehicle, at which point it must be returned to the driver.

Display of Conditions

- 58.** The proprietor must, have a copy of these conditions within the vehicle, for inspection by passengers, at all times.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

Private Hire Operator Conditions

In these conditions which are imposed under the provisions of section 55(3) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Council” will mean Bracknell Forest Council;

“the Operator” shall mean the holder of a licence issued by Bracknell Forest Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

General

1. The operator (unless a single person operator/driver/proprietor) must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”), and notify the Council of their identity and contact details, including a mobile telephone number. That person will be the first point of contact between the Council and the operator. The operator must identify another person as a deputy for holiday and sickness cover and the identity of the deputy, together with their contact details including a mobile telephone number must also be provided to the Council. All references to the manager include references to the deputy when they are acting in that capacity.

Disclosure and Barring Service (DBS) Checks

2. The operator (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a DBS basic disclosure (dated within one month of the application) on or before the anniversary of the granting of the operator’s licence. Failure to do so will result in the licence being suspended until such time as the DBS certificate is provided.
3. The cost of these checks will be covered by the applicant/licensee.
 - (a). Where the operator holds a dual driver licence or private hire driver licence they are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a drivers licence.
 - (b). The operator must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.
 - (c). The operator must maintain a register of all such staff which shall include a record of when each DBS check has been undertaken. This register must be available for inspection by an authorised officer of the Licensing Authority upon request. The register should include the following:
 - i. the date that person’s employment in that role commenced;
 - ii. the date the operator checked the DBS certificate;
 - iii. the name of the person that checked the DBS certificate;
 - iv. the date the person ceased to perform that role

- (d) The register must be retained for six months in line with the booking records.
 - (e) Should an employee cease to be on the register and later re-enter the register a new basic DBS certificate (or use of the Update Service) should be viewed by the operator.
4. Where the applicant/operator employs or intends to employ persons involved in taking bookings or the dispatch of vehicles, the operator must produce and apply a policy on the employment of ex-offenders in those roles. This policy should be based on the Council's Previous Convictions Policy. The policy must be available for inspection on request of an authorised officer of the Licensing Authority. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's Previous Convictions Policy standards will lead to consideration by the Council as to whether the operator remains a fit and proper person.
 5. The operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 48 hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are employed in this role.
 6. The operator must make certain that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. The operator must have required evidence of this from the company before outsourcing these functions.

Vehicle and Driver Licences

7. The operator must inspect and retain all the private hire vehicle licences and dual driver licence or private hire licences of vehicles and drivers operated, engaged or otherwise utilised by the operator. Those licences must be stored securely and retained for as long as the vehicle or driver is operated by that operator. At the end of that they must be returned to the vehicle proprietor or driver as appropriate.

Records

8. The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.
9. The Operator must ensure that the following details of every private hire booking invited or accepted by them are recorded before the commencement of each journey:
 - (a) the name of the passenger or other identifying features e.g. hotel room number;
 - (b) the time of the request;
 - (c) the time the vehicle is required the pick-up point;
 - (d) the destination (if known at that time);
 - (e) the name of the driver;
 - (f) the driver's licence number;
 - (g) the vehicle registration number;
 - (h) the vehicle licence number;
 - (i) the name of any individual that responded to the booking request;
 - (j) the name of any individual that dispatched the vehicle;

- (k) If the vehicle being used is covered by a dispensation, the details of, or a reference to, the contract under which the work is undertaken.
10. The operator must keep these records for a period of not less than six calendar months from the date of the entry.
 11. The operator must also keep records of all vehicles operated by them. These details shall include:
 - (a) details of the proprietor(s)/licensee;
 - (b) registration number;
 - (c) any radio call sign used;
 - (d) maintenance history of the vehicle.
 12. The operator must keep these records for a period of not less than six calendar months from the date the vehicle ceases to be operated by that operator.
 13. The operator must keep up to date records of the names and addresses of all licensed drivers who are used by the operator. The operator must provide the Council with a list of the following at the end of each calendar month, to arrive within seven working days:
 - (a) the date any driver began working for, or being available to be operated by the operator;
 - (b) when any driver's activity detailed above ceased;
 - (c) any change of address of any driver in service;
 - (d) when they became aware that any driver was suffering from any illness, disability or condition which may have affected the driver's ability to safely carry out their duties.
 14. If at any time the operator does become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) they must immediately cease using that driver until such time as the driver can demonstrate that they can drive a private hire vehicle without risk to the public.
 15. The operator must keep these records for a period of not less than six calendar months from the date the driver ceases to be engaged or otherwise used to drive private hire vehicles by that operator.
 16. All records and retained licences must be available for inspection at any reasonable time by an authorised officer of the Council or a police officer.

Standards of Service

17. The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
18. The operator must in particular (but this is not an exhaustive list):
 - (a) Ensure that all private hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.

- (b) Ensure the vehicle dispatched is a Bracknell Forest Council licensed private hire vehicle and the driver of the vehicle is a Bracknell Forest Council licensed private hire driver.
- (c) Keep any premises which are under the control of the operator and which are open to the public clean, adequately heated, ventilated and lit.
- (d) Ensure that the hirer is advised that if any passenger is under the age of 18 years, no alcohol in open vessels will be allowed in the vehicle.
- (e) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (f) Ensure that the correct licences are in place for any radio equipment.
- (g) Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

Ride Sharing/Car-pooling

- 19. At the time of booking, individual hirers must be made aware of and explicitly consent to bookings that are part of a ride sharing/carpooling journey.
- 20. As part of ride sharing/carpooling schemes, operators must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.

Public Service Vehicles (PSVs)

- 21. Public service vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer.

Complaints

- 22. The operator or manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
- 23. The operator must maintain a register of complaints (digital or hard copy), which must include the following information:
 - (a) Complainant's name, address/email address;
 - (b) Details of the complaint;
 - (c) Time and date of the alleged incident;
 - (d) Time and date the complaint was received by the operator;
 - (e) How the complaint was received e.g. phone, email etc.;
 - (f) Name of person that received the complaint;
 - (g) Name of the alleged perpetrator;
 - (h) If the complaint was referred to the Licensing Authority – time and date of when it was referred and by whom;
 - (i) Details of the action taken to resolve the complaint and by whom;

Date the complaint was resolve

24. A copy of the complaints register must be available for inspection upon request of an authorised officer of the Licensing Authority. The records must be retained for a period of six months.
25. The operator must on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Licensing Authority.
26. The operator must ensure that details of how a customer may contact the operator in the event of any complaint relating to a booking or other contract are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.
27. Where a complaint is received by the Licensing Authority, the operator must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an authorised officer or police officer in respect of the complaint.
28. The operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them when it has been identified that the complaint relates to any of the following:
 - (a) allegations of sexual misconduct (including the use of sexualised language);
 - (b) racist behaviour;
 - (c) violence (including verbal aggression);
 - (d) dishonesty including theft;
 - (e) equality breaches;
 - (f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

Change of Address

29. The operator must notify the Council in writing of any change of their address (including any address or addresses from which they operates or otherwise conduct their business (as an operator) within seven days of such change taking place.

Convictions

30. The operator must notify the Council in writing of any conviction, caution, fixed penalty notice, injunction, restraining order or other matter which might affect their continuing fitness and propriety imposed on them, or any criminal charge against them within seven days. The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding an operator's licence.

Advertising

31. The operator must not display or permit to be displayed on or from their premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning except where the operator also takes bookings for hackney carriages.

Insurance

32. Any premises that are under the control of the operator and are open to the public must be covered by Public Liability Insurance.
33. This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.
34. Operators must ensure that at all times there is in force, for all private hire vehicles operated, a policy of insurance covering private hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
35. Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any authorised officer of the Licensing Authority.

Personal Data

36. The loss of personal data by theft or otherwise (including any hacking of the operators' computer systems) must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. The operator must also check whether any data loss needs to be reported to the Information Commissioner's Office, for more information see: [Report a breach | ICO](#)

Working Hours

37. The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted to drive for more than ten hours per day and must have a break lasting at least 30 minutes after driving for five and a half hours. The driver must also have a break at the end of this period, unless it is the end of the working day.

Display of Conditions

38. The operator must display a copy of these conditions in any premises which are under their control and open to the public. A copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

Subcontracting

39. If the operator subcontracts any booking to another operator licensed in England (including Greater London), Wales or Scotland, the operator who initially accepted the booking remains liable under the contract.
40. If any booking is subcontracted to another operator, then the operator who initially accepted the booking must inform the hirer of the subcontract before the hiring commences.

Informative

The operator must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting the operator if such circumstances arise.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Revision due			
Author:		Sign & Date:	
Owning Service	Public Protection Service		

Change History

Version	Date	Description	Change ID