

## Notice of Meeting

### Council

Councillors Ejaz, Allen, Bailey, Barnard, Bidwell, Brown, Cochrane, Collings, C Eberle, T Eberle, Egglestone, M Forster, S Forster, Frewer, Frost, Gaw, Gillbe, Haffegee, Harrison, Hayes MBE, Jefferies, Karim, McKenzie-Boyle, McLean, Mossom, Neil, O'Regan, Pickering, Purnell, Robertson, Smith, Temperton, C Thompson, P Thompson, Virgo, Watts, Webb, Welch, Wright and Zahuruddin



**Wednesday 29 November 2023, 7.30 pm**  
**Time Square, Market Street, Bracknell, RG12 1JD**

### Agenda

*All councillors at this meeting have adopted the Mayor's Charter which fosters constructive and respectful debate.*

Item	Description	Page
1.	<b>Apologies for Absence</b>	
2.	<b>Minutes of Previous Meeting</b>	5 - 16
	To approve as a correct record the minutes of the meeting of the Council held on 13 September 2023.	
3.	<b>Declarations of Interest</b>	
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>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.</p> <p>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.</p>	
4.	<b>Mayor's Announcements</b>	
5.	<b>Executive Report</b>	17 - 26
	<p>To receive the Leader's report on the work of the Executive since the Council meeting held on 13 September 2023.</p> <p>Council is asked to resolve a recommendation in respect of:</p> <ul style="list-style-type: none"><li>• <b>Waste Collection Vehicle Purchase</b></li><li>• <b>Bridgewell Supported Living</b></li></ul>	

### **EMERGENCY EVACUATION INSTRUCTIONS**

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6.	<b>Council Plan 2023-2027</b>	27 - 60
	To present the Council Plan and new business change programme to Council setting out agreed priorities for the period to 2027.	
7.	<b>Hackney Carriage and Private Hire Licensing Policy</b>	61 - 190
	To agree to adopt the draft Hackney Carriage and Private Hire Licensing Policy.	
8.	<b>Schedule of Meetings 2024/25</b>	191 - 196
	To approve the proposed Schedule of Meetings 2024/25.	
9.	<b>Establishment of an Appointment Committee</b>	197 - 200
	To agree the Establishment of an Appointment Committee.	
10.	<b>Question Submitted Under the Public Participation Scheme</b>	
	<p><u>By resident, David McMullan to Councillor Wright, Executive Member for Adult Services, Health and Housing</u></p> <p>Could the Council please let us know what information and support will be available to the approximately 2030 households currently receiving either legacy benefits (Jobseeker's Allowance and Income Support) and/or tax credits during the first stage of the upcoming managed migration to Universal Credit, when people living in the Bracknell Job Centre area receive their Migration Notices from the DWP and has the Council plans to update its website to include information advising people to complete a benefit calculation to ensure they are getting their full entitlement to legacy benefits before moving onto Universal Credit and stressing when residents receive their Managed Migration Notice they need to make a claim for Universal Credit themselves by the 3-month deadline giving in this Notice or their benefits will end.</p>	
11.	<b>Questions Submitted Under Council Procedure Rule 10</b>	
	<p><u>By Councillor C Eberle to Councillor Gillbe, Executive Member for Planning and Transport</u></p> <p>Can the Executive Member give an update on the Council's plans and progress in increasing the use of public transport, both in pursuance of the Climate Change Action Plan, and also to help those residents who do not have access to car transport; particularly in relation to bus transport to and from Crowthorne and Sandhurst railway stations?</p> <p>-</p> <p><u>By Councillor Harrison to Councillor Jefferies, Executive Member for Culture, Delivery and Public Protection</u></p> <p>Following the agreed motion of the Council on 12 July 2023, when the Executive was called on to consider additional CCTV cameras to detect and deter fly tipping in the Borough, how many new CCTV cameras has the</p>	

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	Council acquired for this purpose?	
12.	<b>Motion (or Motions) Submitted Under Council Procedure Rule 11</b>	
	<p><u>Motion 08/2023 moved by Councillor Temperton and seconded by Councillor Bidwell</u></p> <p>In 21/22, 22/23 and 23/24 Bracknell Forest administered many grants on behalf of central government in support of our most vulnerable residents.</p> <p>In 23/24 a total of £1,649,426 was distributed in Household Support grants, Council tax energy rebate scheme, support for energy bills and Council Tax support fund- all supplied from central government.</p> <p>This Council urgently asks the Government to award similar grants for the 24/25 financial year so that we can again support our most vulnerable residents in these very hard times. Like all other local councils, we do not have sufficient funds to replace such support ourselves but help is still urgently needed.</p> <p><u>Motion 09/2023 moved by Councillor T Eberle and seconded by Councillor Zahuruddin</u></p> <p>Council notes reports from residents of aggressive and dangerous driver behaviour on roads near to schools in the borough.</p> <p>Council also notes that a pedestrian is multiple times more likely to die if hit by a car travelling at 30 mph than they are at 20 mph.</p> <p>Council recognises our responsibility to protect residents in the borough, particularly children and young people, and therefore requests the Executive Member for Highways and Transport work with officers to explore options for making further improvements to road safety for pupils on their journey to and from school, including implementing 20 mph speed limits on roads adjacent to schools where needed.</p> <p><u>Motion 10/2023 moved by Councillor Smith and seconded by Councillor Cochrane</u></p> <p>Council recognises that subsidised school transport provides vital support for many families within the borough, particularly for children and young people with special educational needs and disabilities. Decisions around school transport provision should always aspire to compassionately address the specific needs of the individual and ensure that every child has equitable access to an appropriate place of education.</p> <p>Council notes that:</p> <ul style="list-style-type: none"> <li>• National policy requires transport be provided for eligible children of statutory school age, including to schools named on an education, health and care (EHC) plan.</li> <li>• Post-16 schools transport is discretionary, with each local authority determining its own policies.</li> <li>• Young people are now required to continue in education or training until the end of the academic year in which they turn 18.</li> </ul>	

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	<ul style="list-style-type: none"><li>• In accordance with its Post-16 Transport Policy Statement 2023-2024, Bracknell Forest Council will not currently provide post-16 transport support to a school or college named on an EHC plan where there is a nearer institution able to offer a suitable level of study.</li><li>• EHC plans (with named schools) are only provided under limited circumstances, where there is a genuine requirement for the pupil to attend a specific institution due to their individual needs.</li></ul> <p>Council considers that we could be doing more to support families of SEND pupils post-16. Council therefore requests that the Executive Member for Children, Young People and Learning works with schools transport officers to explore options to extend our post-16 transport policy when it is reviewed for the 2024-2025 academic year, to cover transport support to institutions named on an EHC plan, so far as is financially viable.</p>	
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Published: 23 November 2023

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**COUNCIL**  
**13 SEPTEMBER 2023**  
**7.31 - 9.49 PM**



**Present:**

Councillors Ejaz (Mayor), Penfold (Deputy Mayor), Allen, Bailey, Barnard, Bidwell, Brown, Cochrane, Collings, C Eberle, T Eberle, M Forster, S Forster, Frewer, Frost, Gillbe, Haffeggee, Hayes MBE, Jefferies, Karim, McLean, Neil, O'Regan, Purnell, Smith, Temperton, C Thompson, P Thompson, Virgo, Watts, Webb, Welch, Wright and Zahuruddin

**Apologies:**

Councillors Egglestone, Gaw, Harrison, McKenzie-Boyle, Mossom, Pickering and Robertson

**18. Minutes of Previous Meeting**

It was noted that there was an error in the minutes at agenda 7, motion 04/2023 where the original motion had been recorded incorrectly, this would be amended.

**RESOLVED** that, subject to the above amendment, the minutes of the Council meeting held on 12 July 2023 be approved and signed by the Mayor as a correct record.

**19. Declarations of Interest**

There were no declarations of interest.

**20. Mayor's Announcements**

The Mayor reported on her activities since the last Council meeting in July. She had attended supper at the Bishop of Reading's house where it had been lovely to meet so many leaders from across the County and also attended Funfest with looked after children and their foster parents where she had met some amazing young people.

The Mayor had taken some time off in August and attended seven public events and four meetings. One of the events attended was at SO Resi apartments, where the Mayor had learnt that almost 70 units would be allocated for social housing, which was comforting. The Mayor felt that there was a long way to go, but was confident that this council would accelerate its plan to help struggling families.

The Mayor celebrated, along with many Members of Parliament, Mayors and Councillors, Pakistan's Independence Day and Defence Day. A debt of gratitude was owed to the Pakistan army, and its people who sacrificed many lives during the 20 years of war in Afghanistan. One of those who lost his life in battle was Captain Farhan Janjua, who was the son of the Mayor's second cousin.

On 3 September 2023 the Mayor was joined Councillors Temperton and Cochrane for the Annual memorial service. The Mayor encouraged all Councillors to attend going forward. It was held annually on the first Sunday in September.

The Mayor attended the Fire and Rescue services award ceremony at the residence of Lord Lieutenant, James Puxly's, Welford Estate. Bracknell watch based Manager Steven Borham, Crew manager Chris Marten and firefighter Stephen Blackman all received long service awards and Stacey Moyes from Crowthorne received the merit certificate. Bracknell also made it to the shortlist of white watch of the year.

The Mayor and Deputy Mayor had opened four new businesses in Lexicon which would add to the economic growth and vibrancy of the town.

Tomorrow morning the Mayor would be joining the Wellness Team for a two mile walk in Lily Hill Park to encourage walking for physical wellbeing and mental health.

## 21. **Executive Report**

The Leader of the Council, Councillor Temperton, presented the report on the work of the Executive since that reported at the Council meeting on 12 July 2023. The Executive had met once on the 18 July 2023.

The Leader highlighted the following matters that had been considered:

### Finance and Business Change | Revenue Expenditure Outturn

- The outturn revenue expenditure for 2022/23, subject to audit, was £87.06m.
- This represented an under-spend of £0.506m compared with the approved budget.
- The Executive approved a budget carry forward of £0.036m.
- The general reserves balance at 31 March 2023 was £11.077m, with none of the balance required to help fund the 2023/4 revenue budget.
- Budget carry forwards of £0.036m were approved along with the earmarked reserves and virements relating to the 2022/23.

### Finance and Business Change | Capital Expenditure Outturn 2022/23

- The projected capital programme outturn for 2022/23 of £23.701m, which was 40 per cent of the approved budget of £58.792m.
- Carry forwards totalling £34.114m due to underspends were approved.
- The council had an overall capital financing requirement of £220.1m as of 31 March 2023.
- The actual level of borrowing at the end of March 2023 was £85m with investments of £15.8m, leaving a net debt of £69.2m compared with £36.5m last year.

### Planning and Transport | High Street Multi Storey Car Park – Condition

- The Executive approved the planned closure of High Street Car Park at the end of October 2023 following the recommendation made by structural engineers.
- The assistant director of property would engage with affected stakeholders.
- The Executive also approved the plan for savings that would be released into expenditure budgets in the current year from the mid-year closure.
- This would be used to fund decommissioning work, including putting up hoarding, securing the site, and commissioning pre and post decommissioning structural surveys.

- The High Street Car Park site would be added to the Bracknell town centre southern gateway site masterplan area. Outline plans would be presented for consideration to the Executive in autumn 2023.

Councillor Barnard asked whether Shop Mobility had been consulted with and what work would be undertaken with them and also asked when the southern gateway site masterplan would be shared with Councillors.

Councillor Temperton confirmed that work was being undertaken with Shop Mobility to ensure that they would be still be accessible and that Councillors would be sighted on the southern gateway site masterplan as soon as it was available and would be able to have an input on the site.

#### Economic Development and Regeneration | Joint Venture Progress

- The Executive confirmed it would continue support for the Market Street development and agreed proposed changes to the council's previously agreed position.
- Changes included supporting a 10 per cent increase to the council's 50 per cent contribution to the development costs, due to increased construction costs and rephasing of expenditure.
- Authority would be delegated to the Assistant Director of Contract Services to enter into an agreement with the Bracknell Forest Cambium Partnership for required off-site car park provision.
- The Executive Director for Place, Planning and Regeneration would review the council's current town centre parking standards. They would identify a range of future options to reduce reliance on car usage; promoting the use of more sustainable public and private transport, which aligns with the council's climate change ambitions.

#### Adult Services, Health and Housing | Supported Living – Strategic Procurement Plan

- The Executive approved the strategic procurement plan for an Independence Support and Supported Living service through a flexible framework under the light touch regime as detailed in the strategic procurement plan.
- Authority was delegated for the Supported Living Flexible Framework award decision to the executive director for people, following consultation with the Executive Member for Adult Services, Health and Housing.
- The procurement would also ensure the council met its statutory duties of The Care Act 2014, which sets out clear expectations for local authorities.

The report contained recommendations that the Council was asked to resolve in respect of the following matters:

#### Revenue Expenditure Outturn

On the proposition of Councillor Neil, Executive Member for Finance and Business Change seconded by Councillor Karim it was **RESOLVED** that Council note the treasury management performance in 2022/23 as set out in Annex B of the associated report.

Councillor Temperton, Leader of the Council, highlighted some achievements of the administration and since the last Council meeting.

- The borough's first ever climate change summit had been hosted. More than 130 people from local schools, businesses, town and parish councils and voluntary and charity organisations joined forces to discuss how to drive down climate change locally.
- A wide range of support and activities had been promoted to help families throughout the school summer holidays, including the Holiday Activities Fund, cost of living voucher scheme and the Summer of Fun events.
- The borough's first Support for Households event was held on the 4 August in Princess Square. It was attended by hundreds of residents and saw 15 partner organisations provide cost of living support.
- The first Great Wellness Exchange was announced, which would take place throughout September. It would also include Silver Sunday activities to help reduce social isolation.
- The Council celebrated a milestone in the Binfield Health and Community Centre project when Binfield Surgery relocated into the building on 14 August 2023.
- A new operator (Age Concern Bracknell Forest) was appointed to run the Buckler's Park Community Hub. Age Concern Bracknell Forest would offer a range of activities and services to people of all ages once the hub opens later this year.
- A-level results were in line with national averages while GCSE were above national averages in most subjects.
- Cycle September was launched to encourage better health and more active travel around the borough.
- More than £100,000 of grants were awarded to charities, faith groups and voluntary organisations to help local households with the cost of food or energy, including keeping warm over the winter.
- The first 100 days programme was completed, where low income families were helped to save or receive £51,435 through council tax and welfare support grants. £34,263 was distributed between 122 families for essential and crisis support related to food, energy, and other costs.

## 22. **Standards Annual Report**

Council considered the report advising Council of activity within its Standards framework from 1 April 2022 to 31 March 2023.

**RESOLVED** that the report be noted.

## 23. **Climate Change Progress Report**

The Council considered the recommendations regarding the Climate Change Progress Report.

Councillor Haffegge asked a question in relation to scope 3 emissions which the report briefly touched on. Councillor Haffegge asked Councillor Temperton explain what scope 3 emissions were, why these were important, what levels of magnitude these were likely to be and whether there was anything to add further to the approach of assessing them.

Councillor Temperton responded that scope 1 was building and fleet and could be accessed by utility bills which was 1-2% of our emissions. Scope 2 was utilities, which was easy to measure and access. Scope 3 was the hard one, it was all the commission services by the council and included the travelling of staff to and from



location, pension funds and purchasing of goods. This was a harder scope to actually measure and was the scope that needed to be got to grips with over the next year and officers had already started to look into how best to measure scope 3 right now.

On the proposition of Councillor Temperton, Leader of the Council and Executive Member for Council Strategy and Climate Change and seconded by Councillor Purnell it was **RESOLVED** that Council note the progress made by the Council in relation to its climate change strategy and detailed in the Annual Report.

#### 24. **Appointment to Committees and Council Meeting Dates**

The Council considered the recommendations regarding the Appointment to Committees and Council Meeting Dates.

An additional recommendation was proposed that Councillor Zahuruddin be appointed to the vacant Liberal Democrat seat on the Planning Committee.

On the proposition of Councillor Temperton, Leader and Executive Member for Council Strategy and Climate Change seconded by Councillor Barnard it was **RESOLVED** that:

- i. Councillor Allen is appointed to the additional Bracknell Forest seat on the Joint Public Protection Committee, subject to the Executive agreeing to the increase of councillors on the committee at the Executive meeting on 19 September 2023.
- ii. Councillor M Forster is appointed to the vacant Liberal Democrat seat on the Employment Committee.
- iii. Councillor Zahuruddin is appointed to the vacant Liberal Democrat seat on the Planning Committee.
- iv. That Councillor Barnard is appointed to one of the vacant seats on the Standing Advisory Council on Religious Education.
- v. That the following changes to the 2023/2024 meetings schedule are agreed:
  - Wednesday 21 February 2024 – Budget Meeting
  - Wednesday 28 February 2024 – contingency date for adjourned budget Meeting
  - Thursday 7 March 2024 – ordinary council meeting
- vi. That Part 4: Section 3 of the constitution is amended to reflect that the annual Budget Meeting will be a Special Meeting convened to agree the budget with a single item of business.

#### 25. **Questions Submitted Under Council Procedure Rule 10**

Councillor Harrison asked Councillor Purnell, Executive Member for Environment and Community Cohesion the following published question:

**Would the Executive Member responsible for liaison with community groups please update the Council on what they have done to ensure a viable future for the Jealotts Hill Community Landshare?**

In response, Councillor Purnell, Executive Member for Environment and Community Cohesion provided the following published response:

I agree with Councillor Harrison that the Jealotts Hill Community Landshare site is a valuable asset which has had a positive impact on a wide range of communities. Including people with mental, physical, and learning disabilities giving them an opportunity to work together in the fresh air, build their confidence, develop new skills and find support for their health and wellbeing.

A recently bereaved lady found a new way of life after visiting the site. "It's a very special place," she says. "I was a bit apprehensive and overwhelmed to start with but spending time at Jealott's Hill and enjoying its fresh air, wildlife and flowers has helped me overcome my grief to some extent. Bereavement caused me to seek new friends and opportunities and here, that's exactly what I get" This quote was taken from Royal Horticultural Society website who call the project "An innovative community growing space.....a source of solace and new beginnings"

I don't think there is a single person in this room or watching this meeting today who does not agree that every effort must be made to save this precious Landshare. I am working closely with council officers, the Friends of Jealotts Hill Community Landshare and partners to identify ways in which the Landshare can be sustained. The site is owned by Syngenta and has been leased to Silva Homes who have been the lead organisation in managing the Land share and employing the staff that work there. Silva Homes have given Syngenta notice on the lease and the site closed at the end of August to the public with activity since, focussed on tidying the site and handing it back to Syngenta at the end of September. Silva Homes have cited the ongoing financial liability for the operations of the site with decreased levels of use since the Covid pandemic and it not being aligned to their strategic priority to invest in the communities they operate in.

Since being made aware of the possible closure of the site the Council has had several meetings with Silva Homes including one with Syngenta to understand the issues, liabilities, and opportunities for sustaining the Landshare. The council's Chief Executive has written to the Chief Executive's of both Silva Homes and Syngenta to request a meeting and further discussion. I have also personally met with the Chair of the Friends of the Jealotts Hill Community Landshare to offer my support in trying to sustain the project. Options to sustain the Community Landshare include establishing a CIC (Community Interest Company) are being explored with the support of Involve Community Services. The Council has also been looking to identify alternative organisations whose aims align with the Landshare who may be interested in taking on a lease and management of the site.

I can assure Cllr Harrison that I am committed to supporting and working positively with the Friends of the Jealotts Hill Community Landshare, fellow borough, town and parish councillors, as well as partner organisations like Involve. I will do all I can to ensure a viable future for the Landshare and look forward to further discussions with him on the next steps in doing so.

Councillor Purnell agreed that Councillor Harrison could send his supplementary question to her outside of the meeting.

Councillor Virgo asked Councillor Wright, Executive Member for Adult Services, Health and Housing the following published question:

**Our sexual health provision is at crisis point. What urgent action will be taken to make it fit for purpose in our expanding town?**

In response Councillor Wright, Executive Member for Adult Services, Health and Housing provided the following published response:

Data from the Office for Health Improvement (OHID) and the local services do not indicate a crisis in the sexual and reproductive health services. The trend in newly diagnosed sexually transmitted infections (STI) are showing an upward trend in 2022, however the rates are lower than 2019 and lower than the national trends. This trend is similar to local authority areas with similar demographics.

Data from our local services indicate that from April to June 2023 98 per cent of service users calling the service for an appointment during reception's opening times were triaged within 30 minutes, with 97 per cent of service users seen within two days. The services are meeting the standards set for management of STI by the British Association of Sexual Health and HIV (BASHH).

Councillors can be assured that the current evidence does not indicate a crisis in sexual health service provision in Bracknell Forest, but there are always matters that need to be reviewed and addressed to respond to the needs of our population.

The Council is committed to commissioning services that meet the future needs of the growing population and our changing demographics. We are therefore engaged with our local authority partners on an East Berkshire sexual health needs assessment which will inform the future commissioning of Sexual Health services in Bracknell Forest over the next year. As part of this we will be seeking to improve digital access to sexual and reproductive health services which is a priority locally. The Public Health teams have been working with experts in good digital design to understand how we can do this well. It is important so that people access both the testing they may require alongside good quality triage and tailored advice.

Finally, if someone is experiencing symptoms they should not wait for a test, but should get to a clinic as soon as possible, to receive the treatment that is required. They can access local services or any clinics outside the area as well. Links on how to access sexual health clinics can be found in my written answer.

Councillor Virgo asked Councillor Wright, Executive Member for Adult Services, Health and Housing the following supplementary question:

**I understand that there is to be a review of the sexual health services all over shortly, I would like to ask the Executive Member to whether she would look at other authorities who provide sexual health services like the London North West Health area in Ealing who take a very different approach by opening every week day to provide their help to those in full time employment and find it difficult to make an appointment.**

In response Councillor Wright confirmed that the Council would be looking for a new provider in due course when the current contract ended and would take Councillor Virgo's advice into consideration and would look at the health needs of the community and the best options for the community.

Councillor P Thompson asked Councillor Gillbe, Executive Member for Planning and Transport the following published question:

**Can the Executive Member give an update on this Council's plans for this autumn, 2023, to repair the many potholes in public roads in Bracknell Forest**

**Borough Council area [which are of great concern to many residents] and report to Council, each year, before winter?**

In response Councillor Gillbe, Executive Member for Planning and Transport, provided the following published response:

Without doubt, the travelling public are contending with a national pothole problem. Like all highway authorities nationally, the challenge in Bracknell Forest centres around an ageing road network which needs increased maintenance investment.

Whilst the generally difficult winters in the UK, combined with increasingly frequent severe weather events and ongoing traffic demands are all factors in the national pothole problem, there is no doubt that insufficient maintenance funding is at the core of this issue.

Council's receive annual grant funding for highway maintenance from central Government but this has broadly remained at a static level for many years (if not a decade) and the scale of this funding has simply not matched the demands of the ageing infrastructure. And of course, this Government grant is not provided solely for road maintenance, but also for meeting the needs of wider highway assets like street lighting, highway structures and drainage systems. Rising inflation has of course worsened this situation, with some construction materials having increased by over 35% in the past 18 months.

In practical terms, roads have a life-span beyond which they require resurfacing; but this process is expensive and there are many candidate roads. Even with the additional Council funding provided there is no alternative but to repair potholes in locations where our first choice would otherwise be to provide a whole new road surface. This is not unique to Bracknell Forest and all highway authorities face this reality.

But despite this challenge, the Council must be responsible. We must do all we can to maintain a safe highway network for our residents. This means managing the unavoidable pothole problem in a systematic, responsive and affordable way.

Our engineers continuously inspect and monitor the highways, necessarily making risk assessments to prioritise our resources within the limitations of our funding. Our highway inspectors patrol and identify potholes, but of course the public also play their part by reporting potholes too. There is no doubt, however, without an increase in Government funding this pothole challenge will be relentless.

Throughout the past winter and early spring (broadly October to April) the Council made 709 carriageway repairs, involving 1871 tonnes of road material.

Post winter (from May onwards) there has been a further push to stabilise network condition with 754 carriageway repairs alongside our annual road resurfacing programme – a combined total of 5798 tonnes of material.

Councillor P Thompson asked Councillor Gillbe, Executive Member for Planning and Transport the following supplementary question:

**What proportion of our roadways are currently considered to be beyond their expected lifespan and what action is the council taking to address the funding shortfall as it is exacerbating these hazardous conditions?**

In response Councillor Gillbe confirmed that the council's engineers undertook an annual condition survey across the boroughs 450kms of road, and that this informed the resurfacing forward plan which was based on a worst first basis. Whilst many candidate roads would be visibly poor in condition, others would be less obvious such as where there were structural weaknesses which is why a data led and responsible approach was important. Currently 11% of the overall road network was in a condition which required resurfacing as it had reached the end of its useful life. This figured matched the average for England and Wales. Despite the shortfall in Government funding, the council had increased its own capital funding towards highway maintenance in recent years. However, no Local Authority will be able to fix this problem unless supported adequately by government and this was the message that Councillor Gillbe would seek to deliver at the highest level as maintain safety for the travelling public was key. Councillor Gillbe also praised Councillor P Thompson as a passionate advocate for his community, and that his emails to Councillor Gillbe on behalf of his residents were a testament to this. Councillor Gillbe stated that he was happy to meet up with him outside of the meeting to discuss any specific examples within his ward and would be happy to go on a field trip to be shown the evidence.

26. **Motions Submitted Under Council Procedure Rule 11**

**Motion 05/2023**

Motion 05/2023 was moved by Councillor Temperton and seconded by Councillor Haffegee respectively, as follows:

This Council declares a Climate and Biodiversity Emergency

To that end, this Council invites the Executive to;

- i. Resolve to review, broaden and accelerate its Climate Change Strategy, and to commit to achieve net-zero CO2 emissions as close to 2030 as possible.
- ii. Co-produce with the community a Community Climate Emergency Strategy, with the aim of making the wider Bracknell Forest area net-zero as close to 2030 as possible.
- iii. Explore the feasibility of raising a Bracknell Forest Local Climate Bond to support decarbonisation projects throughout the Borough.
- iv. Revise the Biodiversity Action Plan to include audits of the State of Nature in the Borough and to highlight local biodiversity threats due to the Climate Change. Reports of these will be presented annually. Any expected ecological impacts will also be added to Executive and Council reports.

An addition was made to the motion by Councillor Temperton, and seconded by Councillor Haffegee, therefore the motion would read as follows:

This Council declares a Climate and Biodiversity Emergency.

To that end, this Council invites the Executive to;

- i. Resolve to review, broaden and accelerate its Climate Change Strategy, and to commit to achieve net-zero CO2 emissions as close to 2030 as possible.

- ii. Co-produce with the community a Community Climate Emergency Strategy, with the aim of making the wider Bracknell Forest area net-zero as close to 2030 as possible.
- iii. Both the strategies should be done so in a financially transparent way to demonstrate accountability, affordability and economic benefits, with clear interim, smart targets.
- iv. Explore the feasibility of raising a Bracknell Forest Local Climate Bond to support decarbonisation projects throughout the Borough.
- v. Revise the Biodiversity Action Plan to include audits of the State of Nature in the Borough and to highlight local biodiversity threats due to the Climate Change. Reports of these will be presented annually. Any expected ecological impacts will also be added to Executive and Council reports.

A recorded vote was called by Councillor M Forster on the motion and the voting was as follows:

FOR (34): Councillors Allen, Bailey, Barnard, Bidwell, Brown, Cochrane, Collings, C Eberle, T Eberle, Ejaz, M Forster, S Forster, Frewer, Frost, Gillbe, Haffegge, Hayes, Jefferies, Karim, McLean, Neil, O'Regan, Penfold, Purnell, Smith, Temperton, C Thompson, P Thompson, Virgo, Watts, Webb, Welch, Wright, Zahuruddin

AGAINST (0): None

ABSTAIN: (0): None

The motion was carried.

### **Motion 06/2023**

Motion 06/2023 was moved by Councillor Smith and seconded by Councillor C Eberle respectively, as follows:

This Council recognises that it has some way to go in achieving its published values, particularly in terms of inclusivity, engaging with residents, and involving residents in important policy decisions. Council requests the Executive to report at a future meeting on efforts to enhance resident engagement, including practical measures aimed at improving working arrangements so as to give residents a stronger, genuine voice in the Council's business.

On being put to the vote the motion was carried.

### **Motion 07/2023**

Motion 07/2023 was moved by Councillor Barnard and seconded by Councillor McLean respectively, as follows:

The Council continues to recognise and promote the vital importance of good emotional health and well-being for our residents, particularly but not exclusively for younger people, and commits to working with partner organisations and local communities to further improve awareness of advice, support and opportunities available to all to support this aim.

Furthermore, the council will work to ensure that promoting positive emotional well-being and mental health will underpin the objectives of the new Council Plan.

An amendment was made to the motion by Councillor Barnard, and seconded by Councillor McLean, therefore the motion would read as follows:

The Council continues to recognise and promote the vital importance of good emotional health and well-being for our residents, particularly but not exclusively for younger people, and commits to working with partner organisations and local communities to further improve awareness of advice, support and opportunities available to all to support this aim.

Furthermore, the council will work to ensure that promoting positive emotional well-being and mental health will be an essential objective of the new Council Plan.

On being put to the vote the motion was carried.

**CHAIRMAN**

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To: Council  
29 November 2023

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## Executive Report to Council The Leader

### 1 Purpose of Report

- 1.1 Since the Council agenda for the meeting on the 13 September 2023 was published, the Executive has met three times, 19 September 2023, 17 October 2023 and 14 November 2023. This report summarises decisions taken by reference to the relevant portfolio within which they fall.
- 1.2 Updated Forward Plans for the Executive and other Council meetings are published every Friday and can be viewed online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk). Full details on the decisions taken by individual portfolio holders can also be accessed online through the Council's website.

### 2 Recommendation

- 2.1 **Council is asked to consider the recommendations set out at paragraph 5.1.1, and 5.3.2.**

### 3 Reasons for Recommendations

- 3.1 The reasons for recommendations are set out in the supporting information and in the reports considered by the Executive. The relevant reports that the Executive considered can be found [here](#).

### 4 Alternative Options Considered

- 4.1 Alternative options are discussed in the relevant individual reports considered by the Executive. The relevant reports that the Executive considered can be found [here](#).

### 5 Supporting Information

#### Environment and Community Cohesion

#### 5.1 [Waste Collection Vehicle Purchase](#)

- 5.1.1 **The Executive RECOMMENDS that Council approves a Supplementary Capital Approval of £0.205m with the associated borrowing costs being accounted for within the figures in section 5.15 of the report.**

- 5.1.2 The Executive agreed to the purchase of a new twenty-six tonne waste collection vehicle in 2023 for delivery in 2024 subject to funds being approved by Council and agreed to a trial of Hydrotreated Vegetable Oil for this vehicle subject to viability and a future report to the Executive.

- 5.1.3 An increase in borough growth and an increase in households subscribing to the garden waste collection service has meant that the existing garden waste rounds are beyond full capacity. A new vehicle will enable collection capacity to be increased for

the garden waste service and also absorb some of the pressure that the larger blocks of flats are putting on the refuse and dry recycling services.

## **Culture, Delivery and Public Protection**

### **5.2 [Prevent Strategy 2024-27](#)**

- 5.2.1 The Executive approved and adopted the Bracknell Forest Prevent Strategy 2024-27.
- 5.2.2 Prevent is one of the four elements of CONTEST, the government's counter-terrorism strategy. It aims to stop people becoming terrorists or supporting terrorism. The Home Office works with local authorities and a wide range of government departments, and community organisations to deliver the Prevent Strategy.
- 5.2.3 Section 26 of the Counterterrorism and Security Act 2015 and its revisions places a duty on specified authorities to "have due regard to the need to prevent people from being drawn into terrorism" in the exercise of their functions. In addition, the December 2019 update of the Counterterrorism and Security Act 2015, introduced a new duty for local authorities to "provide support to people vulnerable or susceptible to being drawn into terrorism or violent extremism".
- 5.2.4 The councils response to both duties is the Prevent Strategy which draws together how it will work with partners to comply with the duties and prevent harm.

## **Adult Services, Health and Housing**

### **5.3 [Bridgewell Supported Living](#)**

- 5.3.1 The Executive noted the progress to date on the design development and agreed the timetable in paragraph 5.27 of the report, and noted the value improvement items to improve sustainability in paragraphs 5.11 of the report. The Executive also approved the revised strategic procurement plan for appointment of the provider of landlord services (Housing Association) and care services (Support Provider) for the provision of Bridgewell Supported Living scheme for adults with learning disabilities as detailed in the report at paragraphs 5.16 to 5.20.
- 5.3.2 **The Executive RECOMMENDS that Council approve the additional cost of works for the new accommodation by £400k, changing the previous budget from £7.15m to £7.55m as detailed in paragraph 5.12 of the report.**
- 5.3.3 As per the rationale set out previously the service is needed because without the new accommodation, a large cohort of vulnerable people are either already or will soon be living in accommodation not suited to their needs, or unable to be adapted to be suited to their needs.
- 5.3.4 The design and build contractor (Neilcott Construction) was appointed through competitive restricted tender in January 2023. They have developed the design and obtained planning permission. As the concept design progressed into a detailed technical specification, Neilcott obtained pricing from their supply chain, which exceeds the budget by £400k.

### **5.4 [Development of a new Housing Allocations Policy for Bracknell Forest](#)**

- 5.4.1 The Executive approved the proposed changes to the Housing Allocation Policy and the proposed consultation plan to enable applicants, stakeholders, partner

organisations, councillors, and the wider public to give their views on the proposed policy changes prior to presenting the findings and any subsequent amendments to the Executive for approval.

- 5.4.2 A new housing allocation policy was required to bring the policy in line with legislative changes and to address the current housing supply and demand challenges facing the borough.
- 5.4.3 The proposed policy reflects and demonstrates the Council's ambitions, whilst also addresses the challenges of a limited supply of homes for allocation and an increased demand for social and affordable rented homes.

## **5.5 Future of Downshire Homes Limited**

- 5.5.1 The Executive agreed to consolidate the ownership and management of the Council's housing portfolio by transferring (at market price) the Downshire Homes Ltd (DHL) properties to the Council by March 2024 and agreed that the four properties currently occupied by tenants holding assured shorthold tenancies (ASTs) were offered for sale to registered social landlords, noting that they would be included in the transfer of properties to the Council if sales could not be secured in the set timescale.
- 5.5.2 The Executive also agreed to facilitate the consolidation in the most tax efficient way, supporting the director(s) of DHL to progress a solvent liquidation of the company, through which its assets would transfer to the Council as shareholder and agreed to indemnify the directors, the company and the appointed liquidator against any potential claims arising from this Act and noted that a key factor in the proposed approach would be the value of the existing loans from the Council to DHL compared with their original purchase price, funding from Council loans and that current expectations based on indicative valuations of a sample of the properties were that the sums would broadly match.
- 5.5.3 The Executive also agreed that, in the event that the value of the properties having increased materially at the time of the transfer compared with the original purchase price, that the Executive Director: Resources be authorised to use Council reserves to settle any resultant capital gains tax liability, as set out in paragraph 5.20 of the report and that the Legal Services Manager be authorised to conclude the appropriate legal agreements.
- 5.5.4 The transfer of stock from DHL to the Council would facilitate a more streamlined and simplified approach to managing temporary accommodation and the small volume of supported housing properties held in the DHL portfolio. This would reduce the administrative burden and additional overhead costs created by the current arrangement.

## **5.6 Contract Award for 0-19 Public Health Nursing Service**

- 5.6.1 The Executive approved the award of the 0-19 Public Health Nursing Service Contract to Provider A for a 5-year contract term with two 12-month optional extensions. The Executive also approved the budget for the 0-19 Public Health Nursing Service for the 7-year maximum contract period with a start date from 1 April 2024. This would be paid from the ring fenced Public Health Grant allocation to the Council to deliver the public health functions.

5.6.2 The full Invitation to Tender for the 0-19 Public Health Nursing Service was carried out as prescribed by the Bracknell Forest Council Procurement Manual. The tender was published from 9 June 2023 to 27 July 2023. The tender was for a 5-year initial contract term from 1 April 2024 to 31 March 2029, with two 12-month optional extensions.

## **5.7 All Age Integrated Carers Strategy 2024-2029**

5.7.1 The Executive approved the draft All-Age Integrated Carers Strategy 2024-2029, as the basis for public consultation over a period of 12 weeks and delegate approval to the Executive Director: People in consultation with the Executive Member for Adult Services, Health and Housing and the Executive Member for Children, Young People and Learning to endorse and sign off the consultation process. The Executive also agreed to receive a revised draft of the strategy following consideration of consultation feedback.

5.7.2 The All-Age Integrated Carers Strategy will support the Council in meeting their statutory responsibilities to carers and young carers as determined under the Care Act 2014 and Children and Families Act 2014 and will support a number of Bracknell-Forest Place Health and Care Plan 2022-2025 priority areas.

5.7.3 Public consultation of the co-produced strategy will ensure residents of Bracknell Forest have an opportunity to understand the proposed partnership approach to supporting carers and the associated priorities. Residents will be able to provide feedback which will be taken into consideration when drafting the final strategy for publication.

## **5.8 Integrated Sexual and Reproductive Health (SRH) Recommissioning**

5.8.1 The Executive approved a two-year direct award to an eligible provider to ensure continuity of Specialist, Integrated SRH service provision beyond the 30 June 2024 across Berkshire East ((RBWM), Bracknell Forest Council (BFC) and Slough Borough Council) and agreed to deliver the contract award as the Lead Authority for the procurement. The decision would be taken at RBWM's Cabinet on the 27 September 2023 and SBC's Cabinet on the 18 September 2023, with the final decision being confirmed by the 28 September 2023 when all three meetings will have met to take their decisions.

5.8.2 The Executive agreed that BFC work with the market and NHS commissioning bodies to develop a life course response to sexual and reproductive health needs that offers better services for local communities. This process will result in initiation of a procurement of the Specialist Integrated SRH service during the lifetime of the 2-year contract to ensure longer term provision.

5.8.3 The contract for the Specialist Integrated SRH service for residents in the local authorities across Berkshire East (Bracknell Forest Council; (RBWM) and Slough Borough Council) is due to expire on 30 June 2024 and the recommended approach agreed by all local authorities was to retender under the light touch regime of the Public Contracts Regulations 2015 (the Regulations).

5.8.4 In March 2023 the Director of Public Health gained approval for BFC to go out to tender for the Berkshire East Specialist Integrated SRH Service. This included a recommendation to continue joint commissioning arrangements across Berkshire East to continue funding the total contract value jointly with BFC to lead the procurement process to tender under the light touch regime.

- 5.8.5 A Prior Information Notice (PIN) was released in March 2023 as part of the tender process to test the market interest. These were assessed by the BFC officers leading the procurement including the Head of Corporate Procurement and the Public Health Strategic Commissioning Manager. Based on the information gathered as part of preparation for tender, a new options appraisal has been undertaken and this paper informs the Executive of the process most likely to secure good SRH service provision for the public and mitigating potential risks to the local authorities. The options appraisal was included in the Annex paper as this includes commercially sensitive information.

## **Council Strategy and Climate Change**

### **5.9 Overview and Scrutiny Panel Reviews**

- 5.9.1 The Executive noted the reports and recommendations set out within the report and referred the reports to the relevant Executive Director.
- 5.9.2 The two scrutiny reviews were undertaken in the last administrative term but were not presented to the Executive, due to insufficient time in the municipal calendar. The reports have now been considered by the Overview and Scrutiny Commission in their new term and the Commission has endorsed the reviews Recommendations.
- 5.9.3 The comments from the relevant Officers have been incorporated into the review reports and no concerns have been indicated with any of the proposed recommendations. The views of the Statutory Scrutiny Officer were also incorporated at the Commission meeting of the 6 July 2023.

### **5.10 Composition of the Joint Public Protection Committee**

- 5.10.1 The Executive agreed to authorise the appropriate amendment to the inter Authority Agreement to reflect the change to the membership of the Joint Public Protection Committee and agreed to the proposed changes to the Joint Public Protection Committee's Terms of Reference as set out in paragraph 5.5 of the report.
- 5.10.2 It was agreed that authority be given to the Assistant Director: Contract Services in consultation with the Borough Solicitor to implement amendments to the Inter Authority Agreement dated 6 January 2017 as well as the Committee's Terms of Reference.
- 5.10.3 At the 12 June 2023 Joint Public Protection Committee meeting the Members resolved to recommend to each of the partner authorities that the membership of the Committee be amended to include three Members from each authority, namely the Portfolio Holder with responsibility for Public Protection, and two Council representatives. They also recommended that West Berkshire Council's Constitution, as the host authority, be amended to reflect this decision.

### **5.11 Council Plan Overview Report**

- 5.11.1 The Executive noted the performance of the council over the period from April - July 2023 as highlighted in the Overview Report.
- 5.11.2 At the end of the quarter, 10 actions were completed (10%), 68 actions (72%) were rated as "green", 24 actions (26%) were "amber" and 2 actions (2%) were "red".

- 5.11.3 Indicators have continued to be included in this quarters CPOR, however as the majority of these were established at the start of the council plan period, in 2019, some are no longer particularly relevant to measuring the current priorities. For Q1, there were 51 indicators presented. Progress against key performance indicators across the Council was positive with 32 (63%) “green”, 3 (6%) were “amber” and 4 (8%) were “red”. 12 indicators (24%) have no target set as they are for monitoring only.

## **Economic Development and Regeneration**

### **5.12 [Bracknell Forest Economic Strategy 2024-2034](#)**

- 5.12.1 The Executive agreed the draft Bracknell Forest Economic Strategy 2024-2034 for public consultation.
- 5.12.2 The Council is committed to achieving growth and prosperity through a thriving and connected economy. The role the Council plays is both as an enabler and through direct delivery collaborating with employers, business representatives, regional and national government, and residents.
- 5.12.3 The strategy would be delivered in partnership with the business and education sector and through working with neighbouring local authorities. The public consultation process would seek the views of residents, businesses, and partner organisations on the strategy and the proposed action plan.

## **Finance and Business Change**

### **5.13 [Budget Update](#)**

- 5.13.1 The Executive noted the Council’s predicted current year financial position which was summarised in Table 1 and detailed in Annex A of the report and endorses the actions agreed by the Corporate Management Team to help contain expenditure in the current year as set out under paragraph 5.4 of the report. The Council’s predicted medium-term financial prospects based on the assumptions detailed in paragraphs 5.9 to 5.16 and summarised in Table 2 of the report were noted, which was subject to development of detailed draft budget proposals for 2024/25 and future years and to confirmation of the local government finance settlement in December.
- 5.13.2 The Executive noted that they would be asked at its November meeting to recommend to Full Council a Flexible Use of Capital Receipts Strategy, that would provide funding from capital resources to secure additional capacity needed to drive transformation change to help secure a sustainable future financial position and also agreed the proposed use of the Council’s funding to support delivery of affordable housing as set out in paragraphs 5.20 to 5.22 of the report.
- 5.13.3 It was important that the Executive recognised the scale of the financial pressures that the Council is currently facing due to inflation and service demand, as well as a looking forward to the potential financial position in future years.

### **5.14 [Re-procurement of an Occupational Health Provider for Staff](#)**

- 5.14.1 The Executive approved the proposed re-procurement of an occupational health contract for the provision of occupational health service for staff who work for the

council in any capacity, including schools. Following the completion of the procurement process, the Executive agreed to delegate the contract award to the Executive Director: Resources in consultation with the Executive Member, Finance and Business Change.

- 5.14.2 The Council currently spends approximately £80,000 a year on its current occupational health service, which provides a variety of services, such as; preemployment screening, sickness referrals, ill-health retirement, management guidance and advice as well as health surveillance such as; statutory hearing tests, night worker assessments as well as immunisation, disablement advice, home visits, emergency planning advice, health related risk assessments, training and advice services, and health promotions when required.
- 5.14.3 The provision of these services supports managers with staff absence management and employees early return to work which has a positive impact on sickness absence levels.

#### **5.15 Surplus Land Depot Site - Initial Site Development Plan**

- 5.15.1 The Executive approved the outline Initial Site Development Plan (ISDP) for surplus land at the Depot site and noted that detailed proposals would be developed including design, submission of a planning application and the commercial arrangements including development funding finalised in a further Settled Site Development Plan that the Council would need to approve in around 12 months' time. The Executive also noted that the Joint Venture (JV) would engage with registered social landlords to investigate the viability of increasing the level of affordable housing in the development above the minimum policy compliant level (currently 25%) up to potentially 100%, prior to submission of Settled Site Development Plan.
- 5.15.2 The Executive also resolved that the Borough Solicitor be authorised to appropriate the land as edged red on the plan attached as Annex 1 of the report for planning purposes under Section 122(1) of the Local Government Act 1972, when a planning consent is in place.
- 5.15.3 The proposed ISDP is an outline proposal for development of the Council-owned Depot site. This will become surplus to the functioning of the Depot site itself once the redevelopment of the site is completed. If approved, this outline proposal will be refined during the coming months and will be subject to several conditions being fulfilled, including securing planning permission and fulfilling best consideration requirements for the land value.
- 5.15.4 The proposal uses a parcel of land which would otherwise be left vacant or sold to a third-party developer. Its proposed development via the JV allows the Council to retain a high level of control over what is to be built on the site.
- 5.15.5 The development would provide c40 new houses and flats close to the town centre, with a proposed 25% policy compliant scheme as a minimum. The opportunity to deliver an increased number of affordable units on site will be explored in the coming months, before a final proposal is brought before the Council for consideration in a Settled Site Development Plan.

## **Children, Young People & Learning**

### **5.16 [SEND Written Statement of Action \(WOSA\) implementation](#)**

- 5.16.1 The Executive noted the progress made on implementing the SEND WSOA to improve services to children and families and the feedback from the DfE and NHS England since the end of June 2023 and the invitation from the DfE to participate in the Safety Valve intervention programme 2024-25 for local authorities with high Designated Schools Grant (DSG) deficits.
- 5.16.2 The third review meeting with the DfE and NHS England took place on 10 July 2023. Written feedback provided by the DfE after the review meeting acknowledged that there has been a great deal of activity since the last review meeting that has moved the local area on at pace.
- 5.16.3 In the introduction the DfE was advised that the Executive had agreed £350,000 for staffing investment, with some of these additional posts already filled. Activity to improve processes is also underway, along with a staff training and development programme of activity.
- 5.16.4 The review meetings take each of the nine improvement areas of significant weakness identified in the Ofsted and Care Quality Commission (CQC) inspection, and review progress made, the impact of the work on children, young people and families, and next steps.

### **5.17 [New SEND School Site](#)**

- 5.17.1 The Executive agreed Bucklers Park as the site for the new special school and delegated authority to the Executive Director – People, and the Executive Member for Children, Young People and Learning, to agree any minor amendments that may be further required.
- 5.17.2 The Council needs to provide new places for future SEND provision since it currently pays for a high number of pupils to be educated out of the borough which is expensive and is projected to increase in terms of demand and cost. Part of the emerging SEND strategy is to provide more places within the borough which includes the provision of new schools.
- 5.17.3 The opportunity to use the land at the Bucklers Park site at a cost of a nominal £1 purchase price from the developers and for the DfE to fund the design and build of a new school, is an opportunity for the Council which should be pursued.

### **5.18 [Approval of the Strategic Procurement Plan for Integrated Therapies Service and associated contract extensions](#)**

- 5.18.1 The Executive approved the Strategic Procurement Plan for the provision of an Integrated Therapies Service as a jointly commissioned service with NHS Frimley Integrated Care Board, the Royal Borough of Windsor and Maidenhead and Slough Borough Council. The NHS Frimley Integrated Care Board will be the lead commissioner. The Executive also agreed the proposed contractual term of 7 years, starting with an initial period of three years and two further optional extension terms of 2 years (3+2+2 years).
- 5.18.2 The Executive delegated authority for the contract award decision to the Executive Director: People in consultation with Executive member for Children, Young People &



Learning and approved an extension via waiver of the current Children and Young People's Occupational Therapy Service Level Agreement for one year to cover the dates 02/09/23-01/09/24 and, if required, to cover the dates 02/09/24-01/09/25.

- 5.18.3 The procurement of the Integrated Therapies Service is required to meet the needs of children and young people with Special Educational Needs and Disabilities (SEND).
- 5.18.4 The proposal for jointly commissioning an Integrated Therapies Service will include a core clinical service. The core clinical offer includes SALT, OT and Physiotherapy. This core element of the integrated service will provide services where there is a clinical need such as intervention when a child or young person has experienced an accident or where there is a specific clinical need.

## **6 Advice Received from Statutory and Other Officers**

### **6.1 Leader Appointments**

The Leader of the Council has appointed a Social Value Consultative Group in the ratio 4:1:1:1 to work with the Head of Corporate Procurement to help shape the council's social value policy. Each group can appoint substitutes up to the limits set out in the constitution.

<b>Labour (4)</b>	<b>Con (1)</b>	<b>Lib Dem (1)</b>	<b>Green (1)</b>
Bidwell (chair elect)	Barnard	M Forster	Haffegge
Temperton (vice-chair elect)			
Welch			
Wright			
<b>Substitutes</b>	<b>Substitute</b>	<b>Substitute</b>	<b>Substitute</b>
Penfold	Allen	Smith	Collings
Watts			

### **Legal Advice**

- 6.2 The Borough Solicitor's comments have been addressed in the reports to the Executive.

### **Financial Advice**

- 6.3 The Executive Director: Resources' comments have been addressed in the reports to the Executive.

### **Equalities Impact Assessment**

- 6.4 Equalities issues, where appropriate, have been addressed in the reports to the Executive.

### **Strategic Risk Management Issues**

- 6.5 Any strategic risks have been identified in the reports to the Executive.

### **Climate Change and Ecological Implications**

6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO<sub>2</sub>.

The reason the Council believes that this will have no impact on emissions is that the report is providing an update on decisions taken rather than proposing any action. The impact or not of each of the individual decisions was set out in the respective reports.

Health & Wellbeing Considerations

6.7 There are no considerations.

Background Papers

Executive Agenda – [19 September 2023](#), [17 October 2023](#) and [14 November 2023](#)

Contact for further information

Hannah Harding, Delivery - 01344 352308

Hannah.harding@bracknell-forest.gov.uk

To: **Council**  
**29 November 2023**

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**Council Plan 2023-2027**  
**Assistant Director: Chief Executive's Office**

## **1 Purpose of Report**

- 1.1 To present the Council Plan and new business change programme to Council setting out agreed priorities for the period to 2027, following engagement and development with councillors and staff.
- 1.2 To propose that the Council adopts a flexible use of capital receipts strategy to maximise funding opportunities to support the delivery of the business change programme.

## **2 Recommendations**

**Council is asked to:**

- 2.1 **Approve the Council Plan attached as Appendix A;**
- 2.2 **Support delivery of the Council Plan and ensure the organisation remains resilient and sustainable by endorsing the proposed Business Change programme summarised in Appendix A;**
- 2.3 **Approve with effect from 1 December 2023 a flexible use of capital receipts strategy as set out at Appendix B to provide funding needed to ensure the Council Plan and Business Change programme are successfully delivered.**

## **3 Reasons for Recommendations**

- 3.1 The Council Plan is essential to the organisation's policy framework and effective operations. It outlines the priorities for the Council in the coming four years' and focuses the work to be undertaken.
- 3.2 The development of the Council Plan is based on multiple layers of engagement and development; this has led to incorporating significant feedback into the structure and wording of the content. There has been feasibility testing as part of the development, to ensure that the content has longevity for the plan period and ambitious, but realistic deliverability.
- 3.3 The plan includes a core enabling priority to be an ambitious, resilient and sustainable organisation. Much of this will be delivered through the business change programme to ensure the organisation is fit for the future. The aspiration is to be the best organisation possible. The proposed flexible use of a capital receipts strategy in Appendix B will enable the council to use capital receipts to support and enable the delivery of the business change programme's priorities and facilitate the delivery of savings and improved outcomes for service users.

## **4 Alternative Options Considered**

- 4.1 Alternatives have been explored through the development of the plan and incorporated into the final version. Funding to support the Business Change programme could be sought from the Council's reserves, however the scale of financial pressures being faced suggests that those should be protected for alternative uses.

## **5 Supporting Information**

- 5.1 The Council Plan sets out the overall ambition for what the council aims to achieve for, and with, residents, businesses, and partners. It is a strategy document identifying priorities and how the council will measure progress and performance. The new plan will cover the period from 2023 until 2027.
- 5.2 The Council Plan provides a framework for a more detailed set of actions detailed in annual directorate service plans. These plans will include the operational tasks and initiatives linked to each of the themes and goals. Progress in delivering against the Council Plan goals will be reported through externally published quarterly reports.
- 5.3 The development of the new Council Plan has undertaken several phases, from insights collection and mapping, to refining and feasibility testing. Each stage involved a range of stakeholders including councillors, managers, and data leads. It has been a priority to ensure that the plan is relevant for the coming four years; aspirational in the direction of travel but also feasible to deliver within the context of resources.
- 5.4 This plan does not sit in isolation and is complemented by a range of underpinning principles such as the commitment to equality, health, and climate; these strategies are all referenced. Achieving the goals of the plan and the best outcomes for residents will require a system approach, therefore joint working is a key foundation of delivering the plan.
- 5.5 The plan's enabling priority to be an ambitious, resilient, and sustainable organisation will be delivered in large part through the business change programme to ensure the organisation is fit for the future. The programme will drive savings and increased efficiency across the organisation, as well as securing transformational change to benefit service users.
- 5.6 The council has funded its work on transformation and business change in previous years from earmarked reserves. The Government announced as part of its 2016/17 finance settlement new flexibilities allowing local authorities to use capital receipts received in a financial year to be used to fund qualifying transformational expenditure in that year. This programme has been extended in the intervening years and continues to be applicable until 2024/25, with a further extension considered likely.
- 5.7 The scale of current and future pressures on the council's revenue finances, from rising costs and demand and more recently its participation in the Department for Education's Safety Valve programme, suggests that an alternative funding strategy rather than using valuable earmarked reserves should now be pursued. It is therefore proposed that the council makes use of the flexibility provided by Government by adopting the proposed Flexible Use of Capital Receipts Strategy, attached at Appendix B. In support of this, a schedule of potential asset sales is being produced,

focusing on commercial property assets held within and outside the borough boundaries.

#### Next steps

- 5.8 Development is underway on agreeing the first set of service plans. These service plans will cover the period 1 April 2024 to 31 March 2025, aligned with the budget cycle and these will include business change programme activity.
- 5.9 The first reporting period for the new Council Plan, and service plan commitments will be Q1 (April 2024 to June 2024), to be presented to Executive in September 2024. Until then, reporting will be based on the current service plans.

## **6 Consultation and Other Considerations**

#### Legal Advice

- 6.1 The Council Plan forms part of the Policy Framework and a decision on its implementation is therefore reserved to a quorate meeting of the Council. As set out in Appendix B, the standard prohibition on Council's using Capital receipts for Revenue expenditure is set aside by the application of Directions issued by the Secretary of State in 2003 to the extent highlighted in paragraph 5 of the Appendix.

#### Financial Advice

- 6.2 The financial implications associated with delivering the Council Plan priorities will be highlighted for inclusion in the Council's 2024/25 – 2026/27 budgets. The Business Change programme is expected to realise several financial and other benefits, as set out in Appendix B. Work to deliver the programme will require additional resources which are also estimated in Appendix B, which are proposed to be funded from capital receipts (asset disposals) using the flexibility available to councils that adopt a flexible use of capital receipts strategy.

#### Other Consultation Responses

- 6.3 There has been significant engagement as part of developing the new Council Plan and the business change programme. This has been detailed throughout the report and the feedback included within the draft presented in Appendix A.

#### Equalities Impact Assessment

- 6.4 Equality, diversity and inclusion issues are being considered as part of the process to create the new plan and change programme. An EqIA has been undertaken to consider the impact of the plan on people with protected characteristics and is attached at appendix C. No negative impacts were identified and overall, the plan aims to reduce inequality and improve prosperity in the borough. Specific EqIAs will be undertaken for business change programme projects.

### Strategic Risk Management Issues

- 6.5 The Council Plan is a key part of the council's framework for performance management. The strategic commitments agreed on, and the delivery against them, will form part of issues monitored within the risk management processes.

### Climate Change and Ecological Implications

- 6.6 The plan identifies the importance and the role of the council in addressing climate change and biodiversity challenges. There are specific goals and key results identified to address and reduce carbon emissions and to enhance the local biodiversity. There will be a change programme focussed on enabling the delivery of our climate change and carbon reduction goals.

### Health & Wellbeing Considerations

- 6.7 The plan identifies the importance of health and wellbeing and the role the council has related to this. There are specific goals and key results identified to address the health and wellbeing of the population and monitor the local outcomes. Both physical and mental health are recognised within the plan, at universal and targeted tiers.

### Background Papers

None

### Contact for further information

Katie Flint, Chief Executive's Office - 01344 352217

[Katie.flint@bracknell-forest.gov.uk](mailto:Katie.flint@bracknell-forest.gov.uk)

Abby Thomas, Chief Executives Office – 01344 353307

[Abby.thomas@bracknell-forest.gov.uk](mailto:Abby.thomas@bracknell-forest.gov.uk)

Stuart McKellar, Executive Director Resources – 01344 352180

[Stuart.mckellar@bracknell-forest.gov.uk](mailto:Stuart.mckellar@bracknell-forest.gov.uk)

### **Appendix A – Council Plan**

*[attached as separate document]*

### **Appendix B – Flexible Use of Capital Receipts Strategy**

*[attached as separate document]*

### **Appendix C – Equality Impact Assessment**

*[attached as separate document]*



# Council Plan **2023 – 2027**

Growing together, shaping tomorrow.

Putting residents first and working together to grow sustainable, resilient, and inclusive communities.



# Welcome

I am delighted to be setting out our commitments and aspirations for the next four years in this plan.

The plan is unreservedly ambitious and while we know it will be a challenge to achieve everything set out in it, a thriving community is at our core, so we must strive to make real and tangible progress in all areas.

When there are so many vital services provided by our teams, it is difficult to narrow down a few priorities, however, we have identified a set of key themes and goals to guide our work.

We are starting from a good position, the majority of our schools offer excellent education, we have varied and thriving businesses based here, and our natural environment is clean and accessible.

However, there are changes outside of our control that we will have to adapt and respond to as we deliver the plan. For example, the urgency of the climate and biodiversity emergency, national legislation changes, and technological advancement. We do not intend to just keep up with this, but embrace, innovate, and lead.

We also recognise that we will face challenges and changes within the borough over the next four years. The population is growing and demand for our services is increasing. We are experiencing, alongside residents, the financial challenges where costs are rising at an unsustainable rate. At the same time, our funding is not increasing to match rising costs and we continue to face uncertainty for future years of funding. We will need to continue to adapt and learn so that we can tackle these challenges and still deliver our ambitions.

However, communities in Bracknell Forest are strong. I saw first-hand during the pandemic how everyone came together. I am passionate about making sure residents are empowered and well-informed, so you can make your own choices and be independent. Our services must be inclusive and accessible, and we need to work directly with you to achieve this. We will be doing more in the coming years to connect with and listen to residents; working together to improve and deliver quality services.



**Cllr Mary Temperton,**  
Leader of the Council



## Our borough

### Community

The local communities in Bracknell Forest are vibrant and diverse.



**124,608**  
people in  
Bracknell Forest



**47 percent**  
**increase**

in residents from minority ethnicities, compared to 2011



**77 percent**  
employed of working  
age population



**82 years** male life expectancy  
**85 years** female life expectancy

### Place

Our borough is renowned for its excellent location for businesses, combined with extensive green spaces.



**11 percent**  
residents live  
alone

In the lowest  
10 percent for  
deprivation



**2,302** households in  
fuel poverty



Trees cover  
**35 percent**  
of the borough

### Adults

Most adults live a healthy and fulfilling life, in independence and choice.

**65 percent**

adults are overweight or obese



**70 percent**  
adults are  
physically active



**13 percent**  
residents have a  
common mental  
health disorder

### Children and Young People

Young people have wide ranging opportunities, facilities and activities to engage with. Our local schools are exceptional.



**13.1 percent**  
pupils have  
special  
education  
needs (including  
EHCPs)



**18.6 percent**  
children are obese



**22 percent**  
population are  
children

An extended community profile is included as an annex to the plan. For more detail and the latest data about our borough can be found on the [Berkshire Observatory](#) or the [Berkshire East Joint Strategic Needs Assessment pages](#).



# The role of the Council Plan

The Council Plan sets out the overall ambition for what we want to achieve for and with residents, businesses and partners.

It doesn't include everything we do but it outlines the activities and actions that we will focus on. It sets out what we will prioritise as a council in the borough over the next four years.

Our vision for the borough is where...  
**we put residents first, working together to grow sustainable, resilient, and inclusive communities.**

The Council Plan for 2023 to 2027 will focus on three borough priorities to achieve this ambition:

- **Engaged and healthy communities**
- **Thriving and connected economy**
- **Green and sustainable environment**

To deliver these priorities, we have identified a series of operational principles for how we will work. This is also guided by our core values to be inclusive, ambitious and always learning. Therefore, the Council Plan sets out a fourth priority to be **an ambitious, resilient and sustainable organisation**. This will enable us to achieve our goals.

This is a key document for the council and the plan will be delivered through the annual service plans, the council's budget and specific strategies.

## Growing together, shaping tomorrow



**Borough priorities:**

**Engaged and healthy communities**

**Thriving and connected economy**

**Green and sustainable environment**

**Ambitious, resilient and sustainable organisation**

**Value · Residents · Climate · Quality · Partnership · Workforce**

# Underpinning principles

Throughout the plan there are cross cutting principles that will underpin the work that is delivered. These identify priorities across all the goals and themes of the plan and provide focus for the outcomes to be achieved.

## Equality, Diversity, and Inclusion

Many of the priorities set out in the Council Plan relate directly to creating an inclusive borough and tackling inequalities. This commitment cuts across everything we do and goes beyond our legal responsibilities.

Within the principles of fairness and opportunity, we believe that:

- reducing inequalities benefits everyone in the borough
- strengthening community unity makes for a better borough
- understanding and promoting diversity improves people's lives

The [Bracknell Forest 'All of Us' Equality Strategy](#) sets out what the council intends to achieve in terms of equality and diversity and includes the council's equality objectives.

## Health in all Policies

We recognise that the wider environment influences people's health. These wider determinants of health are important as they look beyond factors that only relate to the individual. We are therefore embedding a Health in all Policies approach for cross-departmental action to maximise the health benefits for the population and influence health through strategies, services and programme delivery. This work extends the health activity committed to within the [Health and Wellbeing Strategy](#). The priorities included within the Council Plan are framed in the context of improving the wider context for health and wellbeing

## Climate and sustainability

There are several specific goals within the Council Plan related to the climate and biodiversity emergency. However, our work to address climate change extends beyond this and requires all services, partners and residents to be part of it. The council's [Climate Change Strategy](#) sets out goals to lead in making changes that benefit our environment and the climate as a whole.

### Key strategies

The commitments within the Council Plan do not sit in isolation. They complement and extend priorities across a number of existing strategies. These strategies contain more detailed work to improve outcomes for residents and will continue to be reviewed and delivered alongside the Council Plan. These key strategies include, but are not limited to:

- Equality Strategy
- Health and Wellbeing Strategy
- Climate action plan
- Economic Strategy
- Workforce Strategy
- Local Plan
- Local Transport Plan
- IT and Digital Strategy
- Housing and Homelessness Strategy
- Youth Services Strategy

Over the plan period further strategies will be developed including a culture strategy, leisure strategy and communities strategy.



# Borough Priorities

## Engaged and healthy communities

Within Bracknell Forest, there are vibrant and diverse local communities, and many parts of the borough have their own identity. Our role is to help create opportunities where people can succeed, be happy and feel safe. This will mean we can continue to build a healthy community.

During the pandemic, there was a huge community response where people came together. This demonstrated the potential and capability of what can be achieved when people feel empowered. It is important we make best use of community development and spaces for enriching and varied activities. Bringing people together to connect with each other will help maintain our high levels of community cohesion.

We have a range of quality facilities and places to foster good health, and overall quality of life is good in the borough. However, it remains important for us to recognise both physical and mental health needs across all ages and backgrounds, particularly where we know many are still experiencing health challenges following the pandemic. Working closely with our partners in the community and services like health will be vital to ensure the right support is available, and known, to those who need it.

We know that children are our future and therefore it is vital that they have the best childhood. This means quality education but also the wider opportunities to take part in youth activities. It will be important that we continue to build on this local provision so children can experience a range of opportunities to help them grow.

### Our ambition for the borough is...

- Children have quality **education and opportunities** to fulfil their potential
- Every child is safe as they grow up, where support puts **family first**
- Residents can access **appropriate care**, suitable for a changing population
- The diverse and growing population is **healthy and active**
- Community development and spaces encourage a **cohesive and engaged** community
- Residents have a **safe and affordable** place to live

Our ambition for the borough is...	We will measure this by...
Children have quality <b>education and opportunities</b> to fulfil their potential	<ol style="list-style-type: none"> <li>1. Raising secondary attainment levels for disadvantaged pupils</li> <li>2. Raising primary attainment levels for disadvantaged pupils</li> <li>3. Increasing the proportion of children with an education, health and care plan who are educated within the borough</li> <li>4. Increase all education settings rated good or outstanding</li> <li>5. Increasing participation in universal youth service</li> </ol>
Every child is safe as they grow up, where support puts <b>family first</b>	<ol style="list-style-type: none"> <li>1. Improving education outcomes for children in care</li> <li>2. Reducing the number of children on a Child Protection Plan</li> <li>3. Reducing the proportion of children who need to step up to statutory services</li> </ol>
Residents can access <b>appropriate care</b> , suitable for a changing population	<ol style="list-style-type: none"> <li>1. Increasing satisfaction of carers with social care support</li> <li>2. Increasing long term support being delivered at home</li> <li>3. Increasing care placements made to good or outstanding providers</li> </ol>
The diverse and growing population is <b>healthy and active</b>	<ol style="list-style-type: none"> <li>1. Increasing visits to the council's open spaces</li> <li>2. A reduction in levels of smoking</li> <li>3. Increasing weight loss through health programmes</li> <li>4. Increasing effectiveness of community mental health support</li> </ol>
Community development and spaces encourage a <b>cohesive and engaged</b> community	<ol style="list-style-type: none"> <li>1. Increasing visits to the libraries</li> <li>2. Increasing the use of the Community Map for local activities</li> <li>3. Increasing community volunteering</li> </ol>
Residents have a <b>safe and affordable</b> place to live	<ol style="list-style-type: none"> <li>1. Increasing affordable homes completed</li> <li>2. Reducing the number of people who are rough sleeping</li> <li>3. Reducing households living in temporary accommodation</li> <li>4. A reduction in local crime</li> </ol>

## Key projects

### By 2027, we will have:

- completed the construction and opening of Bridgewell, a new supported living service
- supported the development of a new SEND School at Bucklers Park
- secured, through the Joint Venture, 169 housing units on the Market Steet site, including over 80 affordable homes
- completed, through the Joint Venture, new housing at the surplus land at the depot site
- delivered the new Thriving Communities health and wellbeing programme with partners and communities
- facilitated the delivery of a new Health facility in Bracknell town centre, developed and delivered with Frimley ICB





# Borough Priorities

## Thriving and connected economy

The local economy includes many different aspects, such as businesses, jobs, skills, accommodation, and services. These shape the environment for what it's like to live and work here. Bracknell Forest is a popular place to live, and it is attractive for a range of industries from construction and distribution to science and technology. The borough is well connected, both with physical infrastructure as well as networks and internet.

Over the last 10 years, there has been significant regeneration of Bracknell town centre to create a lively and welcoming destination for visitors and residents. There is further ambition to extend the success through leisure and night time experiences. As a New Town, many of the neighbourhood areas surrounding the town centre were built at a similar time and we know that investment is needed to enhance these community hubs. Beyond this, the wider towns and villages within the borough also form anchors to our community and continuing to invest and work with these areas is important.

We have a strong foundation of local education for young people. However, there are further opportunities to develop advanced level skills and link this to our local employment and businesses. Upskilling residents will open more opportunities to work within the borough, strengthening our economy.

### Our ambition for the borough is...

- Resident **skills** are enhanced, meeting local **employment** needs
- Bracknell **town centre** continues to thrive and be a destination of choice
- Town, village and **neighbourhood centres** are thriving hubs for community activity
- **Businesses** have the space, environment, and support to adapt and grow

Our ambition for the borough is...	We will measure this by...
Resident <b>skills</b> are enhanced, meeting local <b>employment</b> gaps	<ol style="list-style-type: none"> <li>1. A reduction in the proportion of residents who are unemployed</li> <li>2. Increasing uptake of local apprenticeships and traineeships</li> </ol>
Bracknell <b>town centre</b> continues to thrive and be a destination of choice	<ol style="list-style-type: none"> <li>1. Increasing visits to the town centre</li> <li>2. An increase in the development of new homes within the town centre</li> </ol>
Town, village and <b>neighbourhood centres</b> are thriving hubs for community activity	<ol style="list-style-type: none"> <li>1. Increasing the attractiveness (cleanliness) of neighbourhood centres</li> <li>2. Maintaining high occupancy of neighbourhood centre units</li> </ol>
<b>Businesses</b> have the space, environment, and support to adapt and grow	<ol style="list-style-type: none"> <li>1. Increasing sustainability of new businesses in the borough</li> <li>2. An increase in the growth of new businesses</li> <li>3. Maintaining high occupancy of council owned business units</li> </ol>

## Key projects

### By 2027, we will have:

- facilitated the delivery of a new community hub in Warfield
- actively encourage and supported the provision of meanwhile uses and activities for unoccupied space in Bracknell Town dCentre (previous Bentall's site)





# Borough Priorities

## Green and sustainable environment

Our environment includes everything around us, our parks, our cycleways and our road networks. It also includes the air quality and increasingly extreme temperatures and weather events. The importance of our environment sits within the context of the changing climate and biodiversity emergency and the urgency to reach net zero.

Bracknell Forest has a beautiful natural environment, and we intend to enhance and protect this. We know that this will require a community wide effort and we must work together to move towards a sustainable carbon neutral future. But we also know that we need to lead and show what can be done, whether related to biodiversity, renewable energy or making green transport choices. We will need to be creative to identify new ways of doing things, working jointly with partners and residents.

It is important that accessing the environment and making climate friendly choices is available to all residents. This includes working with partners to ensure our bus routes are supported, footpaths are clear, and cycleways are safe. Our goals over the coming years intend to further encourage all residents to make the most of our brilliant local environment, whilst ensuring that it is sustainable for the future.

### Our ambition for the borough is...

- There is collective action to address and adapt to the **climate and biodiversity emergency**
- Our **green spaces** and parks foster sustainability, biodiversity, and wellbeing
- Local **transport networks** provide choice in travel



Our ambition for the borough is...	We will measure this by...
There is collective action to address and adapt to the <b>climate and biodiversity emergency</b>	<ol style="list-style-type: none"> <li>1. Increasing the correct use of recycling</li> <li>2. Increasing the average energy efficiency rating of the housing stock in the borough</li> <li>3. A reduction in borough emissions</li> <li>4. Increasing the installation of public electric vehicle charge points</li> <li>5. Increasing new trees being supported to independent growth</li> </ol>
Our <b>green spaces</b> and parks foster sustainability, biodiversity, and wellbeing	<ol style="list-style-type: none"> <li>1. Increasing biodiversity across the borough, funded by new developments</li> <li>2. Increasing Suitable Alternative Natural Greenspaces (SANG) and open space through the planning process</li> <li>3. Increasing volunteering within the borough's parks and countryside</li> </ol>
Local <b>transport networks</b> provide choice in travel	<ol style="list-style-type: none"> <li>1. An increase in bus use as sustainable public transport</li> <li>2. Increasing green miles travelled via walking and cycling</li> <li>3. Increasing delivery of infrastructure through the Community Infrastructure Levy (CIL)</li> </ol>

## Key projects

### By 2027, we will have:

- investigated, and if feasible, implemented new energy initiatives at the London Road closed landfill site including a solar array and charging hub



# Delivering our ambition

Many of the outcomes we are working towards cannot be delivered by the council alone. Reaching these goals will require a shared effort between residents, partners and local businesses. It is, however, important that we include these ambitious aims to help set a clear target for how we can further grow and develop as a borough. We must work more collaboratively in partnerships and with residents. The community will be at the heart of our decisions.



We must also ensure that we provide responsive, effective and efficient services. We must achieve best value for residents. We have therefore set out a core enabling priority to be an **ambitious, resilient and sustainable organisation**. Much of this will be delivered through our business change programme to ensure the organisation is fit for the future. Our aspiration is to be the best organisation that we can be.

Importantly, these foundations describe how we will deliver our plan. To achieve our goals:

- We deliver **quality** services, seeking ways to improve
- We prioritise finances effectively, delivering **value for money**
- We lead in reducing our **carbon footprint**
- We work directly and jointly with **residents**
- Our **workforce** is stable, connected, skilled and motivated
- Our **partnerships** maximise resources and skills

## How will we work



## What will we achieve



## Our partners



The business change programme enables the delivery of the council plan and will ensure the organisation is financially sustainable and fit for the future. The programme's aim is to use ambitious solutions to achieve resilience and sustainability.

The programme will drive savings and increased efficiency across the organisation. The funding to enable the delivery of the programme will be found from a Flexible Use of Capital Receipts Policy.

Five programmes of activity have been identified within the business change programme, these are:

- **Efficiency and digitisation** - delivering efficient, sustainable, innovative, digital enabled customer focussed services.
- **Workforce, retention, and recruitment** - ensuring we have the right capabilities, retaining an engaged and motivated workforce and growing our own talent.
- **Neighbourhood regeneration and assets** - building resilient communities and making best use of our property assets to support effective services and financial sustainability.
- **Climate change** - enabling the organisation to achieve our climate change and carbon reduction goals.
- **Corporate improvement** – an intensive corporate support and challenge programme to enable the turnaround of any service or function that has or is at risk of failure.

Each programme has specific outcomes and measures. Activity within the programme will be included within the annual directorate service plans, quarterly service reports and Corporate Performance Overview Report to report progress.

Beyond the direct work of the business change programme, we also know that we must continue to enhance our partnership working. There are already strong partnerships in place to help deliver borough wide change, this includes the Bracknell Forest Place Committee, Community Safety Partnership, Health and Wellbeing Board, Bracknell Forest Safeguarding Board. We will continue to work with our partners towards the future of the borough, to achieve the best outcomes for and with residents, in line with our strategic priorities.

We will continue to improve our community engagement and expand our approach to working directly with residents too. This will include using co-production and co-design to involve residents in developing strategies and services.

## Our values

Our values exist to guide how we work with residents and engage with communities and partners. We make our values real by demonstrating them in how we behave every day, this is us Being Bracknell Forest. Being Bracknell Forest means that we all sign up to and give our commitment to living our values in everything that we do.



## Monitoring progress

Against each goal is a set of specific key results that will help us monitor the progress being made. These results are not all within the direct control of the council and a positive or negative direction of travel will not be purely associated with actions related to this plan. However, they will indicate whether the plan is looking at the right things and whether any changes or additional actions are needed.

The key results create the core insights of the council's quarterly reporting framework. Annual work commitments set out within each directorates service plans help deliver these results. Both these annual activities and the key results will be publicly reported every quarter through the [Council Plan Overview Report \(CPOR\)](#).

## Place profile annex

### Community

#### **The local communities in Bracknell Forest are vibrant and diverse.**

There are 124,608 people who live in Bracknell Forest, this has increased by 10% in the last 10 years. Bracknell Forest's population profile is similar to England's although, the proportion of working-aged adults in Bracknell Forest is slightly higher than England with notably higher proportions of 35 to 54 year olds. People aged 65 and over make-up 15% of Bracknell Forest's population, compared to 18% nationally.

Life expectancy is significantly higher than national rates at 82 years for men and 85 for women.

In 2021, nearly 78% of Bracknell Forest's population were from a white British background. 14% of residents were from ethnic minority groups (excluding white minorities), compared to 19% in England. The diversity in the population continues to increase with the proportion of all ethnic minority residents increasing by 47% in the last decade, to 22% of residents.

In September 2022, 77% of Bracknell Forest's working age population were in employment. The proportion of people in employment decreased during the pandemic and this drop was to a greater extent than the national average. The current level of employment is higher than the average for England and similar to the South East.

### Place

#### **Our borough is renowned for its excellent location for businesses, combined with extensive green spaces.**

There are 52,060 residential properties in Bracknell Forest with a higher proportion of terraced (32%) and detached houses (24%). Property is generally more expensive than the England average, apart from flats and maisonettes. All property types in Bracknell Forest are less expensive than the South East average. The 2021 census showed an increase in the number of people living alone, both nationally and locally. In Bracknell Forest nearly 11% of people live alone with 29% of those aged 66 and over living alone.

Bracknell Forest is within the 10% least deprived local authorities in England. More than a third of the borough's neighbourhoods are in the 10% least deprived nationally. While none of Bracknell Forest's neighbourhoods are in the 20% most deprived areas in England, there are areas of higher deprivation, particularly within parts of Bracknell town. In June 2023, 2,302 Bracknell Forest households were identified as in fuel poverty.

Air quality in Bracknell Forest indicate similar levels of fine particulate matter, compared to England. The rate of Co2 emissions per person is less than the average for the South East and England. The borough is classed as urban however trees cover 35% of the borough, the second highest in England.

Bracknell Forest has lower rates of crime compared to similar authorities and the wider national average. There has been a small increase in crime since September 2020, returning to pre-pandemic levels.

## Children and Young People

### **Young people have wide ranging opportunities, facilities and activities to engage with. Our local schools are exceptional.**

Approximately 27,846 children and young people (aged under 18) live in Bracknell Forest, making up 22% of the total population. Currently, women of child-bearing age have an average of 1.7 children in Bracknell Forest compared to 1.6 in England. There has been an increased rate of births following the pandemic.

Bracknell Forest's childhood obesity rates have not significantly changed over the last 5 years. 18.6% of year six children are considered obese, this is lower than the England average of 23.4%. In 2020-21, 10.7% of Bracknell Forest's under 16s lived in relative low income families. 13.1% of pupils have special educational needs (SEN), similar to the national and South East average. There is a significantly higher proportion of pupils with an Education, Health and Care Plans (EHCP) than the national average and across similar authorities.

Bracknell Forest pupil's school readiness and attainment levels at the end of reception are similar to other authorities, while indicators of attainment at the end of key stage one are above average. Attainment 8 scores (Key Stage 4) in Bracknell Forest's state-funded schools are similar to England's, but worse against equivalent authorities. Attainment 8 scores for disadvantaged pupils are lower than the average for the same cohort across England.

## Adults

### **Most adults live a healthy and fulfilling life, in independence and choice.**

65% of adults in Bracknell Forest were overweight or obese in 2021/22. This is slightly higher than the average for the South East (63%) and similar to the average for England.

70% of adults in Bracknell Forest were classified as physically active (150+ minutes activity per week) in 2021/22, similar to the South East average.

13% of Bracknell Forest's population aged 16 and over are estimated to have a common mental health issue such as depression or anxiety, compared to national (17%) and regional (15%) prevalence rates. Less than 1% of people in Bracknell Forest were recorded as having a serious mental health diagnosis on their GP Record.

More details and the latest data about our borough can be found on the Berkshire Observatory or the Berkshire East Joint Strategic Needs Assessment pages.

## Key results definition annex

Each key result is represented by a specific measure. Each metric has been identified to provide some insight into the experience of residents in the local community.

All the indicators relate to the role of the council. Often several services will be working together towards each metric. Performance is influenced by a range of factors. Some of these are outside of the council's control and will often need wider partner involvement.

Metrics on their own should not be taken in isolation. There are many elements that contribute towards each data set and the wider goal to be achieved. They are intended to provide a conversation starter across the system to get the best outcomes for residents.

## Engaged and healthy communities

Title of result	Metric for measurement	Ref
Raise secondary attainment levels for disadvantaged students	Attainment 8 for KS4 pupils considered disadvantaged	KR111
Raise primary school development for disadvantaged children	% of disadvantaged Children achieving expected standard+ (EXS+) combined Reading, Writing, Maths (RWM) by end of KS2	KR112
Increase the proportion of children with an education, health and care plan who are educated within the borough	% of Bracknell Forest children with the Education, Health and Care Plan (EHCP) (aged 5-16) with school placement in the borough	KR113
Increase the rate of EHCPs issued within the 20 week statutory time frame	% of EHCPs issued within 20 week statutory timeframe	KR114
Increase all education settings rated good or outstanding	Combined % early years providers rated good or outstanding and % schools rated good or outstanding	KR115
Increase participation in youth services	Number of young people involved in universal youth service activities	KR116
Improve the career outcomes for children in care	% of Care Leavers aged 19-21 who are Not in Education, Employment or Training (NEET)	KR121
Reduce the number of children on a Child Protection Plan (CPP)	Child protection plan rate per 10,000	KR122
Reduce the proportion of children who need to step up to statutory services	% of early help caseload 'stepped up' to statutory social care following an early help assessment	KR123
Increase satisfaction of carers with social care support	Overall satisfaction of carers with social services (for them and for the person they care for) (Adult Social Care Outcomes Framework)	KR131

Title of result	Metric for measurement	Ref
Increase long term support being delivered at home	% long term support recipients not in residential care or nursing care	KR132
Increase care placements to good or outstanding settings	% of care placements in good or outstanding settings	KR133
Increase visits to the council's open spaces	Number of visitors to monitored open spaces	KR141
Reduce levels of smoking	% of smokers who have quit within four weeks of programme	KR142
Increase weight loss through health programmes	% of adults enrolled in the weight management service losing any weight	KR143
Increase effectiveness of community mental health support	% of clients continuing to live independently without primary or secondary mental health care provision at 3 months and 6 months checks post one to one support with Bracknell Forest Community Network	KR144
Increase visits to the libraries	Number of visits to Bracknell Forest libraries (physical visits to all libraries buildings, excl. home library)	KR151
Increase the number of community activities captured on the Community Map	Number of community activities listed	KR152
Increase activity within our community centres	Number of groups using council owned community centres (average per centre)	KR153
Increase community volunteering	Number of volunteers registered with Involve for volunteering pool	KR154
Increase affordable homes completed	Additional affordable homes completed (affordable rented and shared ownership)	KR161
Reduce the number of people who are rough sleeping	Number of people rough sleeping	KR162
Reduce local crime	Total recorded crime excluding fraud (crime rate per 1,000 for headline offences)	KR163
Reduce households living in temporary accommodation	Number of households in temporary accommodation	KR164

# Thriving and connected economy

Title of result	Metric for measurement	Ref
Reduce unemployment rate	Unemployment rate of the working age, economically active population (%)	KR211
Increase number of apprenticeships and traineeships	Apprenticeship starts since start of academic year	KR212
Increase homes completed within the town centre	Net additional dwellings within Town Centre and the Parks ward	KR221
Increase visits to the town centre	Footfall within the town centre (% change since previous year)	KR223
Increase clean environment at neighbourhood centres	% neighbourhood centres passing the regular street cleansing checks - contract standards	KR231
Maintain high occupancy of neighbourhood centre units	% Occupied units on neighbourhood parades owned by the council	KR232
Increase sustainability of new businesses	Business survival beyond four years (%)	KR241
Increase growth of new businesses	Number of new business births in Bracknell Forest	KR242
Maintain high occupancy of council owned business units	% occupied light industrial units owned by the council	KR243



# Green and sustainable environment

Title of result	Metric for measurement	Ref
Increase the correct use of recycling	Recycling contamination rate (% of material collected from blue bins that is incorrect material)	KR311
Increase the average energy efficiency rating of the housing stock in the borough	Percentage of all homes that have a Standard Assessment Procedure (SAP) rating of Band C or above. (incl. Park Homes)	KR312
Increase the installation of publicly available electric vehicle charge points	Number of publicly available chargepoints per 100,000 population	KR313
Reduce borough emissions	Total emissions for territorial emissions within council area (kT Co2e)	KR314
Increase new trees being supported to independent growth	Number of trees being supported during the quarter (to independence)	KR315
Increase Suitable Alternative Natural Greenspace (SANG) and open space provision through the planning process	SANG and other Open Space for Public Value (OSPV) secured (hectares) where open space secured through planning process	KR321
Increase volunteering within the boroughs parks and countryside	Number of hours volunteering with parks and countryside activities	KR322
Increase biodiversity across the borough through new developments	Average % biodiversity net gain across new developments	KR323
Increase use of sustainable public transport	Number of journeys across Thames Valley Buses (TVB) network	KR331
Increase delivery of infrastructure via Community Infrastructure Levy (CIL)	Income received from CIL (Income received, liability notices, demand notices)	KR332
Increase green miles travelled via walking and cycling	Green travel miles recorded through the eco-rewards scheme	KR333

If you need a reasonable adjustment to communicate with us, please call 01344 352000 or email: [customer.services@bracknell-forest.gov.uk](mailto:customer.services@bracknell-forest.gov.uk).



Council Plan  
**2023 – 2027**

## **Flexible Use of Capital Receipts Strategy 2023/24 to 2024/25**

### **Background and guidance**

1. Capital receipts can only be used for specific purposes, and these are set out in Regulation 23 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 made under Section 11 of the Local Government Act 2003. The main permitted purpose is to fund capital expenditure, and the use of capital receipts to support revenue expenditure is not allowed by the regulations. The Secretary of State is empowered to issue Directions allowing expenditure incurred by local authorities to be treated as capital expenditure. Where such a direction is made, the specified expenditure can then be funded from capital receipts under the regulations.
2. As part of the finance settlement for 2016/17 the government announced new flexibilities allowing local authorities to use capital receipts received in 2016/17, 2017/18 and 2018/19 to be used to fund transformational expenditure, which can include redundancy costs. This was extended in 2018/19 as part of the Local Government Finance Settlement for a further three years until 2021/22.
3. In February 2021, the Secretary of State announced, alongside the local government finance settlement, the continuation of the capital receipts flexibility programme for a further three years, 2022/23, 2023/24 and 2024/25 to give local authorities the continued freedom to use capital receipts from the sale of their own assets (excluding Right to Buy receipts) to help fund the revenue costs of transformation projects and release savings.
4. This strategy provides background information with regards the statutory guidance on the flexible use of Capital Receipts and its application within this authority.
5. Accordingly, the Secretary of State directs, in exercise of his powers under sections 16(2)(b) and 20 of the Local Government Act 2003 (“the Act”), that:
  - The expenditure for which the flexibility can be applied and treated as capital expenditure (known as ‘Qualifying Expenditure’), should be:
  - Expenditure properly incurred by the authorities for the financial years that begin on 1 April 2022, 1 April 2023 and 1 April 2024
  - Expenditure for which local authorities cannot borrow, for example revenue costs of the service reforms.
  - Up-front (set up or implementation) costs for a proposal that is designed to generate future ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs or the demand for services in future years for any of the public sector delivery partners; and
  - The expenditure for which the flexibility cannot be applied (Non Qualifying Expenditure), should be:
    - The ongoing revenue costs of the new processes or arrangements cannot be classified as qualifying expenditure.

- Cost incurred with respect to redundancy payments, except where such redundancy costs are necessarily incurred and limited to the amounts available as statutory redundancy payments.
6. An extract from the Government guidance on the flexible use of capital receipts is attached as Annex 2. The key determining criteria to use when deciding whether expenditure can be funded by the new capital receipts flexibility is that it is forecast to generate ongoing savings to an authority's net service expenditure.

## Objectives and purpose

7. The Council Plan 2023 – 2027 sets out the Council's vision for Bracknell Forest, including the key priorities to be delivered over the medium term. It complements and extends priorities across a number of existing strategies which contain more detailed work to improve outcomes for residents. The Plan sets three overarching priorities, each of which is underpinned by specific ambitions:
- **Engaged and healthy communities**
  - **Thriving and connected economy**
  - **Green and sustainable environment**
8. We have set out a core enabling priority to be an ambitious, resilient and sustainable organisation and will deliver this through our business change programme. This includes five programmes of activity, as below:
- **Climate change** - enabling the organisation to achieve our climate change and carbon reduction goals.
  - **Efficiency and digitisation** – delivering efficient, sustainable, innovative, digital enabled customer focussed services.
  - **Workforce, retention, and recruitment** - ensuring we have the right capabilities, retaining an engaged and motivated workforce and growing our own talent.
  - **Neighbourhood regeneration and assets** - building resilient communities and making best use of our property assets to support effective services and financial sustainability.
  - **Corporate improvement** – an intensive corporate support and challenge programme to enable the turnaround of any service or function that is at risk of failure, initially focusing on the Council's participation in the Department for Education's Safety Valve programme to address deficits on the Dedicated Schools Grant
9. This flexible use of capital receipts strategy is intended to support the Council in delivering its objectives outlined against the themes during the period to end 2024/25 and beyond, assuming the Government extends the flexibility offered.

## Historic Use of Capital Receipts Flexibility 2016/17 to Date

10. Since the flexibility was introduced, Bracknell Forest Council has chosen not to make use of it and has instead used earmarked reserves to fund its transformation and business change activities. Through these, a total of £12.5m in savings was secured against a target of £11m.

## **Future Use of Capital Receipts Flexibility 2023/24 to 2024/25 (and potentially to 2026/27)**

11. This strategy earmarks sums totalling £2.05m million in 2023/24 and 2024/25 and highlights a further £2.9m million in the following two financial years for transformative change, through delivery of the Business Change programme. The value of expenditure capitalised must not exceed the amount set out in the plan, including any updated plans, provided to the Secretary of State. If capital receipts generated are insufficient to meet these commitments, other funding sources will need to be identified or expenditure reduced.
12. The projects in Annex 1 have been included in this strategy as being potentially eligible for capital receipts funding to support their delivery (subject to its availability and their approval), with a description of the project, project objectives, and potential planned use of receipts.
13. These projects (subject to their approval) will directly support the release of net financial benefits within the Council's budget plans. This list is not definitive and is subject to availability of this value of receipts. Should further or more priority projects with qualifying expenditure be identified, further revisions will be made to the strategy and will be requested through the relevant channels for resubmission in line with the council's Budget and Policy Framework Rules.

## **Disposals**

14. Local authorities will only be able to use capital receipts from the sale of property, plant and equipment received in the years in which this flexibility is offered. They may not use their existing stock of capital receipts to finance the revenue costs of reform.
15. It is a condition that the disposal of assets by which the capital receipts are obtained must be disposals by the local authority outside the "group" structure. Here "group" has the same meaning as defined in "group accounts" in the Code of Practice on Local Authority Accounting, as issued by Chartered Institute of Public Finance and Accountancy (CIPFA), whether or not these transactions are consolidated into group accounts and irrespective of whether the authority produces group accounts.
16. Capital receipts when they are realised are primarily used to fund capital investment which has a relatively short economic life, such as IT investment where borrowing is not economical. In setting its capital programme budget each year, Bracknell Forest Council typically estimates that income of around £2m - £3m will be secured from a combination of Community Infrastructure Levy funding from developers and capital receipts from asset sales. These include proceeds from housing sales realised by Silva Homes under right to buy arrangements, which is the arrangement following the externalisation of the Council's housing stock to Silva Homes (formerly Bracknell Forest Homes) in 2008.
17. It is believed that sufficient capital receipts will be received during the current year to more than cover the amount proposed to be spent under this strategy in 2023/24, assuming its adoption from 1 December 2023. Work is being undertaken to develop a pipeline of asset disposals in future years to provide sufficient funding for the strategy.

## **Impact of 2023/24 Strategy on Prudential Indicators**

18. The guidance requires that the impact on the council's Prudential Indicators should be considered when preparing a Flexible Use of Capital Receipts Strategy. The capital receipts assumed to fund the strategy have not currently been factored into the council's Capital Financing Requirement (CFR) by way of either reducing debt or financing capital expenditure. Therefore, there will be no change to the council's Prudential Indicators that are contained in the Treasury Management Strategy Statement which will be presented to Full Council in February 2024 for approval.
19. The prudential indicators show that this strategy is affordable and will not affect the council's operational boundary and authorised borrowing limit.
20. In using the flexibility, the council will have due regard to the Guidance on Flexible Use of Capital Receipts issued by the Secretary of State under section 15(1)(a) of the Act, the requirements of the Prudential Code, the CIPFA Local Authority Accounting Code of Practice and the current edition of the Treasury Management in Public Services Code of Practice.

## **Governance**

21. It is a condition that local authorities applying this direction must send details of their planned use of the flexibility to the Secretary of State for each financial year in which the direction is used.
22. This should be sent as soon as is practicable after the Council has determined and approved its strategy for the use of the direction but must be sent before the flexibility is used. Where local authorities update their plans during the financial year, an updated plan reflecting the changes must be sent to the Secretary of State. This requirement can be met by providing to the Secretary of State a copy of the authority's own planning documents.
23. By submitting the information set out to the Secretary of State the council will have met the condition; there is no further requirement to receive explicit consent in order to use the flexibility as set out in this direction. It is expected that the council will evidence compliance in full with this condition to their external auditors as necessary.
24. In future years the strategy will be presented annually alongside the budget to Full Council for approval.

## Proposed Use of Capital Receipts Flexibility

ANNEX 1

Business Change Programme	Proposed Qualifying Expenditure				Description	Savings Targets (Cumulative)		
	2023/24 £000	2024/25 £000	2025/26 £000	2026/27 £000		2024/25 £000	2025/26 £000	2026/27 £000
Neighbourhood Assets and Regeneration	34.2	211.2	217.6	224.1	Significantly reduce operating costs and generate income by taking a strategic planned approach to analysing and rationalising our property estate. Ensure an efficient and suitable property portfolio that suits the requirements of service delivery and minimises underutilisation.	250	200	250
Climate Change	32.5	108.9	112.4	116	Enabling the organisation to achieve our climate change and carbon reduction goals.	Financial targets initially included above with others to be identified		
Digital Efficiency	92	181.7	250.9	259	Focus on delivering efficient, sustainable, innovative, digital-enabled customer focussed services. Simplify and rationalise systems and data storage to maximise efficiencies and deliver better value from data insight.	250	300	450
Workforce Retention and Recruitment <sup>1</sup>	49.4	166.2	172.1	178.1	Build a thriving, diverse and engaged workforce that drives our organisational effectiveness. Be known for attracting, nurturing and retaining exceptional talent. Through this, increase the number of permanent, core employees and enable reliance on agency workers to be reduced.	1000	1000	1000
Corporate Improvement <sup>2</sup>	200	305.3	160.7	166.3	Provide a corporate focus, support and challenge for services or functions that are identified as failing or at risk of failure. Initially focused on services to pupils with Special Educational Needs or Disabilities (SEND) and their families, working with schools and other stakeholders to improve services and reduce costs as required by the Council's current participation in the Safety Valve programme.	500	1000	3000
Business Change Delivery Capacity	141.9	526.7	486.3	556.5	Programme and project management capacity to support delivery of the Business Change programmes and realise their expected benefits, including the financial savings identified against them.	Supporting delivery of all programmes and their identified savings		
<b>Total Potential Expenditure</b>	<b>550.0</b>	<b>1500.0</b>	<b>1400.0</b>	<b>1500.0</b>	<b>Total Target Savings</b>	<b>2000</b>	<b>2500</b>	<b>4700</b>

<sup>1</sup> Target reduction from current £8m annual spend on agency staff. This will mitigate current pressures / overspends on staffing budgets but not initially enable budget reductions.

<sup>2</sup> Reductions to be identified on the current schools budget deficit. Scale and phasing to be determined through participation in the Department for Education's Safety Valve programme.

## **Extract from Government Guidance on Flexible Use of Capital Receipts**

### **Types of qualifying expenditure**

4.1 Qualifying expenditure is expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs and/or transform service delivery in a way that reduces costs or demand for services in future years for any of the public sector delivery partners. Within this definition, it is for individual local authorities to decide whether or not a project qualifies for the flexibility.

4.2 Set up and implementation costs of any new processes or arrangements can be classified as qualifying expenditure. The ongoing revenue costs of the new processes or arrangements cannot be classified as qualifying expenditure. In addition, one off costs, such as banking savings against temporary increases in costs/pay cannot be classified as qualifying expenditure. Under the direction in force from April 2022, with respect to redundancy payments, qualifying expenditure will be limited to those amounts that are necessarily incurred as statutory redundancy payments provided the other requirements of qualifying expenditure are met. This restriction does not apply to other severance costs, including pension strain costs; the treatment of these costs remains unchanged from the previous direction.

### **Examples of qualifying expenditure**

4.3 There are a wide range of projects that could generate qualifying expenditure and the list below is not prescriptive. Examples of projects include:

- Sharing back-office and administrative services with one or more other council or public sector bodies;
- Investment in service reform feasibility work, e.g. setting up pilot schemes;
- Collaboration between local authorities and central government departments to free up land for economic use;
- Funding the cost of service reconfiguration, restructuring or rationalisation where this leads to ongoing efficiency savings or service transformation;
- Driving a digital approach to the delivery of more efficient public services and how the public interacts with constituent authorities where possible;
- Aggregating procurement on common goods and services where possible, either as part of local arrangements or using Crown Commercial Services or regional procurement hubs or Professional Buying Organisations;
- Improving systems and processes to tackle fraud and corruption in line with the Local Government Fraud and Corruption Strategy – this could include an element of staff training;
- Setting up commercial or alternative delivery models to deliver services more efficiently and bring in revenue (for example, through selling services to others); and
- Integrating public facing services across two or more public sector bodies (for example children’s social care or trading standards) to generate savings or to transform service delivery.




## Initial Equalities Screening Record Form

<b>Date of Screening:</b> 08/09/2023	<b>Directorate:</b> Chief Executive's Office	<b>Section:</b> Policy & Performance	
<b>1. Activity to be assessed</b>	Development and implementation of the Council Plan 2023-2027		
<b>2. What is the activity?</b>	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change		
<b>3. Is it a new or existing activity?</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		
<b>4. Officer responsible for the screening</b>	Katie Flint		
<b>5. Who are the members of the screening team?</b>	Katie Flint, Harjit Hunjan		
<b>6. What is the purpose of the activity?</b>	The Council Plan sets out the priorities for the council for the coming four years. It sets the strategic direction and ambition for the council. Many other strategies, plans and policies enable the delivery of the plan. The Council Plan creates a framework for a range of initiatives and projects (set out in the service plans), these are designed to provide positive outcomes for the wider community.		
<b>7. Who is the activity designed to benefit/target?</b>	Everyone in the borough, including residents, businesses and partners.		
<b>Protected Characteristics</b>	<b>Please tick yes or no</b>	<b>Is there an impact?</b> What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	<b>What evidence do you have to support this?</b> E.g equality monitoring data, consultation results, customer satisfaction information etc Please add a narrative to justify your claims around impacts and describe the analysis and interpretation of evidence to support your conclusion as this will inform members decision making, include consultation results/satisfaction information/equality monitoring data
<b>8. Disability Equality – this can include physical, mental health, learning or sensory disabilities and includes conditions such as dementia as well as hearing or sight impairment.</b>	<b>N</b>	No direct or disproportionate impacts. However, the plan is intended to help all residents prosper. There is specific inclusion of a goal for residents being able to access appropriate care, which includes support for disabilities. There is expected to be positive overall impacts on individuals and communities related to this protected characteristic.	The plan recognises that 13% of Bracknell Forest's population aged 16 and over are estimated to have a common mental disorder such as depression or anxiety, compared to national (17%) and regional (15%) prevalence rates. Less than 1% of people in Bracknell Forest were recorded as having a serious mental health disorder on their GP Record.  70% of adults in Bracknell Forest were classified as physically active (150+ minutes activity per week) in 2021/22, similar to the South East average.

				There is reference to more detail on population data through the <a href="#">Berkshire Observatory</a> or the <a href="#">Berkshire East Joint Strategic Needs Assessment</a> pages. This provides much greater detail on different groups of people.
<b>9. Racial equality</b>		N	No direct or disproportionate impacts. However, the plan is intended to help all residents prosper. There is expected to be positive overall impacts on individuals and communities related to this protected characteristic.	<p>The plan recognises that in 2021, nearly 78% of Bracknell Forest's population were from a white British background. 14% of residents were from ethnic minority groups (excluding white minorities), compared to 19% in England. The diversity in the population continues to increase with the proportion of non-white-British residents increasing by 47% in the last decade, to 22% of residents.</p> <p>There is reference to more detail on population data through the <a href="#">Berkshire Observatory</a> or the <a href="#">Berkshire East Joint Strategic Needs Assessment</a> pages. This provides much greater detail on different groups of people.</p>
<b>10. Gender equality</b>		N	No direct or disproportionate impacts. However, the plan is intended to help all residents prosper. There is expected to be positive overall impacts on individuals and communities related to this protected characteristic.	There is a diverse population within the borough and this is recognised within the plan.
<b>11. Sexual orientation equality</b>		N	No direct or disproportionate impacts. However, the plan is intended to help all residents prosper. There is expected to be positive overall impacts on individuals and communities related to this protected characteristic.	There is a diverse population within the borough and this is recognised within the plan.
<b>12. Gender re-assignment</b>		N	No direct or disproportionate impacts. However, the plan is intended to help all residents prosper. There is expected to be positive overall impacts on individuals and communities related to this protected characteristic.	There is a diverse population within the borough and this is recognised within the plan.
<b>13. Age equality</b>		N	No direct or disproportionate impacts. However, the plan is intended to help all residents prosper. There is expected to be positive overall impacts on individuals	The plan recognises that the proportion of working-aged adults in Bracknell Forest is slightly higher than England with notably higher proportions of 35 to 54 year olds.

			and communities related to this protected characteristic.  There is reference throughout the plan to the importance of inclusivity across all age groups.	People aged 65 and over make-up 15% of Bracknell Forest's population, compared to 18% nationally.
<b>14. Religion and belief equality</b>		N	No direct or disproportionate impacts. However, the plan is intended to help all residents prosper. There is expected to be positive overall impacts on individuals and communities related to this protected characteristic.	There is a diverse population within the borough and this is recognised within the plan.
<b>15. Pregnancy and maternity equality</b>		N	No direct or disproportionate impacts. However, the plan is intended to help all residents prosper. There is expected to be positive overall impacts on individuals and communities related to this protected characteristic.	There is a diverse population within the borough and this is recognised within the plan.
<b>16. Marriage and civil partnership equality</b>		N	No direct or disproportionate impacts. However, the plan is intended to help all residents prosper. There is expected to be positive overall impacts on individuals and communities related to this protected characteristic.	There is a diverse population within the borough and this is recognised within the plan.
<b>17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders, armed forces communities) and on promoting good community relations.</b>	The plan is intended to help all residents prosper. There is a diverse population within the borough and this is recognised within the plan. Communities is a specific theme within the plan including a goal related to cohesive and engaged communities. There is also recognition in the organisational theme that we must work jointly and directly with residents.			
<b>18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?</b>	n/a			
<b>19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?</b>	n/a			
<b>20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?</b>		N	n/a	

<p><b>21. What further information or data is required to better understand the impact? Where and how can that information be obtained?</b></p>	<p>There will continue to be engagement with residents through a wide range of engagement, consultation and co-production opportunities. This will help identify local, specific needs, including across different groups of people. There will also be regular monitoring for the delivery of the plan which will help identify if any specific groups are disadvantaged, or barriers to the intended work.</p> <p>There will be significant operational activity that takes place to deliver the ambitions of the plan. The annual actions and activity are set out in the directorate service plans. These will be conducted with appropriate equality, diversity and inclusion initiatives and assessments as per the expectations of organisation.</p>		
<p><b>22. On the basis of sections 7 – 17 above is a full impact assessment required?</b></p>		<p><b>N</b></p>	<p>No specific group is disadvantaged by the implementation of this plan.</p>
<p><b>23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data?</b> Please complete the action plan in full, adding more rows as needed.</p>			
<p><b>Action</b></p>	<p><b>Timescale</b></p>	<p><b>Person Responsible</b></p>	<p><b>Milestone/Success Criteria</b></p>
<p>Continued strategic initiatives and activity to address equality, diversity and inclusion.</p>	<p>Ongoing</p>	<p>Harjit Hunjan</p>	<p>Ongoing</p>
<p>Actions committed to under the Council Plan (within service plans) will be measured regularly through the production of the Council Plan Overview Report (CPOR). Any barriers and risks are explored within this performance management process.</p>	<p>Ongoing (Quarterly)</p>	<p>Katie Flint</p>	<p>Ongoing</p>
<p><b>24. Which service, business or work plan will these actions be included in?</b></p>	<p>All directorates.</p>		
<p><b>25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening?</b></p>	<p>Research conducted into the community needs via the community analysis for strategic planning. This included identifying different groups and local needs within the community.</p> <p>Wide engagement has taken place with staff and councillors to understand key issues being experienced by partners, residents and service users.</p>		
<p><b>26. Assistant Director/Director signature.</b></p>	<p>Signature: </p>		<p>Date: 12/10/23</p>

To: Council  
29 November 2023

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## Hackney Carriage and Private Hire Licensing Policy Executive Director of Delivery

### 1 Purpose of Report

- 1.1 To adopt the draft policy following the consultation undertaken in 2022 and the discussion at the Licensing and Safety Committee in October 2023.

### 2 Recommendations

That Council

- 2.1 **RESOLVES** to adopt the policy subject to any changes agreed by Council.
- 2.2 **RESOLVES** that the policy comes into effect on the 1<sup>st</sup> December 2023.
- 2.3 **RESOLVES** that the Licensing and Safety Committee keep the policy under review and amend / update as necessary.

### 3 Reasons for Recommendations

- 3.1 To comply with the [DFT Statutory Standards of Vehicle Licensing](#) requirements and recent legislative changes. It should be noted that revised best practice guidance to help local licensing authorities to carry out their taxi and private hire vehicle licensing functions was issued on the 17<sup>th</sup> November 2023. Officers will consider the guidance and present any proposed further modifications at the February 2024 Licensing and Safety Committee meeting.
- 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 had an opportunity to 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 To undertaken further consultation on the draft policy.

### 5 Supporting Information

- 5.1 In July 2020 the Department for Transport (DfT) 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.
- 5.2 This 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](#). It was agreed at the time that the existing policy be updated to reflect these

and any other recent legislative changes including [The Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#) and [The Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#) and that the draft revised policy be consulted on.

- 5.3 The Statutory Standards set out a range of measures to protect taxi and private hire vehicle passengers and in particular those most vulnerable. 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. 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.
- 5.4 The Statutory Standards promote the existence of a Taxi Licensing Policy and states that 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. The guidance also suggests that the policies should be reviewed every five years.
- 5.5 It should be noted that revised best practice guidance to help local licensing authorities to carry out their taxi and private hire vehicle licensing functions was issued on the 17 November 2023. Officers will consider this guidance and if necessary will present a report to the February 2024 Licensing and Safety Committee setting out proposed additional modifications.
- 5.6 A draft Hackney Carriage and Private Hire Licensing Policy was discussed at the [23 June 2022 Licensing and Safety Committee](#). The draft policy incorporated best practice from across England and Wales and was drafted to underpin the overriding aim and purpose of hackney carriage and private hire licensing, which is public safety.
- 5.7 Members requested that a number of changes be made to the draft policy prior to it being consulted on. These included:
- Updating the data about the Borough.
  - The age of vehicle requirements in the current policy to be replaced with the need to meet the Euro 5 or Euro 6 emissions standards where vehicles were being submitted for grant or renewal of a licence.
  - Safeguarding and Disability Awareness Training should be undertaken every three years. The frequency was designed to reflect the importance of the training as well as the fact that guidance on these matters was regularly being amended.
  - The issuing of a short term licence where the application had not been granted prior to the current licence expiring should be permitted.
- 5.8 The consultation ran from the 08 July 2022 to the 30 September 2022. A total of 27 responses were received to the formal consultation. Of those respondents 19 identified themselves as a BFC Licensed Hackney Carriage driver; three identified themselves as BFC Licensed Hackney Carriage/ Private Hire Driver; two as BFC Licensed Operators; one as a BFC Officer; one as member of the taxi trade; and one response was signed by 42 Members of the trade. In addition to the consultation workshops were also set up with the taxi trade and home to school transport providers. The outcome of the consultation is set out in Appendix 2 to the report.
- 5.9 The respondents confirmed that the policy was easy to understand (96% agreed or strongly agreed), that it provided enough protection for children and vulnerable

people (92%) and 84% agreed with the proposals around vehicle emissions. There was unanimous agreement that the respondents did not agree with the requirements around training.

5.10 The comments raised by the trade centred on:

- a) Frequency of MOTs and inspection regimes.
- b) Requirements to wear arm bands for drivers.
- c) Replacing existing taxi signage.
- d) costs associated with the policy including costs associated with training.
- e) frequency of medical examinations.
- f) comments about Uber and the fact that the policy cannot be applied to their drivers.
- g) requirements around wheelchair accessible vehicles.
- h) enforcement issues for unauthorised vehicles.

5.11 These were considered in amendments to the draft policy that was taken to the [October 2023 Licensing and Safety Committee](#) meeting.

5.12 The Committee considered the responses received to the consultation and the ensuing changes and were asked to identify any further modifications that they would like to see made to the policy.

5.13 The Committee agreed to recommend to Full Council that:

- I. In relation to point a) above the requirements around MOT testing and the Council vehicle inspections will be as follows: Vehicles up to 5 years old from the date of first registration at DVLA will be subject to an annual inspection. Once a licensed vehicle reaches 6 years old from date of first registration it will be subject to 6-monthly inspections thereafter. This amendment seeks to balance the requirements around public safety with the financial implications for the trade. (paragraph 17.10 of the revised draft policy)
- II. References to the need to wear armbands (point b)) be removed.
- III. The requirements to include the Council logo on the 'top hat' be removed. (see point c))
- IV. While they noted the comments about the frequency of training (point d)) they supported the decision made by the Committee in June 2022 to require training to take place every three years. They accepted that while there would be a cost to the trade in respect of the time taken to undertake the testing the costs of the test were included in the application fee. (paragraph 57.1 and 58.1 of the revised draft policy). They also supported the previous decision to remove the requirement to undertake first aid training. (already removed from the draft policy)
- V. In terms of the frequency and standard of medical examinations (point e)) the Committee supported the proposals in the revised draft policy (see section 51). The current guidance notes required the submission of a [Group 2](#) medical. It is common practice amongst licensing authorities to require this standard to ensure that drivers are fit to drive, with no underlying health problems. The only change to the policy is around the frequency of the testing. The policy has been aligned with the DVLA requirements for Group 2 licences which must be renewed every 5 years or at age 45, whichever is the

earlier. The current guidance notes required renewal every 5 years or at age 50 i.e. one additional medical for those under 45 years of age.

- VI. In terms of Uber (point f)) they will be subjected to the policy requirements in the authority that they are licenced. This is not a matter that Bracknell Forest Council can influence.
- VII. In terms of point g) around wheelchair access and vehicles the policy has been drafted to take into consideration recent legislative changes including the requirements of [The Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#).
- VIII. In terms of point h) which relates to enforcement action this is an operational issue and would not be addressed in the policy.
- IX. At the meeting the trade asked that consideration be given to amending the age of first registration to the Euro 6 standard. This was not agreed by the Committee and they requested it remain at five years. (paragraph 12.3 of the revised draft policy)
- X. It will be a mandatory requirement that vehicles accept electronic payments and that this capability must be in place within three months of the policy being adopted. (Paragraph 26.1)
- XI. The Committee discussed the Age of Vehicles issue in detail. They agreed to support the proposals as set out in paragraph 12.4 of the revised draft policy which aligned with the Council's climate policy aspirations. The revised draft policy proposed that:

“For any vehicle renewing in 2027/28 – the vehicle must be compliant with Euro 5 emissions standards. Vehicles will therefore be a maximum of 16 years old.

For any vehicle renewing in 2029/30 – the vehicle must be compliant with Euro 6 emissions standards. Vehicles will therefore be a maximum of 15 years old.

Where vehicles do not meet the relevant emissions criteria, the proprietor may have the vehicle adapted/ modified to meet the standard and provide evidence of this; or replace the vehicle with one that meets the emission standard.”

- 5.14 The other significant change to this iteration of the report is around dress code for drivers where it was felt that the previous iteration was too prescriptive. (See Section 10 of Appendix C Taxi Drivers' Code of Conduct).
- 5.15 Subject to the inclusion of the changes in paragraphs 5.13 the Committee recommended the policy to Full Council for approval.

## **6 Consultation and Other Considerations**

### Legal Advice

- 6.1 The Local Government (Miscellaneous Provisions) Act 1976 permits the Council to set Policy / Conditions with respect to the granting of any licence for vehicles, drivers and operators under the Hackney Carriages and Private Hire licensing regimes.



The Council currently has a policy which has been reviewed for the reasons set out in this report.

Following consideration by the Licensing and Safety Committee the final policy should be approved by Full Council.

#### Financial Advice

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

#### Other Consultation Responses

- 6.3 See Appendix 2

#### 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 and Ecological Impacts

- 6.6 The recommendations in Section 2 above are expected to:

Reduce emissions of CO<sub>2</sub>

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.

#### Health & Wellbeing Considerations

- 6.7 There are no specific health and wellbeing considerations associated with this report.

#### Background Papers

Statutory Taxi & Private Hire Vehicle Standards Report 22 October 2020

#### Contact for further information

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

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# **DRAFT Hackney Carriage and Private Hire Licensing Policy 2023 – 2028**

Revised: December 2023

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# 1 Bracknell Forest

- 1.1 The Borough of Bracknell Forest lies 28 miles west of London at the heart of the Thames Valley. Bracknell is bordered to the south by Swinley Forest and by Crowthorne Woods to the south east and south. Its neighbouring parishes of Binfield, Warfield and Winkfield are part of the borough of Bracknell Forest. To the east, the urban area connects with Ascot to form a continuous conurbation that extends to Central London.
- 1.2 The town has good road links and is situated at the end of the A329 (M) motorway, midway between Junction 3 of the M3 and Junction 10 of the M4 motorways. Heathrow Airport is 13miles east of Bracknell, green line operates a bus from Heathrow Airport to Bracknell.
- 1.3 According to the Office for National Statistics in 2018 there were 121,676 people in Bracknell Forest. Since 2006, Bracknell Forest 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 Forest has particular strengths in skills, jobs, health and income. 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 1,000,000 sqft of total retail floor area, 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.
- 1.4 Work is continuing to develop Princess Square and the future of the area around the old Bentalls store called the Deck.

# 2 Introduction

- 2.1 This is a policy and therefore outlines the general approach that will be taken by Bracknell Forest Council, and provides information for applicants, licensees and the citizens of Bracknell Forest. It is written as far as possible in plain English and will be interpreted in that way. It remains a policy, and therefore guidelines and should not be, and will not be, interpreted or applied as if it was legislation.
- 2.2 The aim of the licencing process is primarily to protect the public as well as to ensure that the public have reasonable access to these services, because they play a part in local transport provision. It is important that the Councils hackney carriage and private hire licensing powers are used to ensure that licenced vehicles in the district are safe, comfortable, properly insured and available where and when required.
- 2.3 Hackney carriage and private hire vehicles have a valuable role to play in an integrated transport system. They can provide demand responsive services in situations where public transport is either not available (i.e., rural areas, or outside normal hours of operations and for those with mobility difficulties.
- 2.4 The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised where necessary. The operational delivery of the licensing functions is delegated to the Public Protection Partnership (PPP).

- 2.5 The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their business. This guidance, application forms and current fees are also available on the website.
- 2.6 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.
- 2.7 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 Home to School driver's licence only will be issued to such people and will be subject to conditions that restrict its use to journeys undertaken under a contract between the private hire operator and a local education authority or a social services authority.

### 3 SCOPE

- 3.1 **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.
- 3.2 **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. This will include 'Home to Transport' vehicles where specified.
- 3.3 **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.
- 3.4 **Dual or Private Hire Driver Licence,** Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle. Bracknell Forest Council issues dual driver licences which allow that individual to drive either a Bracknell Forest hackney carriage or a Bracknell Forest private hire vehicle. For the avoidance of doubt Private Hire Drivers include 'Home to School Transport' Drivers except where specified.



## 4 Legislation, Byelaws, Guidance and Policy

- 4.1 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.
- 4.2 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states local authorities will decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters.
- 4.3 In adopting this policy, the Council has had regard to the likely costs of implementation and have endeavoured to strike a balance between the financial interests of the trade and the protection of the travelling public.
- 4.4 This policy also takes account of the legislative basis of the Council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 as amended, which the Council has adopted.

## 5 Applications for Licences

- 5.1 The Council requires that applications for hackney carriage/ private hire licences must be made on the prescribed application form which is available from the [Public Protection Partnership website](#).
- 5.2 The licence fees payable to the Council are subject to annual review and will be published [here](#) on the Public Protection Partnership website.
- 5.3 If the applicant fails to provide all documentation required for a licence application, it will be deemed invalid and the full application will be returned to the applicant. Once the Council are in receipt of all the documents, the application will be deemed valid and assessed and determined in accordance with this policy.
- 5.4 Where officers, acting under delegated authority, are minded to refuse to grant a licence following a new or renewal application, the applicant will be offered the opportunity for the matter to be determined by a Panel of Members drawn from the Licensing and Safety Committee. If the applicant takes up this option they will be informed in writing of the date and time of the meeting and will receive information on their rights and the process of the hearing.
- 5.5 Where a new or renewal licence application is refused, the applicant has a right of appeal to the Magistrates' Court, or to the Crown Court for Hackney Carriage vehicle licence applications. Where an existing licence is suspended or revoked, the licence holder has a right of appeal to the Magistrates' Court. An appeal must be lodged with either Court within 21 days of notification of the refusal, suspension or revocation.

- 5.6 Bracknell Forest Council will aim to send a reminder to licence holders before their licence expires or their supporting documents expire, in order to assist them in prompt submission of renewal applications and to ensure that they are not in breach of the conditions of their licence. Please note that councils are not obliged to do this and the responsibility of ensuring licences and/ or supporting documents do not expire, remains with the licence holder. Applicants must therefore allow adequate time for the processing of their renewal applications. The Council is not responsible for delays due to the actions of external bodies such as the Disclosure and Barring Service (DBS).
- 5.7 If an application to renew a licence is received late, the licence may expire before a new licence can be issued. For operators, this will mean that they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licenced by Bracknell Forest Council until a new licence has been granted.
- 5.8 Bracknell Forest Council may share information with other public bodies such as other councils, the police, Home Office Immigration Compliance Enforcement, Driver and Vehicle Licensing Agency (DVLA) and HM Revenue and Customs (HMRC). Information will only be released in response to a properly made formal request and where there is valid reason to do so, for example investigation of a criminal offence.
- 5.9 Where drivers have been licenced with other authorities, or live in other local authority areas, we will carry out checks with those authorities for any information that may be relevant to the application being considered. In addition, the Council will use the National Anti-Fraud Network national register of taxi and private hire vehicle driver licence refusals and revocations (known as NR3S, to check and share information and mitigate the risk of non-disclosure or relevant information by applicants.

## **6 National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3S)**

- 6.1 Licensing authorities in England must input into a central database, the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3S), instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or Private Hire driver's licence based wholly or in part on information relating to the driver concerning safeguarding or road safety.
- 6.2 Where a hackney carriage/PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3S. Information about the process, procedures and length of time information will be retained is included in the [NR3S Procedure](#).
- 6.3 All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received because of an NR3S search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

## 7 Suitability to Hold a Licence

7.1 When considering whether a person is fit and proper to hold a licence the Council shall take into account this policy including the 'code of conduct', Dft Taxi and Private Hire Driver Standards and the [Hackney Carriage and Private Hire Licensing Criminal Convictions Suitability of Applicants and Licensees Policy](#), which was adopted in October 2019. The policy provides guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence (including home to school transport drivers) or a private hire vehicle operator's licence.

7.2 The 'fit and proper' test for drivers as set out in the statutory guidance states:

"Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle drivers licence is a 'fit and proper' person to be a licensee. In order to determine if a person is fit and proper a licensing authority should pose to oneself the following question.

*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 or day or night?*

*If, on the balance of probabilities, the answer to the question is no the individual should not hold a licence."*

7.3 All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences) driver education courses and any disqualifications from driving in writing within 48 hours from the date of formal notification.

7.4 All licence holders are required to inform the Council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police or other enforcement body. This will make the Council aware of any public safety concerns and allow officers to take appropriate action. Failing to notify the Council may result in additional enforcement action against the licence.

7.5 A licence may be revoked with immediate effect pending the outcome of any investigation or trial where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs;
- A drug related offence;
- An offence of a sexual nature;
- An offence involving dishonesty.

7.6 A licence may also be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought. In all cases the licence holder will be given an opportunity to make representations in support of themselves and these will be taken into account by the Council.

## 8 Change of Licence Holder's Details

8.1 All licence holders must notify the Council in writing of any change of name, postal address, email address or contact number during the period of the licence within seven days of the change taking place.

8.2 It is recommended that all licence holders notify the Council if they are likely to be unable to be contacted for more than four weeks. This may help to prevent unnecessary suspension or revocation of licences.

## 9 Enforcement

9.1 Enforcement is part of the overall licensing control process exercised by the Council and is taken to:

- Ensure public safety.
- Maintain standards within the trade.
- Support the policies for Bracknell Forest Council.
- Respond to complaints.
- Support partnerships with neighbouring local authorities such as West Berkshire and other agencies such as the police and the Driver and Vehicle Standards Agency.

9.2 All enforcement will be proportionate, transparent and in accordance with our [Enforcement Policy](#) while the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers and the police.

9.3 Any enforcement system needs to deal with persistent, low-level breaches up to serious, possibly criminal behaviour. There are grades of sanctions from informal advice and warning, through to the suspension and revocation of licences.

9.4 Licence holders have a clear legal duty to offer assistance and information to any authorised officer. Any person who wilfully obstructs an officer, fails to comply with any reasonable requirement of an officer, fails to provide assistance or information reasonably required by an officer, or makes a false statement, may be prosecuted for breach of the Local Government (Miscellaneous Provisions) Act 1976. Licence holders may be requested to attend the Council Offices to produce relevant documents e.g., their current insurance documents or their vehicle for inspection.

## 10 Action against Licences (Suspension, Revoke or Refuse)

10.1 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.

10.2 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.

## 11 Appeals

11.1 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 driver's licence. Full details about how to appeal will be contained in the decision notice.

## 12 Hackney Carriages and Private Hire Vehicles- Applications for Vehicle Licences

12.1 A hackney carriage or private hire vehicle proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under agreement. In both cases the proprietor requires a hackney carriage or private hire vehicle licence from the Council before they are legally entitled to use the vehicle to carry passengers for hire and reward. Hackney carriages are permitted to ply for hire and carry out pre-booked work, and private hire vehicles may only carry out work pre-booked through a licenced private hire vehicles operator.

12.2 This policy outlines the minimum requirements for vehicles licensed by Bracknell Forest Council. This has been set down for purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, to licensing officers and this should be taken into consideration **before** a vehicle is purchased. Any vehicle presented for licensing which does not comply with the policy, will not be accepted.

12.3 **At first application** - a vehicle licence will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than five years prior to the date that the application is made.

12.4 **At renewal –The following criteria for emission standards will apply:**

### Emissions Standards

In order that a vehicle licence can be renewed vehicles must meet the following emissions criteria.

- **For any vehicle renewing in 2027/28** – the vehicle must be compliant with Euro 5 emissions standards. Vehicles will therefore be a maximum of 16 years old.
- **For any vehicle renewing in 2029/30** – the vehicle must be compliant with Euro 6 emissions standards. Vehicles will therefore be a maximum of 15 years old.
- **Where vehicles do not meet the relevant emissions criteria**, the proprietor may have the vehicle adapted/ modified to meet the standard and provide evidence of this; or replace the vehicle with one that meets the emission standard.

12.5 Notwithstanding, that each application will be considered on its own merits.

12.6 If the licence of a currently licenced Hackney Carriage or Private Hire Vehicle is allowed to expire then any subsequent application will not be considered as a renewal.

12.7 This means that where an existing vehicle licence expires the subsequent application will be treated as a first time application and the standards and criteria relating to first time application will be applied.

12.8 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.

## 13 Criminal Record Checks

13.1 All vehicle applicants must provide a current basic DBS disclosure (dated three months of date of issue). If the vehicle proprietor is also a licenced driver or operator with the Council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure and the operator will already have provided a Basic DBS disclosure.

13.2 Should the individual cease to hold a driver or operator licence, a basic DBS will be required to be provided within a month of that licence expiring. The Council will then decide whether the applicant is a 'fit and proper person' to hold such a licence.

13.3 Where the proprietor is trading as a limited company (or partnership) the Council will also require all directors and company secretary (or Partners) to all provide Basic DBS disclosures. The company (or Partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence and provide a current basic DBS (dated three months of date of issue.)

13.4 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, Isle of man, and Gibraltar, therefore if an applicant has spent three continuous months or more, in countries other than these, at any point beyond the age of ten years old, an authenticated certificate of good conduct must be submitted in English or accompanied by a translation by a certified translator.  
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

13.5 Where the Council have reasonable cause for concern relating to a particular vehicle proprietor a random DBS check may be carried out. If a proprietor is given notice to undertake a random DBS check by the Council, they must do so within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

## 14 Specifications and Conditions

14.1 The Council has adopted minimum standards that they will apply to all licenced vehicles. These are set out in the below policy.

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# POLICY IN RELATION TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES

## 15 Single Licences

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

## 16 Accessible Vehicles

16.1 The Council is committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life.

16.2 Drivers must comply with the requirements of the [Equality Act 2010](#) and [The Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#). 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.

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

## 17 General Application Process for Vehicles

17.1 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.

17.2 A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted.

17.3 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.

17.4 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.

17.5 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 and reporting the matter to other enforcement agencies including the police.



- 17.6 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.
- 17.7 Transfers is a sale of a licensed vehicle from one person to another rather than when a proprietor wishes to licence a vehicle as a hackney carriage or private hire vehicle which is not currently licenced as such, which is an application for a change of vehicle licence. 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.
- 17.8 Applications to transfer the licence must be made on the prescribed application form. The licence fee payable for a transfer is subject to annual review and will be published with other Council licensing fees.
- 17.9 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.
- 17.10 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 and/ or fleet insurance with vehicle schedule. 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.
  - Council vehicle compliance inspection. Vehicles licensed to carry persons for hire and reward must be safe for the purpose for which they are licensed. At the time of licensing to ensure the vehicles are fit for purpose, all vehicles require an additional Council vehicle compliance inspections in accordance with the following table: (Please see website for details of authorised garages.)

Age of vehicle	Mot requirement	Compliance test inspection
5 years of age or under from first registration	Annually	Annual
Vehicles of 6 years of age from first registration are tested twice a year	Annually	6 month inspections

## 18 Vehicle Type and Design

18.1 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.

18.2 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.

18.3 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.

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

## 19 CCTV in Vehicles

19.1 **Where** CCTV is fitted to a licensed vehicle, and in use, it must comply with the Information Commissioner's data protection requirements and Codes of Practice which is as follows:-

- a) Be capable of recording date, time and vehicle identification, such features to be always activated when in use.
- b) Be event activated (e.g., door or ignition) and must continue to record for at least 30 seconds after the ignition is switched off.
- c) Be capable of storing recorded material for at least 30 days.
- d) Incorporate a panic button which stores at least the previous ten minutes of recording in a separate part of the recording media be capable of having recorded material downloaded to another storage device for reviewing.
- e) Have storage media which is not accessible to the driver or any other person travelling in the vehicle.
- f) Have a data storage unit, securely fixed to the vehicle, and stored separately from the recording unit, out of view of any passenger in the vehicle.

- g) Be capable of recording images of all passengers travelling in the vehicle and the driver.
- h) Be always kept in good working order.
- i) Enable recordings to be made available to Licensing Officers or the Police on request.

## 20 Vehicle Standards/Testing

20.1 No vehicle will be licensed unless it:

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

20.2 The Council licences four different types of vehicle:

- Wheelchair Accessible Vehicles (WAV).
- Non-Wheelchair Accessible Vehicles.
- Stretched limousines.
- Novelty vehicles.

20.3 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.

20.4 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.

20.5 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.

20.6 All licensed vehicles except for private hire vehicles which are granted a dispensation or exemption from displaying signage must meet the following requirements: [Details in paragraph 36.](#)

- a) Light transmitted through the windscreen must be at least 75%;
- b) All other windows (both front and rear) must allow at least 70% of light to be transmitted.

20.7 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.

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

20.9 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.

## 21 Stretched Limousine

21.1 Stretched limousines are elongated saloon cars or multi- purpose vehicles (MPVs) They are generally used for private hire work and special occasions.

21.2 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.

21.3 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.

## 22 Funeral and Wedding Vehicles

22.1 There is currently no requirement for a vehicle to be licenced where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

22.2 A vehicle does not need to be licenced to be used in connection with a wedding. Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement. However where a licenced hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed; for a licenced private hire vehicles the licence plate must be displayed unless a valid exemption notice is held.

## 23 Insurance

23.1 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.

## 24 Age of vehicles

24.1 **At first application** - a vehicle licence will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than five years prior to the date that the application is made.

24.2 **At Renewal:** All vehicles should be at least Euro 5 from 2027/28 and Euro 6 from 2029/30.

24.3 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 Licence Plate**

24.4 An external plate shall be fixed securely to the exterior of the rear of the vehicle.

24.5 A smaller internal double-sided version of the licence plate must be placed inside the top near side of the windscreen or as directed by a Council Officer.

24.6 Plates must be always kept clean and legible.

24.7 On revocation or expiry of a vehicle licence or the suspension of a licence the Council may serve notice on the proprietor requiring them to return the plate within seven days after service of the notice.

## **Exterior of the Vehicle**

24.8 The exterior paintwork on the vehicle must not:

- a) show signs of rusting.
- b) be faded or show signs of mismatched paint repairs.
- c) have five or more stone chips greater than 2mm in length in any direction.
- d) have eight or more stone chips of any size.
- e) have any scratches, cracks or abrasions where the top layer of paint has been removed.

24.9 The exterior bodywork of the vehicle must not:

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

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

24.11 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.

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

## **25 Accidents in Vehicles**

25.1 If at any time the vehicle is involved in an accident, causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein, the proprietor must notify the Council by completing the Council's accident report form within 72 hours, describing the damage to the vehicle and include photos of the damage if possible.

25.2 If it is intended that the vehicle shall continue to be used following an accident, officers may require it to be presented for inspection as soon as possible after the accident has taken place. If there is any doubt as to the fitness of the vehicle a new MOT test and or compliance test may also be required, paid for by the proprietor.

- 25.3 Failure to present the vehicle for inspection on request following an accident will result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.
- 25.4 If the vehicle is not going to be repaired, the proprietor is responsible for removing the external plate and internal plate and returning these to the Council.

## **26 Electronic Payment Devices in Hackney Carriages and Private Hire Vehicles**

- 26.1 Within three months of the adoption of this policy, all hackney carriages and private hire vehicles must carry an electronic payment device which can accept payment by credit/debit cards including contactless. A receipt must be provided on request. The device must be connected, maintained, and working at all times to ensure customers are able to pay by card or other electronic means.

## **27 Interior of vehicle**

- 27.1 The seating and carpet areas of the vehicle must not show signs of:
- a) Staining.
  - b) Damp.
  - c) fraying or ripping of the material.
  - d) seat covers that are loose or badly fitted.
- 27.2 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.
- 27.3 Interior panels and fittings within the vehicle must not be damaged nor show excessive wear, or staining.
- 27.4 The interior of the vehicle must not have damp or other obnoxious smells.

## **28 Taximeters**

- 28.1 All hackney carriages must be fitted with a taximeter.
- 28.2 The taximeter must be set to a rate not exceeding that specified in the [council table of fares](#).
- 28.3 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.
- 28.4 Private hire vehicles may be fitted with a taximeter (at the discretion of the vehicle proprietor). Any such meter must be approved by the Council in accordance with the above requirement for hackney carriages.

## **29 Advertising on Hackney Carriages**

- 29.1 Hackney Carriages are permitted to have full advertising wraps on their vehicles subject to the same advertising standards approved by the Bracknell Forest Council
- 29.2 Advertising must be approved in writing by a Licensing Officer prior to it being included on a licensed vehicle.
- 29.3 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.
- 29.4 Any advertisements on any vehicles must be legal and comply with the [advertising standards agency code of practice](#).

### **30 Temporary Replacement Vehicle**

- 30.1 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.
- 30.2 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.
- 30.3 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.

### **31 Disabled Access - Vehicle Standards**

- 31.1 All hackney carriages and wheelchair accessible private hire vehicles must 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.

31.2 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.

31.3 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.

31.4 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.**

31.5 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.

31.6 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.

## 32 Vehicle Type Approval



32.1 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). V5 document must reflect the modification.

32.2 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 and that the V5 document reflects the modification. 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.

### **33 Access for wheelchair users to Taxis and Private Hire Vehicles**

33.1 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)

### **34 Roof Signs**

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

34.2 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. 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.

34.3 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 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”
- TAXI must be in capitals.
- 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.

34.4 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.

### **35 Roof Racks**

- 35.1 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.
- 35.2 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).

## **36 Dispensation /Exemption Certificates**

- 36.1 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.

## **37 School Contracts**

- 37.1 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.
- 37.2 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.

## **38 Executive Hire**

- 38.1 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.
- 38.2 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.
- 38.3 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.

- 38.4 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.
- 38.5 The identification cards provided by Bracknell Forest Council, must be displayed in the front and rear windscreen of the vehicle.
- 38.6 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.

## **39 Novelty Vehicles**

- 39.1 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.
- 39.2 Any such vehicle must have passenger seats and seat belts for each seat unless these were not fitted at the time of manufacture.
- 39.3 All other requirements will apply, and the vehicles will be subject to six monthly tests.

## **40 Equality Act 2010**

- 40.1 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.

## **41 Data Protection**

- 41.1 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.
- 41.2 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/>
- 41.3 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.

# **POLICY IN RELATION TO DUAL DRIVER AND PRIVATE HIRE DRIVER LICENCES**

## **42 Grant and renewal of licences**

- 42.1 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.
- 42.2 The licensing of a hackney carriage or private hire vehicle is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for up to three years or for such lesser period as may be determined.

## **43 Licences and Badges**

- 43.1 Once a licence has been granted the Council will provide licensees with a copy of the licence and an identification card to be worn in accordance with the 'Code of Conduct'.
- 43.2 The Identification Card and Licence remain the property of the Council and must be surrendered on expiry, suspension or revocation of the licence.

## **44 Age and Experience**

- 44.1 The DfT guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory requirement of holding a full driver's licence for 12 months are unnecessary, advising that applicants should be assessed on their merits.
- 44.2 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. 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.

## **45 Right to Work in the UK**

- 45.1 All driver licence applications must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. Bracknell Forest Council will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.
- 45.2 If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant the licence. Should a driver's right to remain in the UK lapse, the licence automatically lapses with no right to appeal.
- 45.3 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted from the period of their right to work. Licences may be extended up to the legal maximum of three years if the period of right to work is extended, and a separate fee is payable for this process.

## 46 Pre-requisites to Making an Application

46.1 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. 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.

46.2 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.*

46.3 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 the Council at the time of the new application.

46.4 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 the 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. An officer acting under delegated authority will determine whether there are exceptional circumstances.

46.5 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.

## **47 Behaviour and Conduct of Drivers**

47.1 The Council considers that to assist drivers and the public it would be useful to set down the standards that must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public.

47.2 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.

47.3 Failure to comply with any aspect of the Code of Conduct will result in enforcement action dependent upon breach. This may result in action against the licence, prosecution of the applicant and/or reporting the matter to other enforcement agencies including the police.

47.4 A driver's licence will cease to be valid on the suspension, revocation, surrender or expiry of the licence. Any badge supplied remains the property of the Council and must be returned to the Council if suspended, revoked, surrendered or expired. If a driver is given notice to return their licence and badge, they must do so within four days.

## **48 H M Revenues and Customs (HMRC) requirements**

48.1 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.

48.2 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](#).

## 49 Criminal Record Checks

- 49.1 A criminal record check on a driver is an important safety measure. The Dft considers that such checks should be at the level of enhanced disclosure through the Disclosure and Barring Service as these disclosures include details of spent convictions and police cautions. Bracknell Forest Council manages information arising from disclosures in accordance with [the DBS codes of practice](#).
- 49.2 The Rehabilitation of Offenders Act 1974 and associated amendments sets out the period after which a conviction /warning would be regarded as spent and not normally require details of that conviction to be provided on any relevant application form. Hackney Carriage and Private Hire drivers are listed as a Regulated Occupation in relation to which questions may be asked as to the suitability of individual to be granted a licence.
- 49.3 Applicants for such licences must therefore provide details of all convictions, warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders, traffic offences, driver education courses, disqualifications and fixed penalty notices, including any that would previously have been regarded as spent under the 1974 Act or may not currently show on any replacement DVLA driver's licence. In addition, any pending court cases or hearings must be declared, and details of any licences previously held, suspended or revoked.
- 49.4 Failure to disclose any information and the making of false declarations will be considered to be an act of dishonesty and may result in the application being refused or the licence revoked., Applicants must seek the advice of an officer if they cannot remember full details that they are required to declare or have any uncertainty about that details they are required to provide.
- 49.5 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.

## 50 Certificate of Good Conduct

- 50.1 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these for three months or more at any point from the age of 10, an authenticated certificate of good conduct from the relevant embassy will be required.
- 50.2 All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translation. This includes any license holder who has lived in other countries for three months or more since the licence was granted.

*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.*

## 51 Medical Examination

- 51.1 Medical checks are made on each driver as a condition for the initial grant of a licence and for each renewal. Use of Group 2 medical standards is the required standard of Bracknell Forest Council.
- 51.2 The Council will provide a Group 2 medical form which must be completed by the applicants own GP, another GP in the same practice or a GP who has full access to the applicants' medical records.
- 51.3 Applicants should check through the report before submitting this to the Council, to ensure all questions have been answered and they are satisfied that the information is accurate, to avoid any delays in the application process.
- 51.4 The GP completing the medical examination will be required to certify that they have checked the applicant's medical record before completing the examination.
- 51.5 If the applicants GP does not carry out Group 2 medicals, they should contact the Licensing Team for advice.
- 51.6 Existing drivers must advise Licensing within seven days of any change in their medical conditions that may affect their driving. If there is any doubt as to the medical fitness of the driver, then the Council may require the applicant to produce a medical certificate to confirm their fitness to drive. This will be done at the expense of the driver.
- 51.7 Once a licence has been granted, medical examinations will be required at the following intervals:

Age	Frequency
On first application for a drivers licence up to the age of 45	
Up to and including the age of 45 years to 64yrs	Medical every <b>5</b> years
65 years +	Annually

- 51.8 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.

## 52 Driver and Vehicle Licensing Agency (DVLA) Licence and Checks

- 52.1 All applicants must have held a full DVLA/ EU/EEA for at least twelve months prior to application (this excludes the holding of a provisional licence).
- 52.2 Before the grant or renewal of a drivers' licence, all applicants will be required to submit a DVLA licence check code in order for a check to be carried out to confirm the current status of the DVLA licence. Any photo card must be current and valid.



- 52.3 The Council may undertake random checks of licenced driver's DVLA licences to identify undisclosed offences. If a driver is given notice to undertake a random DVLA check by the Council, they must provide a DVLA check code within seven days of request.
- 52.4 A photo card driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the DVLA information issued.
- 52.5 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.
- 52.6 New applicants who have been disqualified from driving due to motoring offences must have held a full clean licence for 12 months before they can apply to become a licenced driver.
- 52.7 Applicants who have held a driving licence by an EEA country for at least 12 months can apply for a vehicle driver's licence.
- 52.8 Applicants from EEA Accession States are eligible to apply, if they have held an ordinary driving licence for 12 months which was issued by an Accession State.
- 52.9 Those applicants whose driving licences were not issued by an EEA state, an Accession State or Northern Ireland will be required to hold a full DVLA licence for 12 months prior to being issued with a hackney carriage/private hire driver's licence.

## 53 Practical Driving Assessment

- 53.1 Any new applicants (including any drivers whose licences have lapsed) must take and pass the appropriate practical driving assessments. The assessment certificate will only be valid for the application process for a period of 12 months from its date of issue.
- 53.2 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.
- 53.3 The 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://publicprotectionpartnership.org.uk/practical-driving-assessment.pdf)**
- 53.4 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.
- 53.5 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.

## 54 English Language Proficiency

- 54.1 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.
- 54.2 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

- 54.3 Sitting the speaking and listening assessment is a reasonable test of English. Applicants who are referred will be required to demonstrate their ability to converse in English. The speaking and listening assessment consists of a 15 to 20 minute conversation that will take place at Bracknell Forest Council Offices.
- 54.4 The assessment will be undertaken by a secure video or telephone link to our service provider, PeopleCert, and it will be at applicants cost.
- 54.5 Please see People Cert'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

- 54.6 The Council will use the Safety, Equality and Regulatory Understanding requirement (SERU assessment) to assess the applicant's 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.
- 54.7 The assessment will take place at Bracknell Forest Council Offices and the costs will be met by the applicant.

## 55 Knowledge of Area

- 55.1 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.
- 55.2 This requirement does not apply in relation to applicants for home to school drivers' licences to undertake school or community contracts.

## 56 Highway Code and Relevant Legislation

- 56.1 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.

## **57 Disability Awareness Training**

57.1 All applicants must be able to show that they have undergone training in the assistance of disabled persons, to a standard acceptable to the Council. Refresher training will be required every three years.

57.2 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.

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

58.1 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.

## **59 Code of Conduct**

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

# **POLICY IN RELATION TO PRIVATE HIRE OPERATOR LICENCES**

## **60 Requirements and Obligations**

60.1 A private hire vehicle may only be dispatched to a booking by a licenced private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle with a driver.

60.2 Private hire operators must ensure that every private hire vehicle that they operate is:

- licenced by the same council who issued them with the operator's licence.
- and that it is driven by a person who holds a private hire driver's licence with the council who issued them with the operator's licence.
- and that it is driven by a person who holds a private hire drivers licence issued by the same council.

## **61 Grant and Renewal of Licences**

61.1 All private hire vehicle operators may only be dispatched to a booking by a licenced private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle.

61.2 All private hire operator licences will be issued for five years. Licences of a shorter duration may be issued in exceptional circumstances.

## **62 Criminal Record Checks**

62.1 Applicants must provide a current (less than one month old) Basic DBS disclosure (although if the operator is also a licenced driver with the Council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure, should the individual cease to hold a driver licence, a Basic DBS will be required to be provided within a month of that licence expiring and annually thereafter).

62.2 The Council will then decide whether the applicant is a fit and proper person to hold such a licence. Where the private hire operator is trading as a limited company (or partnership) the Council will also require the directors and company secretary (or partners) to provide a Basic DBS disclosure every year and the company (or partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence.

62.3 Where Bracknell Forest Council has reasonable cause for concern relating to a particular operator, a random DBS check may be carried out. If an operator is given notice to undertake a random DBS check by the Council, they must do so within 14 days of the request, Failure to do so may result in the suspension or revocation of the licence.

62.4 Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain a basic DBS check for all staff prior to them commencing work for the operator. Evidence of the most recent check must be retained while the staff member works for the company and for a period of six months after they leave.

## 63 Right to Work in the UK

63.1 All operator licence applications must prove they have a right to work in the UK in accordance with the Immigration Act 2016 and the Council will follow any changes to guidance published by the Home Office.

## 64 Certificate of Good Conduct

64.1 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these for three months or more at any point from the age of 10, an authenticated certificate of good conduct from the relevant embassy will be required.

64.2 All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translation. This includes any license holder who has lived in other countries for three months or more since the licence was granted.

## 65 Operator Application Process

65.1 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.

65.2 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted from the period of their right to work. Licences may be extended if the period of right to work is extended. There is no discounted fee for licences of less than five years.

## 66 Previous Convictions

66.1 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 A](#). 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](mailto:Licensing@Bracknell-Forest.gov.uk)

**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.

## **67 Operator's Base**

- 67.1 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.
- 67.2 An operator who has more than one operating office or base within Bracknell Forest Council 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.
- 67.3 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.
- 67.4 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.

## **68 Data protection**

- 68.1 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The information Commissioners Office provides comprehensive online guidance on registering as a data controller and how to meet their obligations.

## **69 Sub-contracting**

- 69.1 A private hire operator may sub-contract a booking to another licenced operator or hackney carriage driver or dual driver. A record of whom the booking was sub-contracted to and when must be kept. Operators are required to evidence that comparable safeguarding protections are applied by the company to which they sub-contract any bookings.

## **70 Trading names**

- 70.1 An operator shall only use trading or company name(s) that are included on the operator licence, or other trading name approved by the Council in writing.

## **71 Trailers**

- 71.1 Trailers may only be used with proper written approval of the Council. The trailer can only be used in connection with pre-booked journeys and cannot be used for plying for hire on a rank or the street.

## **72 Record keeping - Conditions**

72.1 Operators must keep records of any pre- booked work in a suitable book or on a computer or any other recordable device. If using a book, the pages must be numbered consecutively and the proprietor shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- Time and date of the booking.
- Name of hirer.
- Fare quoted.
- How the booking was made.
- Time of proposed pick up.
- Point of pick up and drop off.
- Notes about any subcontracting of the booking.

72.2 These records must be kept by the proprietor securely, in accordance with data protection legislation, for a minimum of 12 months following the date of booking.

72.3 Operators will be required upon occasion to produce their records to the police or licensing officers upon request. Operator's must be able to be quickly access their systems, so officers can interrogate the records to carry out their enforcement duties.

## **73 Test of Fitness and Propriety**

73.1 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?"

73.2 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.

## **74 Drivers and Vehicles**

74.1 The operator must ensure that any private hire driver or private hire vehicle operator, engaged by them holds a current private hire driver or vehicle licence issued by Bracknell Forest Council. The operator must examine the original and hold a copy of the licence for the duration of the time that the driver or vehicle is engaged by the operator.

## 75 Enforcement and Appeals

75.1 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.

## 76 Enforcement Options

76.1 The 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:

- a. the seriousness of any offences.
- b. the licensee's past history.
- c. the consequences of non-compliance.
- d. likely effectiveness of the various enforcement options.
- e. danger to the public.

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

- a. take no action.
- b. impose penalty points on the licence (see [Appendix B](#));
- c. suspend the licence.
- d. revoke the licence.
- e. prosecute.

## 77 Appeals

77.1 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.



# 78 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](#)<sup>1</sup> 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 partnership<sup>1</sup>) 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.

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<sup>1</sup> 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 conviction<sup>2</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>3</sup>.
- 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.
- 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

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

<sup>3</sup> 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.

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.

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## 79 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 and Safety Committee/Officers and/or prosecution.
- 1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to the Licensing and Safety Committee or a Sub-Committee (all references to the Licensing and Safety Committee include references to a Sub-Committee). At that hearing the Committee 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 Licensing and Safety Committee 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 and Safety Committee and the Committee upheld an imposition of points, those points will remain live for twelve months from the date of the committee 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 and Safety Committee for the Committee to decide whether the driver remains a fit and proper person. The Licensing and Safety Committee 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 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

Offence	Code	Points
Failure to supply interim MOT test when vehicle is over six 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

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

<b>Offence</b>	<b>Code</b>	<b>Points</b>
Failure to keep copy of insurance/cover note in the vehicle. (This may include an electronic copy)	<b>V36</b>	<b>2</b>
Failure to notify Licensing Authority of change of insurer or particulars within two working days.	<b>V37</b>	<b>2</b>
Failure to produce details to the Licensing Authority of drivers permitted to drive	<b>V38</b>	<b>2</b>
Failure to notify change of drivers	<b>V39</b>	<b>2</b>
Failure to notify Licensing Authority of change of address or other contact details	<b>V40</b>	<b>2</b>
Failure to carry a suitably marked approved fire extinguisher within the vehicle	<b>V41</b>	<b>2</b>
Failure to obtain written permission to use trailers on Licensed vehicles	<b>V43</b>	<b>12</b>
Failure to present vehicle and trailer for inspection	<b>V44</b>	<b>4</b>
Using a dual driver without the appropriate DVLA category code to tow a trailer	<b>V45</b>	<b>6</b>
Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	<b>V46</b>	<b>2</b>
Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence	<b>V47</b>	<b>2</b>
Failure to maintain a reasonable standard of behaviour	<b>V48</b>	<b>2</b>
Failure to provide information requested by an authorised officer	<b>V49</b>	<b>4</b>
Failure to provide assistance to an authorised officer	<b>V50</b>	<b>4</b>
Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (1 <sup>st</sup> instance)	<b>V51</b>	<b>6</b>
Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (2 <sup>nd</sup> instance)	<b>V52</b>	<b>12</b>
Failure to show evidence of continuous MOT, interim MOT or insurance.	<b>V53</b>	<b>12</b>
Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	<b>V54</b>	<b>4</b>
Failure to have three CCTV signs	<b>V55</b>	<b>2</b>
Failure to check CCTV weekly	<b>V56</b>	<b>2</b>
Disconnecting CCTV system	<b>V57</b>	<b>4</b>
Obstructing CCTV Camera	<b>V58</b>	<b>2</b>
Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	<b>V59</b>	<b>12</b>

### 3. Breaches of Dual Driver Licence Code of Conduct

Offence	Code	Points
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 <sup>st</sup> Occasion)	D12	6
Failure to supply annual self-declaration and fee (2 <sup>nd</sup> 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
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

<b>Offence</b>	<b>Code</b>	<b>Points</b>
Failing to ensure passengers are dropped off safely, at the correct destination	<b>D22</b>	<b>2</b>
Failing to search vehicle after journey	<b>D23</b>	<b>2</b>
Failing to hand found property to the police	<b>D24</b>	<b>2</b>
Failing to operate taximeter correctly	<b>D25</b>	<b>4</b>
Failing to use taximeter on pre-booked journey or fail to charge fee less than meter fee	<b>D26</b>	<b>2</b>
Charging more than the metered fare	<b>D27</b>	<b>4</b>
Tampering or allowing tampering of a taximeter	<b>D28</b>	<b>4</b>
Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	<b>D29</b>	<b>2</b>
Demanding more than the previously agreed fare	<b>D30</b>	<b>4</b>
Demanding more than the fare shown on the taximeter or scale of charges on the tariff sheet	<b>D31</b>	<b>4</b>
Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	<b>D32</b>	<b>4</b>
Failure to notify proprietor of complaints made by the passengers	<b>D33</b>	<b>2</b>
Failure to notify passengers of their right to refer their complaint to the Licensing Authority	<b>D34</b>	<b>2</b>
Failure to attend at appointed time or place without sufficient cause	<b>D35</b>	<b>2</b>
Unnecessarily prolonging journey in distance or time	<b>D36</b>	<b>4</b>
Failure to provide copy of dual driver's licence to operator	<b>D37</b>	<b>2</b>
Failure to ensure insurance cover for driver to drive vehicle	<b>D38</b>	<b>4</b>
Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	<b>D39</b>	<b>2</b>
Failure to notify Licensing Authority of change of address/telephone number within seven days	<b>D40</b>	<b>4</b>
Failure to notify Licensing Authority of motoring offences over three penalty points or criminal convictions during the period of licence	<b>D41</b>	<b>12</b>
Failure to notify Licensing Authority of motoring convictions up to three penalty points during the period of licence	<b>D42</b>	<b>6</b>
Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	<b>D43</b>	<b>12</b>
Failure to notify Licensing Authority in writing within seven days of serious injury or illness	<b>D44</b>	<b>12</b>

<b>Offence</b>	<b>Code</b>	<b>Points</b>
Failure to notify the Licensing Authority of a DVLA notifiable condition	<b>D45</b>	<b>12</b>
Failure to carry assistance dog without exemption	<b>D46</b>	<b>4</b>
Making additional charge for carrying assistance dog	<b>D47</b>	<b>4</b>
Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	<b>D48</b>	<b>4</b>
Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	<b>D49</b>	<b>2</b>
Failure to keep vehicle reasonably clean	<b>D50</b>	<b>2</b>
Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so	<b>D51</b>	<b>4</b>
Failure to provide a written receipt for the fare paid if requested to do so by the passenger	<b>D52</b>	<b>2</b>
Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	<b>D53</b>	<b>4</b>
Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	<b>D54</b>	<b>2</b>
Failure to comply with the regulations governing the wearing of seat belts	<b>D55</b>	<b>4</b>

#### 4. Breaches of Operator Licence Conditions – Private Hire

Offence	Code	Points
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 two 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
Failure to keep proper records for a period of not less than six months	O19	3



<b>Offence</b>	<b>Code</b>	<b>Points</b>
Failure to keep proper records	<b>O20</b>	<b>2</b>
Failure to keep entries correctly	<b>O21</b>	<b>2</b>
Failure to notify details of security arrangements	<b>O22</b>	<b>2</b>
Failure to keep records of private hire vehicles operated	<b>O23</b>	<b>2</b>
Displaying the word Taxi or Cab on a private hire vehicle	<b>O24</b>	<b>2</b>
Failure to keep records of all drivers employed or failure to produce details of the drivers	<b>O25</b>	<b>2</b>
Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator	<b>O26</b>	<b>2</b>
Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	<b>O27</b>	<b>2</b>
Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	<b>O28</b>	<b>2</b>
Using unlicensed drivers to drive a Licensing Authority licensed vehicle	<b>O29</b>	<b>12</b>
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	<b>O30</b>	<b>2</b>
Late to provide evidence of insurance or interim MOT (1st Occasion)	<b>O31</b>	<b>6</b>
Late to provide evidence of insurance or interim MOT (2nd Occasion)	<b>O32</b>	<b>12</b>
Failure to carry out or provide the required DBS checks on dispatch staff	<b>O33</b>	<b>12</b>
Failure to record, maintain or provide details of checks on dispatch staff in a register	<b>O34</b>	<b>12</b>
Failure to make appropriate checks of any operator for which work is outsourced	<b>O35</b>	<b>12</b>
Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	<b>O36</b>	<b>12</b>
Failure to require notification of convictions as part of the contract of employment	<b>O37</b>	<b>12</b>
Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition	<b>O38</b>	<b>12</b>

## 5. Breaches of Council Byelaws Relating To Hackney Carriages

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

## 80 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. You must wear one driver's badge in prominent position where it is clearly visible to passengers 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 and the two id badges 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 or badge 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's 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 requests 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](mailto: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.

## Footwear

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

## Unacceptable standards of dress

- 10.4. 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 manner which ensures it is visible to your passenger(s). The other must be displayed inside the vehicle in a visible location.

### 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 taximeter, 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 and drivers badges 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 Private Hire Licence and Badge**

- 19.1. When driving a private hire vehicle you must wear your badge in a prominent position so that that it is clearly visible to passengers whilst you are working as Private Hire Driver. The other must be displayed inside the vehicle in a visible location. 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 taximeter, 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).

## 81 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. **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

36. 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.
37. All taximeters 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.
38. The taximeter 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.
39. When the taximeter 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.
40. The word "FARE" must be printed alongside the display.
41. The taximeter 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.
42. 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.
43. 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.

44. 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**

45. 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.
46. 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**

47. 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.
48. 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 determine 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**

49. 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.
50. 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.
51. 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**

52. 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.
53. 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**

54. 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.**

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## 82 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 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**

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 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.

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 using 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.

### **Radio Equipment**

40. 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)**

41. 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.
42. All taximeters 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.
43. The taximeter 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.
44. When the taximeter 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.
45. The word "FARE" must be printed alongside the display.
46. The taximeter must be located so that the entire display is plainly visible to any person travelling in the vehicle.
47. 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.
48. 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

49. 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.
50. 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

51. 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.
52. 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

53. 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.
54. 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

55. 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.
56. 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

57. 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.**

## 83 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.**

DRAFT

## Document Control

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### 83.1.1.1.1.1 Change History

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Change ID</b>

# Outcome of the Consultation on the Bracknell Forest Council Draft Hackney Carriage and Private Hire Licensing Policy

## *Background*

Bracknell Forest Council is responsible for issuing licences in respect of:

- Vehicles used as hackney carriages (taxis);
- Vehicles used as private hire vehicles;
- Vehicles used for home to school transport;
- Drivers of hackney carriages, home to school and private hire vehicles;
- Operators of private hire vehicles.

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The overarching aim of the Council when carrying out these licensing functions, is to protect the public by ensuring vehicles are safe and fit for use, and that drivers and operators are suitable people to undertake these roles. The policy is also designed to encourage environmental sustainability and implementing and maintaining high standards of service. The overriding aim and purpose of hackney carriage and private hire licensing policy is however public safety.

In July 2020, with a view to better protecting children and vulnerable adults, the Department for Transport (DfT) issued new statutory guidance to taxi and private hire licensing authorities, called the **Statutory Taxi and Private Hire Vehicle Standards**, which required local authorities to review, revise and update their relevant policies.

The Statutory Standards document sets out a framework of policies that licensing authorities must have regard to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes.

The Statutory Standards make clear that:

"Having regard to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated."

The Statutory Standards also state that:

"Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups."

The DfT expects these recommendations to be implemented, unless there is a compelling local reason not to.

### **Government legislation that affects this policy**

The policy is based on a number of legislative requirements including the provisions of the **Local Government (Miscellaneous Provisions) Act 1976** and the **Town and Police Clauses Act 1847**.

In developing the policy the Council will comply with its duties under the **Equality Act 2010** and the **Taxis and Private Hire Vehicles (Disabled Persons) Act 2022**.

**The Statutory Taxi and Private Hire Vehicle Standards (July 2020)** provide guidance on how Taxi and private hire vehicle (PHV) licensing authorities must use their licensing powers to protect children and vulnerable adults.

**The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022** makes it mandatory for licensing authorities to access vital background information about drivers seeking a taxi or private hire vehicle (PHV) licence in their areas. This will support the work of councils to ensure anyone using a taxi or PHV is kept safe.

**Hackney Carriage and Private Hire Licensing Criminal Convictions Suitability of Applicants and Licensees Policy** which was adopted in October 2019 provides guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence.



## How we developed our draft policy

In response to the publication of the **Statutory Taxi and Private Hire Vehicle Standards (July 2020)**, we've drafted our policy incorporating best practice from across England and Wales, and based on a number of documents, including the **Hackney Carriage and Private Hire Licensing Criminal Convictions Suitability of Applicants and Licensees Policy (October 2019)**. However, there are significant developments and changes to accommodate the new guidance and other legislative changes.

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.

## *Why We Wanted Your Views*

The Council wished to understand the views of residents, the trade and stakeholder groups on the draft policy, and in particular wanted to understand if they thought that the policy provides for suitable standards of protection for children and vulnerable adults, vehicle emission standards, and requirements for training, and if there is anything missing from the policy.

## *Who and How we Consulted*

The consultation was published on the Public Protection Partnership website and respondents were asked to complete a form which asked specific questions but also provided options for respondents to include some free text.

We held a meeting for the trade on the 25 July 2022 which was attended by only one member of the trade a chauffeur driver.

We met with Home to School Transport providers and an officer from the Home to School Transport Team on the 08 August 2022.

We wrote to:

- 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;
- Parish and Town Councils;
- Thames Valley Police;
- All Members of Bracknell Forest Council.

The consultation ran from the 08 July 2022 to the 30 September 2022.

A total of 27 Responses were received to the formal consultation.

Of those respondents:

- 19 identified themselves as a BFC Licensed Hackney Carriage driver;
- 3 identified themselves as BFC Licensed Hackney Carriage/ Private Hire Driver;
- 2 as BFC Licensed Operators;
- 1 as a BFC Officer;
- 1 as member of the taxi trade;
- and one response was signed by 42 Members of the trade.

### ***What you Told Us***

The following responses to the questions posed in the consultation were received.

*Q2: Do you agree or disagree that the policy is easy to understand?*

One respondent did not comment and 96% either agreed or strongly agreed that it was easy to understand.

	Number	Percentage
Strongly Agree	24	92%
Agree	1	4%
Neither Agree or Disagree	1	4%
Disagree	0	0
Strongly Disagree	0	0

Q3: Do you agree or disagree that the policy provides enough protection for children and vulnerable adults?

Two respondents did not comment and 92% strongly agreed that it provided enough protection for children and vulnerable adults.

	Number	Percentage
Strongly Agree	23	92%
Agree	0	0
Neither Agree or Disagree	2	8%
Disagree	0	0
Strongly Disagree	0	0

Q4: Do you agree or disagree that the policy includes everything you think should be in such a policy?

Two respondents did not comment and 88% either agreed or strongly agreed that it included everything it needed to.

	Number	Percentage
Strongly Agree	2	8%
Agree	20	80%
Neither Agree or Disagree	0	0
Disagree	1	4%
Strongly Disagree	2	8%

Q5: Do you agree or disagree with the proposals on vehicle emissions?

Two respondents did not comment and 84% strongly agreed with the proposals on vehicle emissions.

	Number	Percentage
Strongly Agree	21	84%
Agree	0	0
Neither Agree or Disagree	1	4%
Disagree	2	8%
Strongly Disagree	1	4%

Q6: Do you agree or disagree with the proposals around training for drivers?

Two respondents did not comment and 100% disagreed with the proposals around training for drivers. All responses received felt that the training, especially if it was a refresher course, should take place every five years and there were a few requests asking for the refresher courses to be undertaken online.

	Number	Percentage
Strongly Agree	0	0
Agree	0	0
Neither Agree or Disagree	0	0
Disagree	2	8%
Strongly Disagree	23	92%

### Specific comments received

Summary of Comments from Trade meeting 25 July	<ul style="list-style-type: none"> <li>• Supportive of the requirement of licensees having to sign up to the <a href="#">DBS update service</a> to enable the Council to make periodic checks.</li> <li>• Speed of processing applications remained a concern</li> <li>• Consolidation of training would help with expediting the process as would online refresher courses.</li> <li>• Identifying certified external instructors to do driving tests on behalf of the authority would also speed up the applications process.</li> </ul>
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Summary of  
Comments  
received at  
Meeting with  
Home to School  
Transport  
(H2S) Providers  
and Officers

- Current proposals in the draft policy would have a very detrimental financial impact on the existing providers and this would in turn have a detrimental impact on the council's ability to provide a statutory service.
- It was already difficult to make money based on the current rates and increasing the restrictions would make it even harder to operate.
- The current providers could not afford to replace their existing fleets.
- If public safety was the driver for the changes they would be willing to have additional checks put into the policy rather than changing the age of vehicles requirements.
- Vehicles were currently subjected to two MOT inspections per year and were therefore fit for purpose.
- The cost of wheelchair accessible vehicles (WAV) had increased by around 50% in the last few years. A four seater WAV cost in the region of £19k and a seven seater in the vicinity of £37k. There was not a great deal of demand for these vehicles in the community and the costs of purchasing these vehicles would have to be passed onto the council.
- Recruiting drivers was difficult at the moment and the removal of the H2S driver option would further exacerbate this situation.
- If the council decided to adopt a phased approach to introducing new vehicles this should be linked to the tendering cycle
- Speeding up the applications process was needed as it took too long to employ new drivers and could be a considerable wait before they could start earning money. This could be supported by extending the range of providers that could undertake the training.

The comments raised by the trade centred on:

- Frequency of MOTs and inspection regimes
- Requirements to wear arm bands for drivers
- Replacing existing taxi signage
- costs associated with the policy including training
- frequency of medical examinations
- comments about Uber and the fact that the policy cannot be applied to their drivers
- requirements around wheelchair accessible vehicles
- enforcement issues for unauthorised vehicles

The detailed comments are attached in the Appendix to this document.

One of the operators also submitted a very detailed response where they raised concerns regarding what they felt was 'the imprecise wording and nature' of a number of sections of the policy. These are detailed in the Annex to the Appendix.

### ***What We Are Proposing To Do***

A report is being taken to the **Licensing and Safety Committee meeting on the 20 October 2022**. The report will ask the Committee to:

CONSIDER the representations as outlined in Appendix A and Annex A to this report.

RECOMMEND any changes to be incorporated into the second iteration of this report arising from the consultation.

IDENTIFY any additional matters requiring clarification.

AGREE that that the outcome of the above recommendations be returned for further consideration by the **Licensing and Safety Committee at the 02 February 2023** meeting prior to a recommendation being made to Full Council that the policy be adopted.

It is proposed that the revised policy be adopted at the 22 February 2023 Council meeting.

**Responses to the formal consultation**

- Red text** – relates to comments on MOTs and inspection regimes
- Green text** – relates to arm bands for drivers
- Purple text** – relates to taxi signage
- Gold text** – relates to costs associated with the policy including training
- Brown Text** – relates to medical examinations
- Blue text** – relates to comments about Uber
- Pink Text** – relates to wheelchair accessible vehicles
- Turquoise Text** – relates to enforcement issues for unauthorised vehicles

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Comment
<p>Hackney Carriage Driver</p> <p>4 months inspection or 15000 miles reject and do enough twice a year mot and our vehicles are kept in condition.</p> <p>About two badges one to be displayed in vehicle and on wristband                      Arm wrist bands are a joke no need for these gimmicks these don't improve or increase our business only puts burden we are no in school or cows to be tagged by wristbands</p> <p>BFC Corporate logo TAXI sign. The taxi sign is just extra chargers. no need there is nothing wrong with the old ones</p> <p>All extra expenses we have to dig our pocket, and most drivers are self-employed and losing 3 hours for courses.</p>
<p>Hackney Carriage Driver</p> <p>All extra expenses we have to dig our pocket, and most drivers are self employed and losing 3 hours for courses</p> <p>Again on medical examination application in every 3 years the moment if 50 years we have been doing in 5 years interval, so that will cost us again. We are happy in every 5 years.</p> <p>Why is only considering a consultation policy for Hackney Carriage and Private Hire Licensing not for Uber and unlicensed vehicles operating illegally and not pressurising them or have been stopped for checked by BFC licensing officers?</p>

Comment
<p>Hackney Carriage Driver Its saying specifically policy for Hackney carriage and Private Hire what about Uber operating here to safe our trade.</p>
<p>Hackney Carriage Driver Look after our trade is fading away Why no policy for Uber are taking most of our work.</p> <p>Everything will cost money and time and our trade still not recovered since covid, struggling and more hours on road.</p>
<p>Hackney Carriage Driver Trade comply with rules and regulations of BFC our trade needed more attention and look after. Why no policy for Uber</p> <p>With living cost it's going and trying to recover since covid, more time for me and cost as self-employed.</p>
<p>Hackney Carriage Driver Everything covers for the hackney but not cover for über I am here station 10-14 hour every day But my situation is getting worse</p>
<p>Hackney Carriage Driver Well it's not very helpful as uber has taken more than 70% of the trade, though they hardly go through many courses as well they hardly contribute any money to the council. Two mot yearly is more than enough. There is no need to change all the taxi signs as Bracknell is a very small town all adds up to extra costs on the driver's. As living costs are very high currently, it will be an extra burden on drivers. Since the covid we lost more than 60% off the trade</p>
<p>Hackney Carriage Driver Normal taxis also have wheelchair access fitted in where we use for both school runs and normal taxi runs. You've set this rule to be waived only for vehicles with council contracts. For the time being all modified vehicles should be exempt</p>



## Comment

They should leave the two MOTs a year as it is. There has never been cause that this should be increased. It is unfair of the council which serves our best interests to impose yet another expensive unaffordable fee.

-Uber drivers are taking 5 or 6 jobs whilst we are waiting in the ranks for hours on end. They have the means to wait in very close proximity to the station making them more favourable a choice for customers. We are subject to all these costly rules imposed by our council. It seems incredibly unfair that rules don't apply to these drivers. Furthermore you have violated your own principles and policies. How do you insure these drivers are maintaining the welfare and safety of the children and the vulnerable? Why is it one rule for them and another for us? I feel you don't care for the struggles we endure in order to earn a living.

If the rules state that the Taxi badge placed at the front of the vehicle should be visible doesn't it then contradict the need for the need of another armband. I do not feel it is necessary for an armband.

Medical check ups should be as follows:

Upto 50 - every 10 years

Over 50 - every 5 years

Over 65 - every 2 years

Other councils can do the Hackney service with a saloon car. With our vehicles some elderly customers have difficulty pulling themselves up to get into the car. Also the youth favour saloon cars which loses us potential customers. It's very rare when we use the wheelchair feature. Why can't it be the case that every taxi company is required to have a number of these vehicles and the rest of us have a choice to buy saloon cars which are cheaper.

## BFC Licensed Hackney Carriage/ Private Hire Driver

Well, council should take in consideration the Bracknell's Hackney carriage taxi driver's day by day bread and butter. As it was at risk because of the Covid pandemic period and had died down in town and many drivers has left the field due to that.

On top of that, another hammer of the fuel price which has risen significantly what impacted even more badly to all our local private hire and Hackney carriage taxi drivers.

We are extremely struggling to co-op with ongoing situation at the present stage.

Therefor our Council should cap all extra expenses in favour of drivers such as

=vehicle inspection gap should continue for twice a year instead of three time a year.

## Comment

=Medical examination should continue for five years instead of every three years.

=Proposal for new logo and new type of TAXI sign on to every licensed hackney carriage Bracknell taxi in town should be capped for a while.

As Reading and other towns and counties kept away all outsider drivers of UBER and other illegals picking passengers from their town and station area, same way our council too should do something to keep them away at least of 3 to 4 miles radius from our station and town. As some of them are even unlicensed, comes to Bracknell from out of the area for drop-off and keep hanging nearby the station until receiving jobs from the station. Some of them (Not legal Private Hires) we have seen even taking cash payment and drives off. They snatch our livelihood by doing that.

They should not be allowed to stay within the distance of 3 to 4 miles radius from our stations because one way they are pain for our legally licensed rank drivers.

As UBER drivers are licensed by TFL, they should go back to their licensed area after dropping the fare. It doesn't make sense that Bracknell comes within the TFL zone. Just think and use common sense for the distance between Bracknell and London. I think and strongly consider "**Bracknell comes within TFL zone**" is 'Made up' by Uber and their supporters who wants them to carry on making us to suffer. I myself and many of our rank drivers don't want to go for Uber as we want to continue as a self-employed to serve for our locals to take to their destination.

There may be many ways to keep these OUTSIDER drivers away of pick up fares from our station or taxi ranks as Reading and many other towns & councils did.

If these outsiders are not kept away from our town, especially from the station area, all our local taxi rank drivers' gona continue suffering and struggling to earn their day by day life.

The other point I would like to be considered by our licensing that this consultation policy is for Hackney and Private Hire drivers of Bracknell only. Therefore Bracknell taxi drivers are stopped and checked by BFC licensing authority. That's all fine and understandable. Why Uber Drivers are not? If they are TFL zone drivers then they should be stopped picking up fares from here otherwise our struggle will continue.

Comment
<p>One last point I would like to request about prohibiting unauthorised drivers to parking, Blocking taxi exist of the rank, stopping, dropping-off and picking up at the taxi ranks. While enforcement officers are present there, they don't but in officers absent they don't stop to abuse taxi ranks. I suggest to place CCTV camera over the taxi ranks to penalise them. Yes it may be costly but it will be beneficial for the long run for the licensing or ranks who belongs it to.</p> <p>I would like our council licensing team to help us out on above issues.</p>
<p>Hackney Carriage Driver It's only covered by Hackney and private Higher based in Bracknell. What about uber and the unlicensed vehicles taking fares in Bracknell which is not been dealt with after so many complaints. As we are based in Bracknell and if our council don't have the guts to protect their own customers what is the point we are paying the higher costs. If we can't protect the safety of our local residents.</p> <p>Be careful before you vote to implement new rules and regulations. Our trade is still struggling we still haven't come out of the Covid19. 50 percent of Drivers left the trade. Don't ignore us you have to look after us.</p>
<p>BFC Licensed Hackney Carriage/ Private Hire Driver  <b>Vehicle inspection gap should continue for twice a year instead of three times a year</b>  <b>Medical examination should continue for five years instead of every three years</b>  <b>Proposal for new logo and new type of TAXI sign on to every licensed hackney carriage Bracknell taxi should be caped for a while.</b>  <b>Uber drivers taking our business and do not pay anything to the council, unfair for us drivers as we're losing customers due to this.</b></p>
<p>BFC Licensed Hackney Carriage  <b>What about policy for Uber operating here it has affected our trade and it's really unfair not to apply any policy for them.</b>  <b>Before the Licensing and Safety committee members voting please look at our taxi trade situation we are suffering with an extra cost and i have to put myself more hours at work .We are still struggling and not recovered since pandemic.</b></p>
<p>BFC Licensed Hackney Carriage  <b>Still upset with Uber are allowed to operate in our area, taxi trade are suffering needed to be look after. Why no rules and regulations for them.</b></p>

Comment
<p>The Licensing and Safety committee members need to review very carefully when voting before you implementing any new rules will cost me an extra to pay. We are not recovered yet since pandemic and also the living cost gone very high.</p>
<p>BFC Licensed Hackney Carriage  Yes I would like to say that whenever you makes any new rules and regulations its make our life a bit harder and we need to spend more money on it I will appreciate if you could do this to uber as well as we loosing our trade day by day and that's the reason that our 50% driver left the job. Or if possible accept the uber so we can join uber without having london PCO licence.</p>
<p>BFC Licensed Hackney Carriage  Concern about Uber here and no rules and regulations for them.  Before the licensing and safety committee members voting on any extra rules look at our situation</p>
<p>BFC Licensed Hackney Carriage  Unlicensed vehicle operating with local taxis but we are being dealt strictly. Anything new regulations making hard for drivers to survive.</p>
<p>BFC Licensed Hackney Carriage  Why there's no rules and regulations policy on Unlicensed vehicles operating in our borough and taking away the vast majority of our trade.  The Licensing and Safety committee members think before voting on any extra new rules will cost me more money to pay.</p>
<p>BFC Licensed Hackney Carriage  Policy are good but it should for everyone, uber are tfl private licence operating in bracknell, this is illegal, we Bracknell licence are not allowed in different borough  Anything you implement we still suffer and cost us money and time because of this 50 percent driver left</p>
<p>BFC Licensed Hackney Carriage  The government's new statutory consultation policy for Hackney Carriage and Private Hire Licensing survey is putting stricter rules for drivers and my concern is it doesn't cover the specific areas for unlicensed vehicles operating in our neighbourhood.  They are doing the vast majority of our work around us and the taxi trade has been badly affected.  Why are you not giving any power to Licensing Officers to verify unlicensed vehicles operating in the area?</p>

## Comment

They should take tougher measures when vehicles operate illegally in our municipality and use our work point (taxi stops at Waitrose in Bond way ) for pickups and drop off passengers, mainly for the safety of local residents. We need to keep this taxi trade running otherwise it will disappear.

1- About two badges, one to be displayed in our vehicles and an armband.

My badge is always visible to passengers. Just a one-cost badge and we'll save the environment.

2- AGE of vehicle. Every 4 months or 15000 miles for vehicle inspection.

My licensed vehicle has inspection every 6 months and I keep it in standard condition. Also, looking at my book records, the mileage between September 2021 and March 2022 I travelled 13,187 miles in that period. The inspection is carried out twice a year

3- BFC Corporate logo on the front face of the roof, signing Taxi.

I had spent more money.

4- Application for Medical examination from 45 years then 6 years and then in every 3 years until 64 years.

Ideally, it should be every 5 years, as we do from the age of 50 onwards. You could check and see in your records if there has been a problem with a driver's health condition that has happened in the past few years.

5- The government are pushing to greener cars on emissions before the committee members thinking to introduce into new policy look at few points about new vehicles are manufactured already with tinted windows and with it has been allowed by unlicensed vehicles by using App application operating in our area, in this case there is no risks of public safety. Now for greener there are no hybrid wheelchair cabs so next best thing is hybrid cars and would be great to have mixed fleet and would save me having to write a Business Case. Electric black cabs are good but too expensive for our small town with very little trade and wouldn't be affordable on financing. Will need to install charging points around the Borough for electric cabs however that would cost millions to do so.

Comment

Before Licensing and Safety Committee members make any final decisions about implementing new extra rules and regulations when voting, please review this carefully, if in case it happens, it will be more of an extra cost for me to pay and I will need to spend more hours on the road to survive. This is my only source of income as I'm self-employed.

Especially people who work in offices still work from home and our business is still very weak and slow as you know, the cost of living has increased and will be higher in October this year and will be moments of great concern.

Just for your information the last 3 years I haven't seen any new Hackney driver application and we lost 50% of drivers since beginning of the Pandemic until now. We have less than 60 licensed Hackney Carriage vehicles active on the road the rest have left this trade and changed jobs.

I hope the Licensing and Safety Committee members will consider our comments and review carefully and make the right decision to benefit our entire taxi trade.

BFC Licensed Hackney Carriage

Why can't you delay this further we pay enough, now you try to implement new extra rules will cost me more to pay. I'm worried with living cost.

Before your decision on new rules tell me why is strictly rules for our trade which we haven't recovered from Pandemic.

BFC Licensed Hackney Carriage

Uber are taking majority of our jobs absolutely unchallenged!

Any extra policy added on will costs more money at the moment we are still struggling for business!

BFC Licensed Hackney Carriage

BFC Corporate logo TAXI sign.

All extra expenses we have to dig our pocket, and most drivers are self employed and losing 3 hours for courses

## Comment

On Behalf of 42 Members of the Trade

It appears that all of the proposals in the policy are going to come with a cost to the taxi trade and so due to the spiralling cost of living crisis and massive energy increase in energy price we feel that unnecessary increase will be inappropriate at this time.

The Hackney carriage trade opinion is that most of the new recommendations would have a negative impact on the trade with absolutely no benefit to the consumers.

We believe that all training courses should be no less than 5 years for refresher, we agree that the First Aid course is very important and agree a full course is needed but we don't believe this is the case for Disability Awareness and Safeguarding the content of these courses are almost identical and most drivers can remember them word for word we believe that these courses should be done together and would not have to be more than 4 hours. The best option for the trade would be to have an online module where drivers can complete in their own time with a test at the end to make sure they understood it correctly, drivers should not be off the road unable to earn money doing these courses. We believe the current criteria for medicals does not need changing, we are not aware of any incidents where passenger or pedestrian or other road user has been harmed due to ill health of a taxi driver, if this is the case it would lead us to believe that the current regulation are still working fine.

The recommendation for 3 tests on MOT for BFC Licensed Vehicles (for every 4 months) will not be needed to the lower mileage the taxis are doing, the average mileage for 2019 pre-pandemic was around 21,000 miles this now could be even lower this would mean having the cars tested every 7,000 miles.

The average mileage for normal car use is around 12,000 miles per annum which would mean the 6 monthly check would still be lower than 12,000 miles, again we would like to ask the question how many people have been harmed by the taxi that was unroadworthy. We believe very few if any which would lead us to believe again that the current regulation are still working fine.

The proposal for 2 driver Badge (to be displayed inside the vehicle and 1 an extra wrist armband badge like security bouncer) it is unnecessary has never been required before, it appears nothing more than a gimmick.

Also for changing the taxi sign to having Bracknell Forest Borough corporate logo even, we don't believe anybody would notice it, their eyes will be drawn to the taxi font, we haven't got a problem in Bracknell with taxis from other areas using the rank the problem is with Uber and they don't have a roof sign at all.

The conclusion to most of the new recommendations is that there is going to cost the trade even more money with no benefit to the consumer. The trade has not recovered from the pandemic and probably never will, all these would do is add more hardship us and

## Comment

our families that we are trying to provide for, we hope that the Licensing and Safety Committee will look long and hard at this before making any decisions which could lead to the complete destruction of our trade.

### Trade Representative

The policy is detailed and thorough and explains each part well.

I would like further clarification on the "AGE" of vehicle. This is in point 24 of the document (I have included screen shot below)

It doesn't mention maximum mileage or age.  
Can this be confirmed please?

### Officer

It is difficult to comment on whether the policy provides adequate protection for children and vulnerable adults as regardless of what checks you put in place, there will still potentially be incidents.

In terms of whether the policy includes everything that is needed this has already been discussed in a meeting with 2 operators but there is no reference to HTST licences in the policy. The removal of these criteria of licence will be catastrophic for BFC HTST service and operators.

The policy around emissions is weak in my opinion. I feel there should be incentives for low or zero emissions.

In respect of training as discussed in the meeting with operators. PPP's ability to train drivers in an acceptable timeframe has been poor.

PPP needs more registered providers with the capability to carry out the training in a timely manner.

Suggested training providers:

[NSPCC Learning homepage - safeguarding training and resources](#)

[Spectrum Courses](#)



## Comment

[jane@spectrumcourses.co.uk](mailto:jane@spectrumcourses.co.uk)

Spectrum in particular could possibly make a bespoke course for PPP.

Not policy related but as a Head of a statutory service, the move of PPP to Theale is detrimental. There are no visible officers for my team and I to liaise with regularly. Little communication from the officers that are in Theale. I don't think the BF operators are now being well served by PPP.

The omission of the HTST licences must be addressed.

### Operator

In terms of training whilst we appreciate this is necessary for all new applicants, to have the training every 3 years is quite repetitive and could easily be scaled down and maybe kept in line with the First Aid training which is currently every 5 years.. I attended a Safeguarding refresher course last week at the Bracknell Council chambers and the course time was approx 1.5hours; this saved considerable time in comparison to The Blue Lamp Trust courses. Is there a possibility that the same could be held for the Disability Awareness courses; and could the proposed County Lines and Sexual Exploitation courses be included into the Safeguarding courses as these points are touched on in this course. This would save cost and the working time lost for drivers.

We are currently experiencing issues with recruiting drivers due to the length of time it takes for a licence to be issued. This point was brought to Councillor Porter's attention at a meeting held in July. Previously licences would be issued then First aid & Safeguarding courses could be taken in a certain time frame. With the introduction of all courses having to be completed before a licence is issued; we are having increasing issues with recruiting new members of staff due to the cost implications and the time in which it takes for licences to be issued. On average it is taking over 2 months for new applicants to obtain their licences; and most applicants cannot wait this length of time to start a new role and do not continue with the application, resulting in significant costs to our business.

From feedback we have received from drivers the current Knowledge test is challenging even if they have resided in Bracknell all of their lives! Is the knowledge test even completely necessary, especially every six years? I cannot imagine in 2022 that driver's do not have access to a sat nav or onboard sat nav. If a driver has 6 years driving experience, I would hope by this point they would have a comprehensive knowledge of Bracknell and the surrounding areas.

## Comment

With the introduction of new time frames for licence application, please could it be advised how long it would take an applicant to obtain a letter of good conduct from their embassy and also the cost?

Speaking & listening Assessment test - could this be assessed while attending courses/taking Knowledge test. A certain level of competency and understanding would be required to take these courses.

Vehicles - a meeting was held by Councillor Porter in July as previously mentioned mainly in regard to the introduction of vehicles having to be Euro 5 or 6 standard at first licensing or renewal. The huge cost implications of this on Home to School Operators was discussed in this meeting and the impact on the businesses being able to continue to operate if these measures were introduced or the increased costs being passed onto Bracknell council to ensure the service could continue. A phasing in of new vehicles over a period of time was discussed as a more manageable solution.

3 monthly MOT & Inspections - Proposal is all applications and checks are to be submitted a month in advance and every three months. With the closure of Think Ford in Bracknell this week, will this be possible with only one testing station available in the Bracknell area.

Overall our major concern is all the proposed changes are all at the expense of either the drivers or Operators. Whilst we are in total agreement with the licensing committee regarding the Safety of the residents in Bracknell, many of the proposals will not enhance safety but only incur more expense to an already struggling trade. I think the increased measures which means increased cost, could eventually have the reverse desired effect. With increased additional costs, we are finding many drivers are leaving the trade and it is becoming increasingly difficult to attract new drivers to the trade. At the moment (especially in the night economy) Uber are becoming increasingly predominant in this area with no regulation and making no financial contribution to the local authority.... please can I ask how can this be increasing the safety of local residents or be a level playing field for companies and drivers that have contributed to the local economy for many years.

Operator see Annex A below

My most serious concern regarding an omission is the lack of status for Home to School vehicle under the previous rules to continue. Failure to include Home to School vehicles would be catastrophic for our and Bracknell Forest Council's ability to service the students' needs for transport.

Regarding the articles included in the document I have several concerns regarding the imprecise wording and nature of the following sections:

### **Policy in Relation to Dual Driver and Private Hire Driver Licenses**

#### *9.6 Medical Examination*

"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."

Assuming no change in the person's medical status which needs to be disclosed, this provision is open to abuse as it does not outline any criteria for the officer of Bracknell Forest Council in requesting an additional examination. Also given the relatively few doctors who will perform these examinations coupled with the delay in getting them this section should include something around what will happen if they are made to wait weeks/months for the examination. Are they able to work or are they barred or working?

#### *19 General*

"proof of ownerships of the vehicle must include:"

Bullet Point 3 - "The original insurance or insurance cover note for the vehicle"

The word "Original" should be removed from this as it does not allow for standard practices within the industry. Most insurers email you a copy of the policy and cover note which you can then print out, very few policies still provide hard copies of the policy and we should not be in violation due to our insurer's standard operating procedure.

#### *24 Age*

"Where vehicles are five years or older from the date of first inspection before grant or renewal and then at four monthly or 15,000 mile intervals for the duration of the license".

This is unnecessarily burdensome and increases the number of checks by 50% over the current model. I would question the need for this change, I suspect there has not been a discovery of a glut of vehicles on six month test schedules that are believed to be driving around in final two months in an unsafe state. Furthermore, the additional running costs to the owner of the vehicle is an unfair increase at this time, as well as providing no provable benefit to anyone.

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

This is unacceptable as the vehicle test will reveal if the vehicle is roadworthy and to the standards of Bracknell Forest Council, placing an additional burden to meet which could only be reached at great additional costs on the vehicle owner ensures that almost no vehicle will make it to year six. The vehicles are the life blood of our industry and the owners do everything they can to ensure they work, are in good order and will pass their next inspection codifying an adherence to an expensive and often biased schedule laid out by the manufacturer is unfair. It should also be stated that this would end the use of second hand cars as taxis in this borough as very few taxis brought second hand have full service histories. This is perhaps the most concerning provision of the new rules as it will spiral the running costs of the vehicles, if however you do not agree with me and the rule remains I would ask for a grandfather clause for vehicles already licensed as currently none of my vehicle will receive an extension and my business will close.

#### *25 Exterior of the vehicle*

"v. have any scratches, cracks or abrasions where the top layer of paint has been removed."

In both the above cases this feels unnecessarily harsh, we would all like nice looking cars and it is perfectly reasonable to ask for any significant scratches, i.e. over 2-3cm long, to be fixed stating "any" scratches feels burdensome.

#### *26 Interior of vehicle*

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

iv. seat covers that are loose or badly fitted"

Unfortunately seat covers for vehicles, particularly older vehicles are not always available from the manufacturer and sometimes generic seat covers must be used. These generics are often made with several different vehicles, makes and models in mind and as such the fit isn't always as snug as even I would like however it is hundreds/thousands of pounds cheaper than a bespoke reupholster. As such I would like to be rephrased to "seat covers that are loose" as the inclusion of badly fitted is too open to interpretation.

#### *27 Taximeters*

"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."

The inclusion of a recommendation here is inappropriate something should either be against the rules or not, this recommendation opens the driver up to accusation for not complying with a recommendation.

#### *30.1 Vehicle Standards*

Grab handles

"iv. Grab handles..... All Grab handles must be in a contrasting colour"

Unfortunately we are at the mercy of the manufacturers in this regard, if the handles that come with the vehicle are contrasting colours great, however, if they are not we cannot repaint them as that would compromise grip. I would suggest removal of this second part of the subsection.

*External interim step*

"iv. have a band of colour across the leading edge which shall contrast with the remainder of the step and floor covering;"

I have a similar objections to the Grab handles regarding both manufacturer freewill and given the delineation of the "leading edge" this would also lead me to concerns around repainting it if that edge was worn down by use, which is almost always is.

"It is desirable for this facility to be available at the offside passenger door also"

This sentence should be removed as desirability can be brought up to drivers/owners if they seek advice from the council and not included in the policy.

*31 Roof Signs –*

This whole section has lots of problems and it may need to be removed wholesale

"The roof sign must be lit when the taximeter is not active and not lit when the taximeter is in use."

Any illumination at night is preferable to less illumination at night. It also requires a custom systems to ensure compliance.

"The roof sign must have dimensions of 60.5cms long, 17.5cms wide at the middle point.....Licensing Team if required."

This section is too precise and does not allow for innovation.

"The front face of the roof sign must show the words "TAXI LICENSED BY" followed by the Bracknell Forest Council Corporate Logo."

This would require expensive custom signs to be made at great expense.

"The license number must be shown, within a circle, on both sides of this wording."

This would require expensive custom signs to be made at great expense. This would also mean that the signs would be bespoke to each vehicle and not reusable.

"TAXI must be 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."

This section is too precise and does not allow for innovation and it would also require expensive custom signs to be made at great expense.

"The rear side of the sign must show a wheelchair logo in white on a blue background....Pantone code 371."  
This would require expensive custom signs to be made at great expense.

"The rear face of the roof sign on all vehicles must show the license number (once only) to the same specifications as on the front"  
This would require expensive custom signs to be made at great expense. This would also mean that the signs would be bespoke to each vehicle and not reusable.

"The licensee may use the remaining space...number does)." This would require expensive custom signs to be made at great expense.  
This would also mean that the signs would be bespoke to each vehicle and not reusable.

"it may be necessary for some wheelchair accessible taxis to display the sign on the front bulkhead of the vehicle due to height restrictions."

This is vague and call into question which height restrictions will apply as at various places around the UK differing height restrictions are in operation and there is doubtless somewhere in the UK that would exempt all vehicles from using roof signs.

"In the event of the Council's Licensing Officers not being satisfied that a roof sign meets the specification, the conditions of the vehicle license will have been breached and the proprietor requested to remedy the defect."

With the inclusion of the word approximately in one of the above subsections as well as specific shades of colour requested giving ultimate authority to the Licensing Officers is an invitation to discord and will result in many problems for both the drivers and the council.

I would strongly recommend returning to the previous rules regarding roof signs, section 18.5 in the August 2015 document, as they worked without the need for these expensive bespoke custom signs. If not the requirements for specific colours need to be removed as they require us to comply with something outside our sphere of control.

### *33.1 School Contracts*

"All such contracts must specify which vehicles will be used to discharge those contracts."

None of the contracts I have ever signed with Educational Transport over the past 20 years has ever listed the specific vehicle on it, this is because they know that drivers agree to do school runs and then change their minds or they leave the area/the trade or they replace their vehicle etc. As such making it a condition of an exemption means that no exemptions will ever be granted.

### *33.2 Executive Hire*

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

Taxi contracts with private businesses do not operate the same as with public bodies. No private business would sign anything that restricts them for a period of time, most private account contracts deal only with the terms of repayment, disputes etc. As such making it a condition of an exemption means that no exemptions will ever be granted.

### *35 Operators Base*

"However it may be unlawful to use those premises as an operator's base"

Why not take the opportunity to delineate here what will and won't be lawful?

### *37.2 Disclosure and Barring Service Checks (DBS)*

"An applicant must provide a basic DBS check"

I believe this should be amended to "An applicant must provide either a basic or enhanced DBS check" as those of us who have an enhanced DBS check shouldn't be required to get a lower level DBS check to comply with the letter of the law.

## **Appendix B Penalty points scheme**

### 2. List of Offences/Breach of Vehicle License Conditions/Byelaws

**V3** Failure to have/maintain grab handles - I was unsure what maintain grab handles means, I would like some clarification as to how a grab handle is properly maintained.

**V6** Failure to keep a wheelchair access vehicle available without modification at all times - I am unsure what this means, I wonder if there is a better way to word what is being implied here.

**V12** Failure to display roof sign on front part of the roof....near to the front as possible - I am unsure how much latitude is given to the Bracknell Forest Officer to decide what is the "front part of the roof", if none, what is the front part of the roof? Is it a finite amount, in real terms, or a percentage from the front lip? Is the front lip where the metal reaches to glass or where the metal is no longer flat? What will happen if the roof is generally convex and does not have a flat part?

**V13** Failure to display front door signs - This makes it sound like it is an offence not to have advertising on your vehicle, which I don't believe is the case.

**V17** Display sign that does not comply - This does not explain anything? It seems to imply the same contravention as V14 "Displaying incorrect signs i.e. wrong wording or magnetic" if it is a different offence then it would need to be better explained.

**V19** Failure to display three or more "no smoking" signs in the vehicle - I find it unbalanced that failure to display no smoking signs results in 4 points but failure to report loss of vehicle plate, V23, only results in 2 points. I believe these points should be reversed as failure to report loss of plate means you are driving around without a licence plate and surely that should be the greater offence.

**V20** Private Hire displaying the word taxi - Our Company is JJM Taxis and preventing us from advertising our name on our own cars, apparently to prevent misunderstanding our cars with hackney carriages is unsound. Given the word taxi is a generic word used colloquially to describe all hired transport smaller than a limo or coach, like hoover is used to describe all vacuum cleaners, I feel its prevention is unjust.

**V22** Failure to return plate on expiry of licence if requested to do so by Licensing Staff." - This is too vague, as a person can claim they were not requested to return their plate. I would suggest all people are required to return plates regardless of request and that a time limit should be listed here. Given that Bracknell Council have lost documents in the past I would also like a receipt especially for the return of plate to be provided by Bracknell Council when the plate is handed in.

**V29** Wilfully or neglectfully causing letters or figures in the statement obscured - I believe the end of this line should be changed to "...figures in the statement of fares obscured". I would also suggest dropping the "Wilfully or" from the front of the sentence as it implies malice of forethought that can be argued whereas "Neglectfully" would cover all instances and not require an admission of proof of intent.

**V43** Failure to obtain written permission to use trailers on Licensed vehicles

**V44** Failure to present vehicle and trailer for inspection

**V45** Using a dual driver without the appropriate DVLA category code to tow a trailer - The inclusion of these penalties seem strange as Section 32 of the policy clearly states "trailers cannot be used with any licensed hackney carriage or private hire vehicle.". Perhaps a single penalty for using a trailer could replace these three.

**V50** Failure to provide assistance to an authorised officer - This is too vague and does not limit what can be asked for under the guise of assistance. Perhaps an alteration to "provide reasonable assistance" would prevent overreach and abuse.

**D1** Driver not clean and respectable in their dress - This is too vague, the inclusion of the word "respectable" causes further confusion.

**D3** Driver not behaving in a civil and orderly manner - This is too vague, the inclusion of the word "orderly" is the source of my concern.

**D4** Drivers allowing noise from(*sic*) radio...or outside the vehicle - This again is too open to abuse, annoyance is personal and often unprovable. It also makes a person guilty even if when brought to their attention they immediately apologise and resolve the issue.

**D8** Driver calling out or influencing person to travel...without a prior appointment - This is too vaguely worded as whilst I understand what is being referred to here, the inclusion of the word "influencing" covers too many possibilities and should be replaced.

**D21** Failing to take steps to ensure passenger safety - This is too vague, the steps missed should be delineated somewhere in the document to allow drivers to ensure compliance.

**D23** Failing to search vehicle after journey - This places all responsibility on the driver and absolves the passengers of any fault for lost property.

**D24** Failing to hand found property to the police - As this has happened over the years, I can attest the police can often be resistant to take custody of lost property from us.

**D26** Failing to use taximeter on pre-booked journey or fail to charge less than meter fee



- D27** Charging more than the metered fare - These two seem to say the same thing yet the first gives two points and the second four points.
- D29** Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare - This is redundant as it states the same thing as D25 "Failing to operate the taxi meter correctly" Yet D25 gives two points and D29 give four points.
- D30** Demanding more than the previously agreed fare - This is redundant given D27, also if it refers to a quote for a journey then an exemption needs to be included for when the job varies from the quoted journey i.e. a quoted price from Deepfield Road to Bracknell Train station cannot be upheld if when the job occurred the customer says "we need to pick up my friend from Moordale Avenue en route" as the specifics changed.
- D31** Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet - This is redundant as D27 covers the same infraction.
- D32** Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet - This does not account for waiting time if the driver is contacted by the customer and told to wait.
- D35** Failure to attend at appointed time or place without sufficient cause - This penalty is unnecessary and should be removed as I can never remember a time when this has occurred without sufficient cause. Obviously our business thrives on good service and repeat business and whenever our service is late or we cannot find someone it is never flippant or because we can't be bothered.
- D47** Making additional charge for carrying assistance dog - a clear distinction is needed here between the bad action you are hoping to prevent and a cleaning charge due to an assistance dog making a mess.
- D53** Failure to co-operate with any.....by the Licensing Authority - I would like to include a reasonableness clause in this to prevent abuse.
- D54** Failure to keep a record of booking in the Private Hire Vehicle...or written - This is redundant as the Base is required to keep this record and there is no benefit to this extra step, as such it is unnecessarily bureaucratic.
- O1** Operating more vehicles than stated on the license - There needs to be a time frame for updating the license, otherwise you are stating that no new driver can join until Bracknell Council authorises it or that operators need to always have "head room" in the number of drivers listed on the license which would be an unfair charge.
- O8** Failure to provide prompt, efficient or reliable service - This needs removal as it is much too vague, open to abuse and doesn't allow for cause.
- O9** Failure to attend a booking at appointed time or place without sufficient cause - Too vague, we would need a definition of "sufficient".
- O20** Failure to keep proper records
- O21** Failure to keep entries correctly - O21 is redundant with O20 existing
- O36** Failure to establish...employing ex-offenders....authority - Given that employing an ex-offender would likely invalidate me from all my home to school contracts, can my policy be that I will not employ ex-offenders due to the cost to my business?

**B13** Failure to provide when requested reasonable assistance with luggage - We would need either here or elsewhere confirmation that being asked to take luggage inside or upstairs is unreasonable.

**B15** Failure to notify lost property to the Police within 48 hours of discovery - I cannot understand why this differs from D24 for Dual badge holders? Why do Dual badge holders have to hand in property but Hackney carriage badge holders only have to notify the Police?

### **Appendix C Taxi Drivers Code of Conduct**

3.1 You must give your taxi driver license to the private hire operator when.....while you are driving for them. This is unnecessary as the Operator only needs to see and take a copy of the license whereas giving them the original grants unscrupulous operators' coercive power over the driver

9.3 You must not use abusive or foul language....your vehicle - Foul language is too open to interpretation, as offence can be taken for a variety of words that would not otherwise constitute foul language.

9.6 If the hirer requests, you must...sign the receipt - The section "operators name and driver name or license number" should be removed due to redundancy if the vehicle license number and driver signature are on the receipt you don't need the other information.

9.7 You must not cause or allow....whether inside or outside the vehicle - The inclusion of "annoyance" is too vague and not disputable due to the internal nature of annoyance.

9.9 You must treat everybody decently, equally and fairly - The word "decently" cannot be included due to it having differing definitions the main of which is "in a way that conforms with generally accepted standards of respectable or moral behaviour" the ill-defined nature of what these standards are will lead to dispute along cultural, political and religious lines. "You must treat everybody equally and fairly" is a better statement with less margin for individual biases. You could also amalgamate 9.9 and 9.10 into a single statement "You must, at all times, treat everybody equally and fairly & with courtesy and respect"

9.16 You must behave in a civil and reasonable manner...by the hirer - We need a clarification in this policy of "reasonable", a simple clarification of whether "reasonable" is to be interpreted colloquially or legally? I would prefer the legal definition.

9.18 You must always assist...and setting it down - This needs to acknowledge the conflict with 9.13 which advises driver keeping themselves safe.

9.19 You must maintain a log book in which you include any incidents...answerphone at 01635 519184 - This section is unacceptable, Taxi drivers are not Police Officers, Case Workers or agents of the Security Services and as such asking them to undertake the responsibilities of these groups is totally unreasonable. This would place an undue burden on the drivers and leave them susceptible to both physical attack and legal action. The final part of the section that begins "Where you suspect that the incident involves criminal behaviour" and continues to the end of the passage is fine as it only requires the drivers to be good citizens but all of the parts prior cannot be enacted.

9.20 You must maintain a logbook of any complaints...as soon as possible - This would place undue burden on the drivers and the responsibility should be the operators alone.

10.8 Trousers, shorts...one colour of material - This is unfair and feels like an overreach as a garment can be of more than one colour of material and still be neat and orderly.

10.10 (b) Words or graphics on any clothing that is of an offensive or suggestive nature - This is too vague due to offense being personal and suggestive being open to debate

10.10 (f) No baseball caps or hoods worn up whilst in the vehicle - Clarification is needed that drivers are allowed to wear hats to stave off cold weather.

11.8 You must not carry any child below the age of ten year in the front of the vehicle - The current law states that persons of either 12 years old or 135cms is allowed to sit in the front over any vehicle. This rule should be brought in line with the law of the land.

18.4 (b) not to make an additional charge for doing so - We do lots of wheelchair journeys and sometimes when transporting people who are being met by carers or family members we have to wait while receiving them is arranged. As such drivers should be compensated under waiting time charging rules for that delay.

18.6 In vehicles equipped...any unloading activity commences - We do lots of wheelchair journeys and sometimes when transporting people who are being met by carers or family members we have to wait while receiving them is arranged. As such drivers should be compensated under waiting time charging rules for that delay.

18.10 When driving a Hackney Carriage...section 54 Town Police Clauses Act 1847) - I refer back to my objection to penalty D30 as the specification for the job can change and drivers should not be bound if the job changes and this section needs to acknowledge that.

18.13 When driving a Hackney Carriage...section 57 Town Police Clauses Act 1847) - Mention that sometimes customers run off without paying and as such a driver cannot be expected to wait indefinitely.

18.17 You must not leave a hackney carriage unattended...section 64 Town Police Clauses Act 1847) - A clarification needs to be added here as currently you could argue that a driver talking to another driver a couple of cars down the rank is in violation.

18.35 When Driving a hackney carriage....(Hackney Carriage Bylaw 14) - the line "taking it from or to any building" should be amended to "taking it from or to any buildings entrance"

18.36 When Driving a hackney carriage....(Hackney Carriage Bylaw 18)

18.37 When Driving a hackney carriage....(Hackney Carriage Bylaw 19) - Both of these place too high a burden of responsibility on the driver and too much absolution on the passenger for there own luggage.

My objections to Section 19 are the same as the above Section 18 when they correspond.

### **Appendix D Hackney Carriage Vehicle License Conditions**

19 Tyres must be correctly inflated to the vehicle/tyre manufacturers recommended pressure. The language should be softened due to tyres deflating over the course of a day may not have been immediately noticeable by the driver and finding them at fault for a slow puncture seems unfair.

20. The vehicle must be equipped...or foam repair kit) - I would like reference to run flat tyres and any as yet undiscovered equipment provided by the vehicle manufacturer to combat punctures and deflations. I feel it's best to future proof this section as each previous innovation has been an uphill battle to get accepted.

### **Appendix F Private Hire Operator Conditions**

Records - This section needs great improvement

9. (b) the time of the request - This is unnecessary as in the past two decades I have never once needed this information nor can I fathom how it would be of use.

9. (f) The driver's license number - This is redundant and unnecessarily bureaucratic as the operator already keeps this information and a simply check can provide all of it upon request.

9. (g) the vehicle registration number - This is redundant and unnecessarily bureaucratic as the operator already keeps this information and a simply check can provide all of it upon request.

9. (h) the vehicle license number - This is redundant and unnecessarily bureaucratic as the operator already keeps this information and a simply check can provide all of it upon request.

9. (i) the name of any individual that responded to the booking request - This information is unnecessary and burdensome.

9. (j) the name of any individual that dispatched the vehicle - This information is unnecessary and burdensome.

9. (k) If the vehicle...the work is undertaken - This information is unnecessary and burdensome.

To offer assistance in this part as so much is incorrect and unnecessary, the information needed to perform all possible journeys are:

(a) The date and time of the booking

(b) The pick-up location and identifying information i.e. hotel room number, flight number

(c) The name and if possible the contact number for the passenger

(d) The destination of the journey

(e) Any quoted price offered

(f) Any special vehicle requirements i.e. an estate car

(g) Any special instruction i.e. call me at drop off to come out and collect family member

(h) Any payment instructions i.e. charge to XX account

(i) The drivers name/call sign

You could also include requiring back-ups of any emailed booking for a period of six months

11. (d) Maintenance history of the vehicle - This is unnecessary, the council tests all vehicles each year or twice per year, when a vehicle passes this test it is licensed to operate for the coming year. As long as the vehicle owner can prove they passed their test the operator should have no further requirement for inspection.

13. The operator must keep up to date...carry out their duties - This is unnecessary as Bracknell Council already keep such records, asking to be made aware of amendments is perfectly reasonable but asking for us to keep a separate double ledger is overly bureaucratic.

17. The operator must provide a prompt.....at all reasonable times - The replacement of "at all reasonable times" with "whenever possible" at the end of this section would be preferable as it does not place a requirement beyond our capacity to perform.

20. As part of ride sharing...passengers of the opposite sex may not be added to the same booking - This whole section should be removed unless Bracknell Forest Borough Council would like to take an official position on transgenderism and the (im)mutable nature of sex. I would favour an outright ban on ride sharing over attempting to enforce this policy.

To: **Council**  
**29 November 2023**

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## **Schedule of Meetings 2024/25** **Executive Director: Delivery**

### **1 Purpose of Report**

1.1 To seek approval to the proposed Schedule of Meetings 2024/25.

### **2 Recommendation(s)**

2.1 **That the schedule of meetings 2024/25 as set out in the annex to this report be approved.**

### **3 Reasons for Recommendation(S)**

3.1 To enable arrangements for the next municipal year's meetings to be put in place and assist members plan their diaries for the year ahead.

### **4 Alternative Options Considered**

4.1 The timetable has been designed, as far as possible, to ensure that the schedule provides for meetings when decisions are required so that all matters are dealt with on a timely basis. Adjustments could be made to the timetable but adjusting one meeting date is likely to have an impact on a number of others given the inter-relationship between meetings and the limited number of dates available throughout the year.

### **5 Supporting Information**

5.1 The timetable has been drawn up having regard to the usual limitations:

- Avoiding meetings during the school holidays as far as possible.
- Leaving a gap of at least 8 days between meetings of the Executive and Council to allow time for the Executive report (and any recommendations) to be published either with the Council agenda or the next day.
- Avoiding 7.30 meetings on Fridays.
- Scheduling each committee's meetings on the same day of the week throughout the year, as far as possible.
- Avoiding a gap of more than 5 weeks between meetings of the Planning Committee.

5.3 As agreed at the Council meeting on the 13 September 2023, it is again proposed that the meeting on the 12 February 2025 be a Budget Meeting with a single item agenda which will allow for a full debate on the budget, with the meeting concluding at a reasonable time. A contingency date of the 26 February 2025 is proposed in

case the budget meeting is adjourned, so that the budget can be set within the legal time limits.

- 5.3 Due to the new arrangements of the Corporate Performance Overview Report (CPOR) being presented at Overview and Scrutiny Commission prior to the Executive process, the Planning Committee meeting which has already been agreed to be held on the 23 May 2024 will need to be brought forward a week to the 16 May 2024. This will allow for an Overview and Scrutiny Commission to convene on the 23 May 2024 in the required timescale for the CPOR to be presented to the Overview and Scrutiny Commission ahead of the Executive Process.
- 5.4 If the schedule is agreed, it is hoped that members will only seek to change these dates in exceptional circumstances as to do so inevitably causes problems for some people. With a significant number of twin-hatted members, concerns have been expressed about clashes with parish and town council meetings. By setting the dates for this Council's meetings now, the parish and town councils have the opportunity to plan around this Council's meetings. It is therefore all the more important to avoid in-year changes unless absolutely necessary so that potential clashes can be avoided.
- 5.5 Council is accordingly invited to approve the schedule set out in the annex to this report.

## **6 Consultation and Other Considerations**

### Legal Advice

- 6.1 There are no legal implications.

### Financial Advice

- 6.2 There are no financial implications in approving the Schedule of Meetings. The cost of the meetings is met from within existing budgetary provision.

### Other Consultation Responses

- 6.3 The Corporate Management Team has endorsed the Schedule of Meetings.

### Equalities Impact Assessment

- 6.4 There are no implications.

### Strategic Risk Management Issues

- 6.5 There are no issues.

### Climate Change and Ecological Impacts

- 6.6 The recommendations in Section 2 above are expected to:

Have no impact on emissions of CO<sub>2</sub>.

The reason the Council believes that this will have no impact on emissions is that the timetable reflects the previous year's meetings and therefore should not increase or reduce travel, use of facilities.



Health & Wellbeing Considerations

6.7 There are no implications.

Background Papers

None

Contact for further information

Hannah Harding, Democratic & Registration Services - 01344 352308

[hannah.harding@bracknell-forest.gov.uk](mailto:hannah.harding@bracknell-forest.gov.uk)

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### SCHEDULE OF MEETINGS – 2024/25

	Day	Start Time	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN 2025	FEB	MAR	APR	MAY
COUNCIL	Wed	7.30	15		10		11		27		8	26	3*/12	23	14
Executive Briefing (closed)	Tue	5.30	7	4	2		3	1/22	26		7/28		4	1	6
EXECUTIVE	Tue	5.30	21	18	16		17	15	12	10	21	11	18	29	20
Executive Committee – Commercial Property	Tues	7.00		18							21				
Corporate Parenting Advocacy Panel	Tue	5.00		11			10			3			11		
OVERVIEW & SCRUTINY COMMISSION	Thu	6.30	23		4	29		17	14	5	9	27			22
Planning Committee	Thu	6.30	16	13	18	15	12	10	7	12	16	13	20	24	15
Licensing & Safety Committee	Thu	7.30		20				24			30				
Employment Committee	Wed	7.30			3			9		4		5			
Education Employment Sub	Wed	5.30			3			9		4		5			
Local Joint Committee	Wed	4.00			3			9		4		5			
Governance & Audit Committee	Wed	7.30		19	17		18				22		19		
Health & Wellbeing Board	Thu	2.00		4			10		28			11			
Parish & Town Councils' Liaison Group	Wed	7.30		26						11			26		
Local Countryside Access Forum	Tue	7.00		2				8			28				
Schools Forum	Thu	4.30		20			19		14	5	9	6			
SACRE	Tues	5.00			9			16					5		
Joint Public Protection Committee	Mon	7.00		10				7		16			10		

\*3 March 2025 is the contingency date for the budget Council meeting if the 26 February be adjourned.

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**TO: COUNCIL  
29 NOVEMBER 2023**

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**ESTABLISHMENT OF AN APPOINTMENT COMMITTEE  
Joint Director of Public Health  
(Chief Executive)**

**1 PURPOSE OF DECISION**

- 1.1 Following the ongoing reorganisation of the East Berkshire Public Health System, the council is now in a position to appoint a new joint Director of Public Health with the Royal Borough of Windsor and Maidenhead (RBWM). This report seeks agreement to the establishment of an Appointment Committee for this purpose.
- 1.2 The Officer Employment Procedure Rules (Part 4, Section 12 of the Council's Constitution) are relevant to such appointments and this report invites the Council to establish an Appointment Committee.

**2 RECOMMENDATIONS**

- 2.1 **That a committee of the Council of three Bracknell Forest Councillors (2 Labour, 1 Conservative), including the Executive Member for Adult Services Health and Housing and three Councillors of RBWM be appointed, with the following terms of reference:**

**To interview and appoint on behalf of the Council to the post of:**

- i) **Joint Director of Public Health**

- 2.2 **That nominated Members are appointed in accordance with political group wishes.**
- 2.3 **That substitute Bracknell Forest Council (BFC) Members are appointed in accordance with Labour (5) and Conservative (3) group wishes, including two substitute Executive Members.**
- 2.4 **That three substitute Councillors from RBWM also be appointed.**
- 2.5 **That the Joint Committee proceedings will be conducted in accordance with the Bracknell Forest Constitution.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure that the appointment process is in accordance with the Council's Constitution.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Not applicable.

**5 SUPPORTING INFORMATION**

### **Appointment Committee**

- 5.1 There is one position currently reporting to the Chief Executive that has been temporarily filled through interim recruitment arrangements, but which needs to be filled through permanent recruitment. This is:
- i) The Joint Director of Public Health (Bracknell Forest and RBWM)
- 5.2 The Member Appointment Panel is proposed to be held in December 2023.
- 5.3 The Council's Officer Employment Procedure Rules, which form Part 4, Section 12 of the Constitution, deal with the arrangements for the appointment of officers at director and assistant director level. Those rules dictate that, if it is proposed that an appointment to a post at this level is not made exclusively from within the Council's existing staff, it must be advertised externally.
- 5.4 It is normally proposed that each Committee should comprise five Councillors on the Council. As this is a joint appointment it is recommended that a Panel of three Councillors from each Council sit on the appointment panel and that they appoint a chair who would have a casting vote in the circumstance where a vote was balanced. For Bracknell Forest the Officer Employment Procedure Rules require that where a committee is to be established for the purposes of making an appointment it should include at least one Member of the Executive.
- 5.5 Whilst it is a matter for political groups to make nominations, in this instance it would be appropriate for the Executive Member for Adults Services Health and Housing sit on the Panel as the appointment relates to their area of responsibility. Nominations have been sought and will be tabled at the Council meeting.

### **Political balance requirements**

- 5.6 The Local Government and Housing Act 1989 requires the council to allocate seats on committees to political groups in accordance with the size of each group on the council as a whole, unless alternative arrangements are notified to all councillors and agreed without any councillor voting against them. The council is also required to make appointments to committees in accordance with the wishes of the political group to which each seat has been allocated.
- 5.7 The Local Government and Housing Act 1989 introduced provisions to ensure that the political balance on committees reflects the political complexion of the council. To achieve this, the council is required to observe the following principles as far as is reasonably practicable:
- (a) that not all seats on the committee are allocated to the same political group
  - (b) that the majority of seats on each committee should be allocated to a particular political group if the number of members of the group is a majority of the authority's membership
  - (c) subject to paragraphs (a) and (b) above, that the total number of all seats allocated to each political group on ordinary committees should reflect the political balance of the council

- (d) subject to paragraphs (a) to (c) above, that the number of seats on each committee allocated to each political group should reflect the political balance of the council
- 5.8 Principles (a), (b) and (d) apply to all appointments to the authority's own committees and sub-committees and to certain outside bodies. However, principle (c) only relates to appointments to the 'ordinary' committees of the Council.
- 5.9 As this is a joint appointment with RBWM it is has been agreed three RBWM Councillors be on the appointment panel. The RBWM constitution enables this appointment to be delegated to Officers, however, to provide equity the Chief Executive of RBWM has requested an equal balance of BFC and RBWM councillors sit on the appointment panel.

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

### Executive Director: Resources

- 6.1 There are no financial implications arising from the establishment of the Appointment Committee, and costs for the post are met within existing budgets.

### Borough Solicitor

- 6.2 The Appointment Committee process accords with the Council's constitution particularly section 12 part 4, but has been adapted to take account of the joint arrangements of this appointment with RBWM.

### Equalities Impact Assessment

- 6.3 The recruitment process will be conducted in accordance with the Council's employment policies.

### Strategic Risk Management

- 6.4 Not to recruit to the post would expose the Council to risk as the functions identified could not be carried out effectively.

## **7 CONSULTATION**

### Principal Groups Consulted

- 7.1 Corporate Management Team, Group Leaders regarding composition of the Committee, RBWM

### Method of Consultation

- 7.2 Discussion and email.

### Representations Received

- 7.3 Not applicable

Background Papers

None

Contact for further information

Susan Halliwell, Chief Executive - 01344 355601

[susan.halliwell@bracknell-forest.gov.uk](mailto:susan.halliwell@bracknell-forest.gov.uk)